

Washington State Register

August 15, 2001

OLYMPIA, WASHINGTON

ISSUE 01-16



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filed not later than August 1, 2001

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 August 2001 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.

WASHINGTON STATE REGISTER

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

John G. Schultz
Chair, Statute Law Committee

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Code Reviser

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Chief Assistant Code Reviser

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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 eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **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.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **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].

2001-2002
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.			
<i>For Inclusion in -</i>	<i>File no later than 12:00 noon -</i>			<i>Count 20 days from -</i>	<i>For hearing on or after</i>	<i>First Agency Adoption Date</i>
01 - 13	May 23, 01	Jun 6, 01	Jun 20, 01	Jul 5, 01	Jul 25, 01	N/A
01 - 14	Jun 7, 01	Jun 21, 01	Jul 5, 01	Jul 19, 01	Aug 8, 01	N/A
01 - 15	Jun 20, 01	Jul 5, 01	Jul 18, 01	Aug 1, 01	Aug 21, 01	N/A
01 - 16	Jul 5, 01	Jul 18, 01	Aug 1, 01	Aug 15, 01	Sep 4, 01	Oct 2, 01
01 - 17	Jul 25, 01	Aug 8, 01	Aug 22, 01	Sep 5, 01	Sep 25, 01	Oct 23, 01
01 - 18	Aug 8, 01	Aug 22, 01	Sep 5, 01	Sep 19, 01	Oct 9, 01	Nov 6, 01
01 - 19	Aug 22, 01	Sep 5, 01	Sep 19, 01	Oct 3, 01	Oct 23, 01	Nov 20, 01
01 - 20	Sep 5, 01	Sep 19, 01	Oct 3, 01	Oct 17, 01	Nov 6, 01	Dec 4, 01
01 - 21	Sep 26, 01	Oct 10, 01	Oct 24, 01	Nov 7, 01	Nov 27, 01	Dec 26, 01
01 - 22	Oct 10, 01	Oct 24, 01	Nov 7, 01	Nov 21, 01	Dec 11, 01	Jan 8, 02
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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;

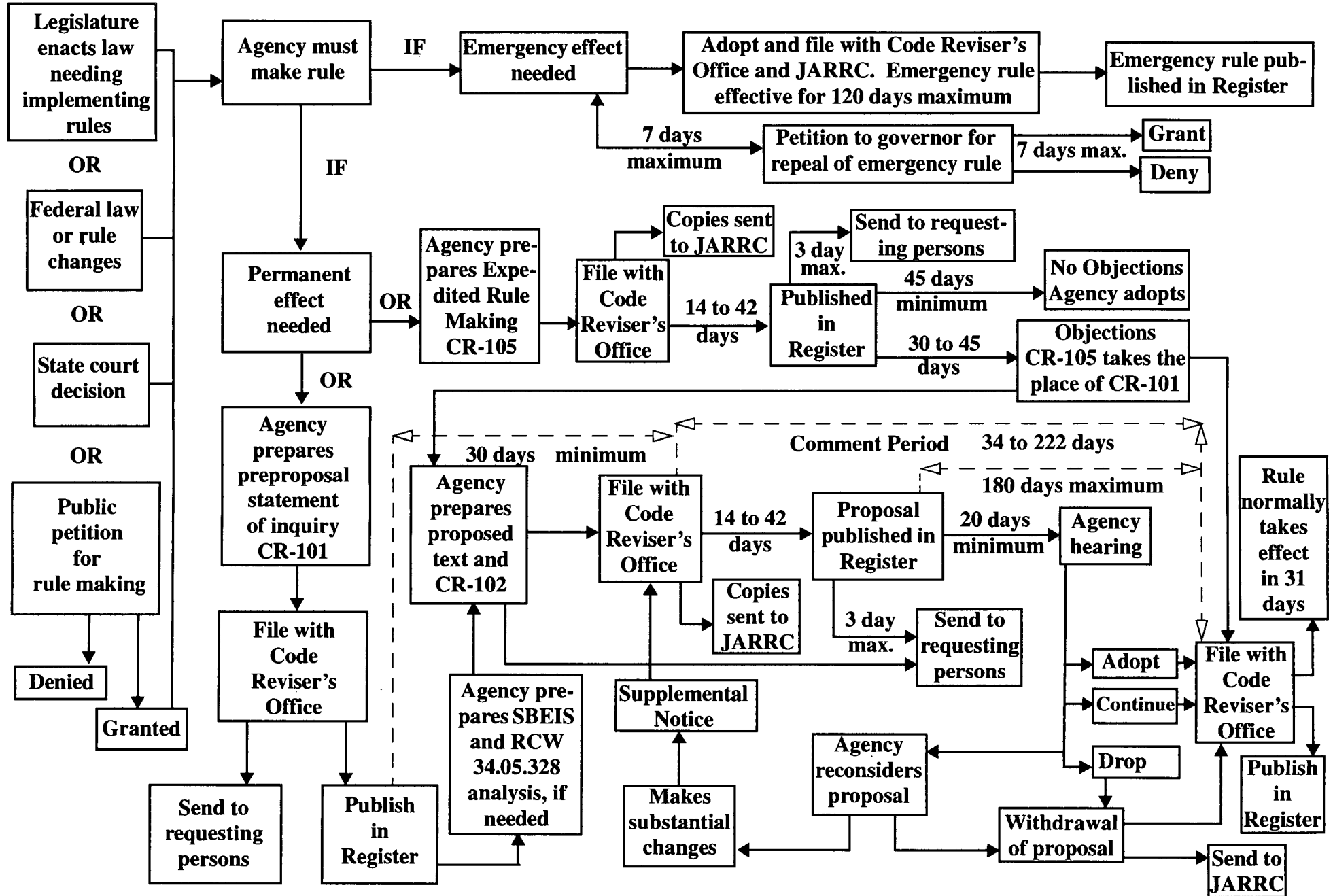
There is less than minor economic impact on business;

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



WSR 01-16-004**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed July 19, 2001, 9:47 a.m.]

Subject of Possible Rule Making: Increase real estate appraiser application, certification, and renewal fees to defray costs of administering the real estate appraiser program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.140.050, 43.24.086.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under provision of RCW 43.24.086, the cost of each professional licensing program shall be borne by the members of the profession. The director of the Department of Licensing is charged with setting fees at a level sufficient to defray the costs of administering the program.

Projected revenue for the 2001-03 biennium from licensing fees is not sufficient to cover projected operating costs for the real estate appraiser program. An increase in original license applications anticipated as a result of mandatory licensing legislation has not been realized. In addition, many licensees have opted not to renew due to market conditions and perceptions regarding the value of certification or licensing.

Current resources are needed, at a minimum, to maintain program effectiveness. Program workload has shifted from primarily an application review process to include an emphasis on the enforcement of practice standards. Consumer complaints are technical in nature, related enforcement involves increased staff training, investigation and legal support costs.

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 Cleotis Borner, Jr., Real Estate Appraiser Program, Department of Licensing, P.O. Box 9015, Olympia, WA 98507-9015, phone (360) 664-6504, fax (360) 586-0998.

July 16, 2001

Cleotis Borner, Jr.
Program Manager**WSR 01-16-017****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

(Division of Employment and Assistance Programs)

[Filed July 19, 2001, 4:33 p.m.]

Subject of Possible Rule Making: To implement rules for the 20% hardship extensions to the temporary assistance for needy families (TANF)/state family assistance (SFA) time limit. Existing WAC 388-484-0005 and 388-484-0010 set forth the requirements for the TANF/SFA time limit and the Indian country disregard to the time limit. The 20% hardship extension is authorized in federal and state law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Federal hardship extension law 42 U.S.C. 608 (a)(7)(C) and federal regulations, 45 C.F.R. sec. 264.1(c). State hardship extension law, RCW 74.08A.010(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to implement the intent of the existing federal and state law. Under existing rules TANF and SFA are subject to a sixty month lifetime limit. The federal and state law allows for additional months of assistance beyond sixty months by reason of hardship for up to 20% of the caseload. In Washington state, the first clients will reach their lifetime time limit and become ineligible on August 1, 2002. Clients who reach their time limit will be terminated, unless they meet the proposed rules for hardship extensions.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified 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. A copy of the draft will be sent to everyone on the mailing list and to anyone 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 Maura Donoghue, Policy Analyst, Division of Employment and Assistance Programs, DSHS, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3214, fax (360) 413-33493 [413-3493], e-mail Donogmk@dshs.wa.gov.

July 18, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit**WSR 01-16-027****PREPROPOSAL STATEMENT OF INQUIRY
TRAFFIC SAFETY COMMISSION**

[Filed July 23, 2001, 10:09 a.m.]

Subject of Possible Rule Making: Pedestrian and bicycle safety equipment rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.59.070, 43.59.150, 46.61.440(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New identified equipment is currently in use and authority to use it is not clear. The use of this equipment is essential to protect users. The high visible material used in the construction of current equipment was not available when other related WACs were implemented.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of Superintendent of Public Instruction regulates school patrols as defined by RCW 46.61.385. The proposed rule addresses bicycle and pedestrian safety in school zones, a much broader application.

Process for Developing New Rule: Taking written comment from stakeholders, other state agencies and concerned citizens.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John M. Moffat, Director, Washington Traffic Safety Commission, 1000 South Cherry, P.O. Box 40944, Olympia, WA 98504-0944, phone (360) 753-6197, fax (360) 586-6489. Mailings will be sent to board members of the Traffic Safety Commission, stakeholders and information will be posted on the commission's web site.

July 16, 2001
John M. Moffat
Director

WSR 01-16-089
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed July 26, 2001, 9:35 a.m.]

Subject of Possible Rule Making: Revise some WAC sections of chapter 415-501 WAC, Deferred compensation plan, to comply with the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.030(2), 41.50.050(5), 41.50.088(2), 41.50.770, and 41.50.780.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: EGTRRA permits, and in cases, requires, changes in state deferred compensation plans under Internal Revenue Code Section 457 beginning in the 2002 fiscal year. The department's proposed rules will provide changes in deferral limits, distributions, rollovers, and similar provisions in accordance with EGTRRA provisions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Internal Revenue Service's (IRS) Code in 26 U.S.C., and a variety of regulations and procedures also regulate this subject. The department will work with the IRS, as well as with many national professional associations, in ensuring that its rule changes are accurate and timely.

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of the Attorney General. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Retirement Systems (DRS) encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator below. After the rule(s) is drafted, DRS 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. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380,

Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

Merry A. Kogut
Rules Coordinator

WSR 01-16-103
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed July 27, 2001, 3:06 p.m.]

Subject of Possible Rule Making: Recreational fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current fishing contest rules do not sufficiently restrict the number of applications that can be made by a single entity. Accordingly, some contest proponents are over utilizing available lakes, to the detriment of other potential contest sponsors. Additional rules may also be necessary for juvenile-only fishing contests.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091. Contact by October 23, 2001, expected proposal filing October 24, 2001.

July 27, 2001
Evan Jacoby
Rules Coordinator

WSR 01-16-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed July 27, 2001, 3:08 p.m.]

Subject of Possible Rule Making: Commercial fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current commercial carp fishing permit rules have limited geographical scope. A broader carp fishing permit requirement will allow the department to offer commercial carp fishing in more areas of the state, while designing permit conditions to protect nontargeted fish species.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091. Contact by October 23, 2001, expected proposal filing October 24, 2001.

July 27, 2001
Evan Jacoby
Rules Coordinator

WSR 01-16-106

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed July 30, 2001, 9:34 a.m.]

Subject of Possible Rule Making: Incorporation by reference of the 2002 edition of the Uniform Standards of Professional Appraisal Practice, the generally recognized national organized standards of real estate appraisal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.140.030(16), 18.140.030(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Will incorporate by reference the 2002 edition of the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board of the Appraisal Foundation.

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 Cleotis Borner, Jr., Real Estate Appraiser Program, Department of Licensing, P.O. Box 9015, Olympia, WA 98507-9015, phone (360) 664-6504, fax (360) 586-0998.

July 27, 2001
Cleotis Borner, Jr.
Program Manager

WSR 01-16-109

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed July 30, 2001, 11:24 a.m.]

Subject of Possible Rule Making: WAC 392-140-900 through 392-140-913, Finance—Special allocations—K-4 staff enhancement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are needed to implement language in the 2001-03 State Operating Appropriations Act. These changes will provide for the correct

determination of the district K-4 certificated instructional staffing ratio.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact Ross Bunda, (360) 753-3585.

July 30, 2001
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 01-16-110

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed July 30, 2001, 11:25 a.m.]

Subject of Possible Rule Making: WAC 392-140-950 through 392-140-967, Finance—Special allocations—Learning improvement days.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are needed to implement language in the 2001-03 State Operating Appropriations Act. These changes will provide for the correct determination of the number of funded learning improvement days in the 2001-02 school year and thereafter.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact Ross Bunda, (360) 753-3585.

July 30, 2001
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 01-16-127

**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed July 31, 2001, 1:30 p.m.]

Subject of Possible Rule Making: Title 390 WAC, considering new rules or amending rules including electronic filing, occupation and employer, Initiative 134 dollar limits, primary contributions, abbreviated and mini campaign reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Public Disclosure Commission will consider new rules and rule amendments to implement legislative mandates under chapter 42.17 RCW and to simplify and streamline the campaign reporting process for candidates and committees.

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

Process for Developing New Rule: At its meeting on August 28, 2001, the commission is expected to discuss whether to move forward with new and amended rules covering the aforementioned topics. Public comment will be welcome at this meeting.

Interested persons are invited to submit written comments by August 27, 2001, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908. Written comments received by Monday, August 19, 2001, will be provided to commissioners in advance of the meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Director of Public Outreach, Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, e-mail dellis@pdc.wa.gov. A public hearing on these matters may occur on October 23, 2001.

July 31, 2001
Susan Harris
Assistant Director

cess, as defined in the present Columbia River rule, has made processing the first eleven water right applications difficult due to the high level of contention around instream flow needs in the mainstem of the Columbia River. Ecology believes that clarifying more elements of the instream flow program will greatly improve the effectiveness of its water right permitting program. Ecology is proposing a rule to process applications for new water rights from the mainstems of the Columbia and Snake rivers by river reach. Ecology anticipates that the amendments would: (1) Define each reach of the Columbia River mainstem as a separate water source for purposes of processing water right applications, and (2) create a framework for mitigation of any potential harm which would otherwise result from projects associated with the approval of new water right applications.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No federal or other state agencies have authority to set instream flows or to process water rights. However, where there is a federal permit required, either the National Marine Fisheries Service (NMFS) or Fish and Wildlife Service (FWS) may require an applicant to consult under the federal Endangered Species Act to ensure the project does not harm (or "take") species listed as threatened or endangered under the act. Also, NMFS has established flow targets in its biological opinion for operation of the Federal Columbia River Power Supply System.

Process for Developing New Rule: Ecology anticipates holding at least four hearings on the rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bob Barwin, Yakima, Ecology's Central Regional Office, at (509) 574-3989 or rbar461@ecy.wa.gov; or Thom Lufkin, Lacey, Ecology's Headquarters Office, at (360) 407-6631 or tlhw461@ecy.wa.gov. Ecology anticipates holding at least four hearings in eastern Washington to discuss the rule proposal.

July 31, 2001
Joe Stohr
Program Manager
Water Resources Program

WSR 01-16-132

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 01-05—Filed July 31, 2001, 3:58 p.m.]

Subject of Possible Rule Making: Amendment of the instream resources protection program for the mainstem Columbia River in Washington state (chapter 173-563 WAC) and the water resources program for the John Day-McNary Pools Reach of the Columbia River (chapter 173-531A WAC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.03.247, 90.22.010, 90.54.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Use of the consultation pro-

WSR 01-16-135

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed July 31, 2001, 4:20 p.m.]

Subject of Possible Rule Making: Dispute resolution process for MAA vendors, chapter 388-502 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It would allow vendors another avenue to resolve disputes they may have with MAA.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this proposed WAC amendment. 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 Kevin Sullivan, Medical Assistance Administration, Mailstop 45533, Olympia, WA 98504-5533, phone (360) 725-1344, e-mail sullikm@dshs.wa.gov, fax (360) 586-9727, TDD 1-800-848-5429.

July 26, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 01-16-136

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Adult Administration)

[Filed July 31, 2001, 4:20 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: Chapter 74.46 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement SHB 2242 by editing and clarifying for substance and form current chapter 388-96 WAC, e.g., statewide 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, etc.). Also, SHB 2242 requires the department to adopt new regulations, e.g., rate adjustments for reduction of bed capacity because of remodeling.

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) 725-2641, e-mail HaguePE@dshs.wa.gov or writing Aging and Adult Services Administration, Office of Rates, P.O. Box 45600, Olympia, WA 98504-5600.

July 27, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 01-16-144

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 1, 2001, 9:21 a.m.]

Subject of Possible Rule Making: Occupational injury and illness reporting requirements (recordkeeping and reporting), chapter 296-27 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To incorporate federal OSHA changes.

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.

Process for Developing New Rule: The department must adopt rules identical to or at least as effective as OSHA rules as required by the OSHA/WISHA state plan agreement. Parties interested in the formulation of these rules for proposal may contact the individuals listed below. The public may also participate by commenting after amendments are proposed by providing written comments or 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 Jim Hughes, Project Manager, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-4504, fax (360) 902-5529.

August 1, 2001

Gary Moore
Director

WSR 01-16-153

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed August 1, 2001, 11:26 a.m.]

Subject of Possible Rule Making: Manufacturer rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Numerous rules relating to manufacturers will be looked at, including, the sale of equipment on credit and at a discount, production requirements for flares, distribution of pull-tab jackpots and bookkeeping requirements. Furthermore, the retention of pull-tab games for commercial operators will be discussed.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 307; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 374.

Meeting dates and locations at Shilo Inn, 707 Ocean Shores Boulevard N.W., Ocean Shores, WA 98569, September 12 and 13, 2001, and at West Coast Ridpath Hotel, 201 West North Drive, Spokane, WA 99201, (509) 459-6100, October 10 and 11, 2001.

August 1, 2001
Susan Arland
Rules Coordinator

WSR 01-16-154

**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed August 1, 2001, 11:27 a.m.]

Subject of Possible Rule Making: Card Rooms.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from attorney Bob Tull, on behalf of the recreational gaming association. Mr. Tull is requesting that the betting limits for house-banked card games be raised from \$100 to \$500.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 307; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 374.

Meeting dates and locations at Shilo Inn, 707 Ocean Shores Boulevard N.W., Ocean Shores, WA 98569, September 12 and 13, 2001, and at West Coast Ridpath Hotel, 201 West North Drive, Spokane, WA 99201, (509) 459-6100, October 10 and 11, 2001.

August 1, 2001
Susan Arland
Rules Coordinator

WSR 01-16-155

**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed August 1, 2001, 11:28 a.m.]

Subject of Possible Rule Making: Licensing rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 1995, the legislature enacted a law allowing LLC's to become a legally accepted business in the state. Since that time, the licensing of these entities have been handled through policy and followed the corporate structure. Rules need to be amended to include LLC's in our licensing process. Furthermore, rules regarding transfers and changes in ownership will be clarified.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 307; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 374.

Meeting dates and locations at Shilo Inn, 707 Ocean Shores Boulevard N.W., Ocean Shores, WA 98569, September 12 and 13, 2001, and at West Coast Ridpath Hotel, 201 West North Drive, Spokane, WA 99201, (509) 459-6100, October 10 and 11, 2001.

August 1, 2001
Susan Arland
Rules Coordinator

WSR 01-16-001
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed July 18, 2001, 1:19 p.m.]

Continuance of WSR 01-15-050.

Title of Rule: Repeal Washington red raspberry grades and standards, chapter 16-143 WAC.

Purpose: To extend the adoption date to allow the department additional time to consider written comments and testimony received at the public hearing conducted June 27, 2001.

Date of Intended Adoption: July 23, 2001.

July 18, 2001
 John Daly
 Assistant Director

WSR 01-16-079
PROPOSED RULES
HEALTH CARE AUTHORITY

[Order 01-00—Filed July 25, 2001, 1:19 p.m.]

Continuance of WSR 01-12-091.

Preproposal statement of inquiry was filed as WSR 01-09-084.

Title of Rule: WAC 182-12-200 Retirees may change enrollment in approved PEBB health plans.

Purpose: Amend WAC 182-12-200, to include changes already made to WAC 182-12-132, which added the option for retirees to waive PEBB insurance while enrolled in other employer sponsored health coverage.

Other Identifying Information: Change of public hearing and adoption date.

Statutory Authority for Adoption: Chapter 41.05 RCW.
 Statute Being Implemented: RCW 41.05.160.

Summary: Proposed changes to WAC 182-12-200 will remove current inconsistency with WAC 182-12-132 which allows retirees to waive PEBB medical and dental coverage for themselves and dependents if they are covered under a comprehensive employer sponsored medical plan and reenroll in PEBB coverage within sixty days of loss of other coverage.

Reasons Supporting Proposal: Remove current inconsistency with WAC 182-12-132.

Name of Agency Personnel Responsible for Drafting and Implementation: Barbara Scott, Health Care Authority, 923-2642; and Enforcement: MaryAnne Lindeblad, Health Care Authority, 923-2640.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 182-12-200 outlines when a retiree may reenroll them and their eligible dependents in PEBB retiree medical and dental plan. Changes to WAC 182-12-132 adopted in October 2000 created inconsistency with this rule. Pro-

posed language will remove that inconsistency and confusion it may have created for eligible members.

Proposal Changes the Following Existing Rules: Changes the timeframe for application from thirty-one days to sixty days. Removes requirement for other coverage to be PEBB or K-12 school district sponsored.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. The Joint Administrative Rules Review Committee has not requested the filing of a small business economic impact statement, and there will be no costs to small businesses.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA, on July 31, 2001, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Nikki Johnson by July 27, 2001, TDD (888) 923-5622, or (360) 923-2805.

Submit Written Comments to: Barbara Scott, PEBB Program, 676 Woodland Square Loop S.E., Building B, Olympia, WA 98504, fax (360) 923-2602, by July 31, 2001.

Date of Intended Adoption: August 3, 2001.

July 24, 2001
 Melodie H. Bankers
 Rules Coordinator

WSR 01-16-080
PROPOSED RULES
HEALTH CARE AUTHORITY

[Order 01-01—Filed July 25, 2001, 1:20 p.m.]

Continuance of WSR 01-12-092.

Preproposal statement of inquiry was filed as WSR 01-09-083.

Title of Rule: WAC 182-12-117 Eligible retirees.

Purpose: Amend WAC 182-12-117 to include Washington school employees retirement system plan 2, plan 3 and Washington public employees retirement system plan 3. Include greater detail that adds clarification to existing eligibility; modify participation by employees retiring under a state of Washington higher education retirement plan.

Other Identifying Information: Change of public hearing and adoption date.

Statutory Authority for Adoption: Chapter 41.05 RCW.
 Statute Being Implemented: RCW 41.05.160.

Summary: Clarify eligibility criteria for participation in PEBB sponsored retiree medical, dental and life coverage; include eligibility for the new Washington school employees retirement system plan 2, plan 3 and the new public employees retirement system plan 3; and fine-tune eligibility criteria for members of higher education retirement plans. Additional edits/rearrangement of text to better clarify language.

Name of Agency Personnel Responsible for Drafting and Implementation: Barbara Scott, Health Care Authority, 923-2642; and Enforcement: MaryAnne Lindeblad, Health Care Authority, 923-2640.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Outlines eligibility criteria for participation in PEBB sponsored retiree medical, dental and life coverage.

Proposal Changes the Following Existing Rules: Includes eligibility for the new Washington school employees retirement system plan 2, plan 3 and the new public employees retirement system plan 3 and modifies eligibility criteria for members of higher education retirement plans.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. The Joint Administrative Rules Review Committee has not requested the filing of a small business economic impact statement, and there will be no costs to small businesses.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA, on July 31, 2001, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Nikki Johnson by July 27, 2001, TDD (888) 923-5622, or (360) 923-2805.

Submit Written Comments to: Barbara Scott, PEBB Program, 676 Woodland Square Loop S.E., Building B, Olympia, WA 98504, fax (360) 923-2602, by July 31, 2001.

Date of Intended Adoption: August 3, 2001.

July 24, 2001
Melodie H. Bankers
Rules Coordinator

WSR 01-16-086
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed July 25, 2001, 3:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-15-015.

Title of Rule: WAC 388-478-0055 SSI standards.

Purpose: The standards were updated June 28, 2001, by emergency rule, WSR 01-14-031. This rule making is necessary to permanently adopt these rules. This rule is being amended to correct the federal SSI benefit levels. The federal Department of Labor erred in their computation of the Consumer Price Index for the year 2000. That resulted in the Social Security Administration erring in their computation of the cost-of-living adjustment (COLA) for the SSI program.

Statutory Authority for Adoption: RCW 74.04.057, 74.08.090.

Statute Being Implemented: Chapters 74.04, 74.08 RCW.

Summary: To correct the federal SSI benefit levels.

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 necessary because of federal law, U.S. Code 42 Section 1382 (f)(g).

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will correct the federal SSI benefit levels for individuals affected by the error in the computation of the COLA.

Proposal Changes the Following Existing Rules: This proposal updates the amount of the federal SSI benefit levels for individuals affected by the error in the computation of the COLA.

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: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 4, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Kelly Cooper, DSHS Rules Coordinator by August 29, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopeKD@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 September 4, 2001.

Date of Intended Adoption: No sooner than September 5, 2001.

July 17, 2001
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-08-015, filed 3/23/01, effective 5/1/01)

WAC 388-478-0055 SSI payment standards for eligible recipients. (1) Supplemental Security Income (SSI) is a cash assistance program for needy individuals and couples who meet federal disability guidelines as aged, blind or disabled. Since the SSI program began in January 1974, the state of Washington has added to the federal benefit level with state funds, known as the SSI state supplement. If you are found eligible for SSI, you will receive cash assistance based on the combined federal and state supplement benefit levels, minus countable income. An essential person is someone who lives with you and provides care and personal services that enable you to live in either your own home or the home of the essential person.

(2) (~~Effective, January 1, 2001,~~) The federal, state and combined benefit levels for an eligible individual and couple are:

(a) If you are living alone in area 1: King, Pierce, Snohomish, Thurston, and Kitsap Counties.

LIVING ALONE - In own household or alternate care, except nursing homes or medical institutions

	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
Individual	\$ ((530.00)) <u>531.00</u>	\$ 25.90	\$ ((555.90)) <u>556.90</u>
Individual with: One essential person	\$ ((796.00)) <u>797.00</u>	\$ 19.90	\$ ((815.90)) <u>816.90</u>
Individual with: Multiple essential persons	\$ ((530)) <u>531</u> for the eligible individual plus \$ ((257)) <u>266</u> for each essential person (no state supplement)		
Individual with an ineligible spouse	\$ ((530.00)) <u>531.00</u>	\$ 166.10	\$ ((696.10)) <u>697.10</u>
Couple	\$ 796.00	\$ 19.90	\$ 815.90
Couple with one or more essential persons	\$796 for eligible couple plus \$ ((257)) <u>266</u> for each essential person (no state supplement)		

(b) If you are living alone in area 2: All other counties.

LIVING ALONE - In own household or alternate care, except nursing homes or medical institutions

	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
Individual	\$ ((530.00)) <u>531.00</u>	\$ 5.45	\$ ((535.45)) <u>536.45</u>
Individual with: One essential person	\$ ((796.00)) <u>797.00</u>	\$ 0.00	\$ ((796.00)) <u>797.00</u>
Individual with: Multiple essential persons	\$ ((530)) <u>531</u> for the eligible individual plus \$ ((257)) <u>266</u> for each essential person (no state supplement)		
Individual with an ineligible spouse	\$ ((530.00)) <u>531.00</u>	\$ 136.15	\$ ((666.15)) <u>667.15</u>
Couple	\$ 796.00	\$ 0.00	\$ 796.00
Couple with one or more essential persons	\$796 for eligible couple plus \$ ((257)) <u>266</u> for each essential person (no state supplement)		

(c) If you are in shared living in either Area 1 or 2.

SHARED LIVING - In the home of another person

	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
Individual	\$ ((353.34)) <u>354.00</u>	\$ 3.71	\$ ((357.05)) <u>357.71</u>
Individual with: One essential person	\$ ((530.00)) <u>531.34</u>	\$ 4.20	\$ ((534.20)) <u>535.54</u>
Individual with: Multiple essential persons	\$ ((353.34)) <u>354.00</u> for the eligible individual plus \$ ((170.66)) <u>177.00</u> for each essential person (no state supplement)		
Individual with an ineligible spouse	\$ ((353.24)) <u>354.00</u>	\$ 101.66	\$ ((455.00)) <u>455.66</u>
Couple	\$ 530.67	\$ 4.20	\$ 534.87
Couple with one or more essential persons	\$530.67 for eligible couple plus \$ ((170.66)) <u>177.00</u> for each essential person (no state supplement)		

(d) If you are residing in a medical institution: Area 1 and 2.

	Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
MEDICAL INSTITUTION Individual	\$ 30.00	\$ 11.62	\$ 41.62

PROPOSED

(e) Mandatory income level (MIL) for grandfathered claimant. You are "grandfathered" if you qualified for assistance from the state as aged, blind, or disabled, were converted from the state to federal disability assistance under SSI in January 1974, and have remained continuously eligible for SSI since that date.

If you are a MIL client, your combined federal/state SSI benefit level is the higher of the following:

- (i) The state assistance standard you received in December 1973, except if you resided in a medical institution at the time of conversion, plus the federal cost-of-living adjustments (COLA) since then; or
- (ii) The current standard.

WSR 01-16-088

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Division of Employment and Assistance Programs)

[Filed July 25, 2001, 4:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-06-027.

Title of Rule: WAC 388-450-0155 Does the income of my sponsor affect my eligibility for cash, medical, or food assistance?, 388-450-0156 When am I exempt from the deeming process?, 388-450-0160 How does the department decide how much of my income to count against my benefits?, and 388-450-0060 How does the resources of my sponsor affect my eligibility for cash, medical, or food assistance benefits?

Purpose: Amend existing rules and create new rule to implement state and federal requirements on deeming income and resources for sponsored aliens.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.059, 74.04.510, and 74.08A.110.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.059, 74.04.510, and 74.08A.110.

Summary: WAC 388-450-0155 informs clients when the department must deem the income of an alien's sponsor to the alien. WAC 388-450-0156 informs clients when the department does not have to deem the income or resources of an alien's sponsor to the alien. WAC 388-450-0160 informs clients how the department calculates the amount of a sponsor's income we count to determine the alien's eligibility and benefits. WAC 388-470-0060 informs clients how the department calculates the amount of a sponsor's resources we count to determine the alien's eligibility.

Reasons Supporting Proposal: State and federal law requires the department to deem the income and resources of an alien's sponsor for cash, medical, and food assistance programs unless certain conditions exist.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, Division of

Employment and Assistance Programs, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3232.

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

Rule is necessary because of federal law, 7 C.F.R. 273.4.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-450-0155 informs clients when the department must deem the income of an alien's sponsor to the alien. WAC 388-450-0156 informs clients when the department does not have to deem the income or resources of an alien's sponsor to the alien. WAC 388-450-0160 informs clients how the department calculates the amount of a sponsor's income we count to determine the alien's eligibility and benefits. WAC 388-470-0060 informs clients how the department calculates the amount of a sponsor's resources we count to determine the alien's eligibility.

Proposal Changes the Following Existing Rules: This proposal limits when the department counts the income of an alien when we determine an alien's eligibility for assistance. The proposal also sets criteria for when a client is exempt from the deeming process.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes as a result of these rules do not affect small businesses.

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

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 4, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by August 30, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail cooekd@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 September 4, 2001.

Date of Intended Adoption: No earlier than September 5, 2001.

July 23, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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

WAC 388-450-0155 ((Deeming)) Does the income((— Alien sponsorship)) of my sponsor affect my eligibility for cash, medical, or food assistance? ((This section applies to TANF/SFA and GA programs.

(1) Deeming is the process of determining the amount of an alien's sponsor's income available to the alien.

(2) Any alien whose sponsor is a public or private organization is ineligible for assistance for three years from the date of entry for permanent residence into the United States, unless the agency or organization is:

(a) No longer in existence; or

(b) Has become unable to meet the alien's needs.

(3) A sponsor is any individual or public or private organization who executes an affidavit or similar agreement on behalf of an alien (who is not the dependent child of the sponsor or the sponsor's spouse) as a condition of the alien's entry into the United States:

(a) The affidavit or agreement is irrevocable, and
 (b) Extends for a minimum of three years after the alien's entry for permanent residence into the United States.

(4) For a period of three years following entry for permanent residence into the United States, an individually sponsored alien is responsible for:

(a) Providing the department with any information and documentation necessary to determine the income of the sponsor that can be deemed available to the alien; and

(b) Obtaining any cooperation necessary from the sponsor.

(5) For all subsections in this section, the income of an individual sponsor (and the sponsor's spouse if living with the sponsor) is deemed to be the unearned income of an alien for three years following the alien's entry for permanent residence into the United States.

(6) Monthly income deemed available to the alien from the individual sponsor or the sponsor's spouse not receiving TANF/SFA or SSI is:

(a) The sponsor's total monthly unearned income, added to the sponsor's total monthly earned income reduced by twenty percent (not to exceed one hundred seventy-five dollars) of the total of any amounts received by the sponsor in the month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred in producing self-employment income in the month.

(b) The amount described in (a) of this subsection reduced by:

(i) The basic requirements standard for a family of the same size and composition as the sponsor and those other persons living in the same household as the sponsor claimed by the sponsor as dependents to determine the sponsor's federal personal income tax liability but who are not TANF/SFA recipients;

(ii) Any amounts actually paid by the sponsor to persons not living in the household claimed by the sponsor as dependents to determine the sponsor's federal personal income tax liability; and

(iii) Actual payments of spousal maintenance or child support with respect to persons not living in the sponsor's household.

(7) In any case where a person is the sponsor of two or more aliens, the sponsor's income is divided equally among the aliens to the extent that the income would be deemed the income of any one of the aliens under provisions of this section.

(8) The income deemed to a sponsored alien in determining the need of other unsponsored members of the alien's family is not considered except to the extent that the income is actually available.

(9) For the GA-U program, the alien's sponsor's income is deemed as available to the alien as provided for the TANF/SFA program:

(a) At application, for applications filed on or after July 8, 1994. For the purposes of this rule, re-application filed fol-

lowing a break in assistance of thirty days or more is considered an application; and

(b) For all other GA-U clients, the income of an alien's sponsor is not deemed as available to the client)) The United States Immigration and Naturalization Service (INS) makes most immigrants have a sponsor to enter the country as a permanent resident. A sponsor is a person or agency who agreed to meet the needs of the sponsored person. The department uses a process called deeming to count part of the sponsor's income as available to the person they sponsored.

(1) If INS required your sponsor to sign the Affidavit of Support form I-864 or I-864A, we count some of your sponsor's income against your cash, food assistance, and medical benefits. We do not count your sponsor's income if you are exempt from the deeming process under WAC 388-450-0156.

(2) If your sponsor's spouse signed the affidavit of support, we count some of their income against your cash, food assistance, and medical benefits. We do not count the income of your sponsor's spouse if you are exempt from the deeming process under WAC 388-450-0156.

(3) You must cooperate with the deeming process in order to be eligible for benefits. You must do the following to cooperate with the process.

(a) Give us the name and address of your sponsor;

(b) Get your sponsor to cooperate with us while we decide if you are eligible for benefits; and

(c) Give us the information and proof we need to decide:

(i) If we must deem income to your assistance unit (AU); and

(ii) The amount of income we deem to your AU.

(4) Even if your sponsor is not supporting you, you must still cooperate with the deeming process. We help you get the information you need to determine your eligibility and benefits.

(5) If you are not eligible for benefits because we do not have the information we need about your sponsor, we do not delay benefits to the unsponsored people in your AU who are eligible for benefits. We do not count your needs when we decide if your AU is eligible for benefits, but we count:

(a) All earned or unearned income you have that is not excluded under WAC 388-450-0015; and

(b) All deductions you would be eligible for under chapter 388-450 WAC.

(6) If you refuse to cooperate with the deeming process, the other adult members in your AU must cooperate. If the same person sponsored everyone in your AU, your AU is not eligible for benefits until someone in your AU cooperates with the deeming process.

(7) If a sponsored alien does not want benefits for themselves, but they must be in someone's AU under chapter 388-408 WAC, the alien is an ineligible member of the AU. We do not deem the income of the alien's sponsor or the sponsor's spouse to the AU.

(8) We decide how much of your sponsor's income to count against your benefits under WAC 388-450-0160.

PROPOSED

NEW SECTION

WAC 388-450-0156 When am I exempt from the deeming process? (1) If you meet any of the following conditions, you are **permanently** exempt from the deeming process and we do not count your sponsor's income or resources against your benefits:

(a) The Immigration and Nationality Act (INA) does not require you to have a sponsor. Aliens, who are not required to have a sponsor include those with the following status with Immigration and Naturalization Service (INS):

- (i) Refugee;
- (ii) Parolee;
- (iii) Asylee;
- (iv) Cuban entrant; or
- (v) Haitian entrant.

(b) You were sponsored by an organization or group as opposed to an individual;

(c) You do not meet the alien status requirements to be eligible for benefits under chapter 388-424 WAC;

(d) You have worked or can get credit for forty qualifying quarters of work under Title II of the Social Security Act. We do not count a quarter of work toward this requirement if the person working received TANF, food stamps, SSI, CHIP, or nonemergency Medicaid benefits. We count a quarter of work by the following people toward your forty qualifying quarters:

- (i) Yourself;
- (ii) Each of your parents for the time they worked before you turned eighteen years old (including the time they worked before you were born); and
- (iii) Your spouse if you are still married or your spouse is deceased.

(e) You become a United States (U.S.) Citizen;

(f) Your sponsor is dead; or

(g) If INS or a court decides that you, your child, or your parent was a victim of domestic violence from your sponsor and:

- (i) You no longer live with your sponsor; and
 - (ii) Leaving your sponsor caused your need for benefits.
- (2) You are exempt from the deeming process while you are in the same AU as your sponsor;
- (3) For state family assistance, general assistance, the food assistance program for legal immigrants, and state-funded medical assistance for legal immigrants you are exempt from the deeming process if:
- (a) Your sponsor signed the affidavit of support more than five years ago;
 - (b) Your sponsor becomes permanently incapacitated; or
 - (c) You are a qualified alien according to WAC 388-424-0005 and you:

(i) Are on active duty with the U.S. armed forces or you are the spouse or unmarried dependent child of someone on active duty;

(ii) Are an honorably-discharged veteran of the U.S. armed forces or you are the spouse or unmarried dependent child of a honorably-discharged veteran;

(iii) Were employed by an agency of the U.S. government or served in the armed forces of an allied country during

a military conflict between the U.S. and a military opponent; or

(iv) Are a victim of domestic violence and you have petitioned for legal status under the Violence Against Women Act.

(4) If you, your child, or your parent was a victim of domestic violence, you are exempt from the deeming process for twelve months if:

(a) You no longer live with the person who committed the violence; and

(b) Leaving this person caused your need for benefits.

(5) If your AU has income at or below one hundred thirty percent of the Federal Poverty Level (FPL), you are exempt from the deeming process for twelve months. For this rule, we count the following as income to your AU:

(a) Earned and unearned income your AU receives from any source; and

(b) Any noncash items of value such as free rent, commodities, goods, or services you receive from an individual or organization.

(6) If you are exempt from the deeming process because your AU does not have income over one hundred thirty percent of the FPL, we give the United States Attorney General the following information:

(a) The names of the sponsored people in your AU;

(b) That you are exempt from deeming due to your income; and

(c) Your sponsor's name.

(7) If you are exempt from the deeming process, we count the following as income to determine your eligibility and benefits:

(a) Your AU's earned and unearned income; and

(b) Any cash your sponsor or others give your AU.

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-450-0160 (~~Sponsored alien — Food assistance.~~) **How does the department decide how much of my sponsor's income to count against my benefits?** (~~For food assistance, this section applies to aliens for whom a sponsor has signed an affidavit of support or similar statement on or after February 1, 1983.~~)

(1) ~~For the purpose of this rule, income of the sponsor means:~~

~~(a) Income of the sponsor; and~~

~~(b) Income of the sponsor's spouse when the spouse lives with the sponsor.~~

~~(2) Portions of the income of a sponsor is counted as unearned income and applied to the food assistance benefits of a sponsored alien. The income of an alien's sponsor is available for three years following the alien's admission for permanent residence to the U.S.~~

~~(3) The income of the alien's sponsor must be verified by the client at application or recertification for food assistance.~~

~~(4) The available income is computed as follows:~~

~~(a) Total monthly earned and unearned income of the sponsor;~~

~~(i) Minus twenty percent of the gross earned income; and~~

~~(ii) Minus the amount of the gross income eligibility standard for a household size equal to the sponsor, the sponsor's spouse, and all dependents:~~

~~(b) Plus any actual money paid to the alien by the sponsor or sponsor's spouse in excess of the amount computed in subsection (4)(a) of this section is treated as unearned income:~~

~~(5) The net income in subsection (4) of this section is available to a sponsored alien who:~~

~~(a) Applies for and receives food assistance; or~~

~~(b) Is recertified for food assistance.~~

~~(6) If the sponsored alien can show the sponsor is also sponsoring other aliens, the available income is divided by the number of sponsored aliens applying for, or receiving food assistance:~~

~~(7) If an alien changes sponsors during the certification period, available income is reviewed based on the required information about the new sponsor as soon as possible after the information is supplied and verified by the client)) (1) We must count some of your sponsor's income as unearned income to your assistance unit (AU) if:~~

~~(a) Your sponsor signed the INS affidavit of support form I-864 or I-864A; and~~

~~(b) You are not exempt from the deeming process under WAC 388-450-0156.~~

~~(2) In addition to counting your sponsor's income, we must also count the income of your sponsor's spouse if they signed the affidavit of support.~~

~~(3) We take the following steps to decide the monthly amount of your sponsor's income we deem as your income and count against your benefits:~~

~~(a) We start with your sponsor's earned and unearned income that is not excluded under WAC 388-450-0015;~~

~~(b) If your sponsor's spouse signed the affidavit of support, we add all of the spouse's earned and unearned income that is not excluded under WAC 388-450-0015;~~

~~(c) We subtract twenty percent of the above amount that is earned income under WAC 388-450-0030;~~

~~(d) For cash and medical assistance, we subtract the need standard under WAC 388-478-0015. We count the following people who live in your sponsor's home as a part of your sponsor's AU to decide the need standard:~~

~~(i) Your sponsor;~~

~~(ii) Your sponsor's spouse; and~~

~~(iii) Everyone else in their home that they could claim as a dependent for Federal income tax purposes.~~

~~(e) For food assistance, we subtract the maximum gross monthly income under WAC 388-478-0060. We count the following people that live in your sponsor's home as a part of your sponsor's AU to decide the maximum gross monthly income:~~

~~(i) Your sponsor;~~

~~(ii) Your sponsor's spouse; and~~

~~(iii) Everyone else in their home that they could claim as a dependent for Federal income tax purposes.~~

~~(f) If you can show that your sponsor has sponsored other people as well, we divide the result by the total number of people who they sponsored.~~

(4) After we have decided how much income to deem to you, we count the greater amount of the following against your benefits:

(a) The amount of income calculated from the deeming process; or

(b) The amount of money your sponsor actually gives you for your needs.

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

WAC 388-470-0060 ~~How do the resources of ((an alien's)) my sponsor((?)) affect my eligibility for cash, medical, or food assistance benefits?~~ ((1) Resources of a sponsor and the spouse who lives with the sponsor affects the eligibility of an alien for three years from the alien's date of entry into the U.S.-

(2) A sponsor is any person or organization that signed an affidavit of support on behalf of the alien to allow the alien entry for permanent residence:

(3) The sponsor's countable resources are determined by:

(a) Totaling the countable resources of the sponsor and the sponsor's spouse (if they are living together); and

(b) Subtracting fifteen hundred dollars.

(4) Subsection (3) above does not apply when:

(a) The alien is receiving cash or food assistance as a member of the sponsor's assistance unit;

(b) An alien is sponsored by an organization; or

(c) An alien is not required to have a sponsor.

(5) The sponsor's countable resources are counted towards the alien's resource limit until:

(a) The three year time period expires; or

(b) The sponsor dies.

(6) For medical programs, the resources of the sponsor are excluded resources unless:

(a) The sponsor is a member of the alien's assistance unit; or

(b) The sponsor actually contributes resources to the alien's assistance unit)) The United States Immigration and Naturalization Service (INS) requires that most immigrants have a sponsor to enter the country as a permanent resident. A sponsor is a person or agency who agreed to meet the needs of the sponsored person. The department uses a process called deeming to count part of the sponsor's resources to the person they sponsored.

(1) If INS required your sponsor to sign the affidavit of support form I-864 or I-864A, we count some of your sponsor's resources when we decide if you are eligible for cash, medical, or food assistance benefits. We do not count your sponsor's resources if you are exempt from the deeming process under WAC 388-450-0156.

(2) If your sponsor's spouse signed the affidavit of support, we count some of their resources when we decide if you are eligible for cash, medical, or food assistance benefits. We do not count the resources of your sponsor's spouse if you are exempt from the deeming process under WAC 388-450-0156.

PROPOSED

(3) You must cooperate with the deeming process in order to be eligible for benefits. You must do the following to cooperate with the process:

(a) Give us the name and address of your sponsor;

(b) Get your sponsor to cooperate with us while we determine your eligibility and benefits; and

(c) Give us the information and proof we need to decide:

(i) If we must deem resources to your assistance unit (AU); and

(ii) The amount of resources we deem to your AU.

(4) If you refuse to cooperate with the deeming process, the other adult members in your AU must cooperate. If the same person sponsored everyone in your AU, your entire AU is not eligible for benefits until you or another member of your AU cooperates.

(5) We decide the amount of your sponsor's resources to count by:

(a) Totaling the countable resources of the sponsor and the sponsor's spouse (if the spouse signed the affidavit of support) under chapter 388-470 WAC;

(b) Subtracting fifteen hundred dollars; and

(c) Counting the remaining amount as a resource that is available to your AU.

(6) If you can show that your sponsor has sponsored other people as well, we divide the result by the total number of people who they sponsored.

(7) We continue to count your sponsor's resources when we determine your eligibility for benefits until you are exempt from deeming under WAC 388-450-0156.

WSR 01-16-095

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed July 26, 2001, 1:41 p.m.]

Original Notice.

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

Title of Rule: WAC 356-30-012 Department of Social and Health Services—Background check requirements, 356-26-030 Register designation, 356-26-140 Background checks—Department of Social and Health Services, 356-34-090 Protests—Requirements for applicants, examinees and eligibles, and 356-30-330 Reduction in force—Reasons, regulations—Procedure.

Purpose: These rules pertain to background checks on current employees and applicants for the Department of Social and Health Services, requests for review of application decisions, testing, etc., register designation and reduction in force.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: The above rule modifications are a result of E2SHB [E2SSB] 5606 that became effective July 22, 2001. E2SHB [E2SSB] 5606 requires the Department of Social and Health Services to conduct background checks on current employees as well as applicants for specific positions.

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: The new rule, WAC 356-30-012, is a result of E2SHB [E2SSB] 5606 that became effective July 22, 2001. E2SHB [E2SSB] 5606 requires the Department of Social and Health Services to conduct background checks on all applicants and current employees in specific positions. The modifications to WAC 356-26-030 will allow employees that are separated from their position due to a background check disqualification to apply for the agency promotional register. Changes to WAC 356-26-140, 356-34-090, and 356-30-330 are necessary because these WACs will reference the new WAC 356-30-012.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 13, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 6, 2001, 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 September 11, 2001.

Date of Intended Adoption: September 13, 2001.

July 26, 2001

E. C. Matt
Secretary

NEW SECTION

WAC 356-30-012 Department of Social and Health Services—Background check requirements. (1) The secretary of the department of social and health services shall conduct background checks on all employees in covered positions ("employees") and persons under final consideration for a covered position ("applicants"). A covered position is one in which a person will or may have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities. Employees and applicants shall authorize the secretary of the department of social and health services to conduct a background check.

(2) The requirement for background checks shall include the following:

(a) Any employee seeking a covered position because of a reduction-in-force, reallocation, transfer, promotion or demotion.

(b) Any applicant prior to appointment into a covered position, except when appointment is made on a conditional basis under subsection (6)(b) of this section.

(3) A background check will be conducted on the final preferred candidate prior to appointment.

(4) The secretary of the department of social and health services shall use the results of a background check solely to determine the character, competence and suitability of a person for a covered position. The background check information shall consist of:

(a) Conviction records, pending charges, and disciplinary board final decisions.

(b) Evidence that substantiates or mitigates convictions, pending charges, and disciplinary board final decisions including, but not limited to:

(i) The employee or applicant's background check authorization and disclosure form;

(ii) The employee or applicant's age at the time of conviction, charge, or disciplinary board final decision;

(iii) the nature and severity of the conviction, charge, or disciplinary board final decision;

(iv) the length of time since the conviction, charge, or disciplinary board final decision;

(v) the nature and number of previous offenses;

(vi) vulnerability of the child, vulnerable adult, or individual with mental illness or developmental disabilities to which the employee or applicant will or may have unsupervised access; and

(vii) the relationship between the nature of the conviction, pending charge, or disciplinary board final decision and the duties of the employee or applicant.

(5) A permanent employee with a background check disqualification is subject to any of the following actions:

(a) Job restructuring;

(b) Job reassignment;

(c) Voluntary demotion;

(d) Voluntary resignation;

(e) Non-disciplinary separation. The employee shall be separated by the appointing authority after fifteen calendar days written notice unless the employee requests a shorter notice period;

(f) Disciplinary action for any of the causes listed in WAC 356-34-010; and/or

(g) Interim measures that may be used while the appointing authority explores the availability of actions (not to exceed 30 calendar days):

(i) Voluntary use of accrued vacation, exchange, and/or compensatory time.

(ii) Authorized leave without pay, if there is no paid leave available, or if the employee chooses not to use paid leave.

(iii) Reassignment to another work location.

(h) When considering the above actions, the agency will consider the least restrictive means necessary to prevent unsupervised access.

(6) The secretary of the department of social and health services shall:

(a) Notify employees and applicants that a background check is required for covered positions;

(b) Develop procedures specifying when employees and applicants may be hired on a conditional basis pending the results of a background check; and

(c) Develop policies and procedures pertaining to background checks.

(d) Notify employees of their promotional register rights when they have been separated from their position, either voluntarily or involuntarily due to a background disqualification.

(7) Failure to authorize the secretary of the department of social and health services to conduct a background check disqualifies an employee or applicant from consideration for any covered position including their current covered position.

(8) An applicant for a covered position who is denied employment due to a disqualifying background check may request a review by the appointing authority.

(a) Requests for review must be in writing and received by the appointing authority within fifteen calendar days of the postmark date of the notification.

(b) If the applicant disagrees with the appointing authority's decision, the applicant may request a review by the director of the department of personnel in accordance with WAC 356-34-090.

(9) A separation under subsection (5)(e) of this section shall not be considered a disciplinary action as set forth in WAC 356-34-010.

(10) Permanent employees may appeal to the personnel appeals board in accordance with RCW 41.06.170 and rules promulgated thereunder including WAC 358-20-010 and WAC 358-20-020.

(11) Nothing in this rule shall limit the secretary of the department of social and health services' use of other authorities to conduct background checks.

(12) Information pertaining to background checks is confidential and shall be used solely for the purpose of determining the character, suitability and competence of the applicant and/or employee. Misuse of background check information is a criminal offense and may result in prosecution and/or disciplinary action as provided under WAC 356-34-010.

(13) The department of social and health services will submit a report to the board by January 31, 2002, reporting actions taken under subsection (5) of this rule and placement of employees into other positions within the agency.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-26-030 Register designation. (1) Agency reduction in force.

(a) Composition.

(i) The agency reduction in force register will consist of classes and the names of all employees who hold or have held permanent status in those classes and: (A) Have been notified they are scheduled for reduction in force; or (B) held permanent status prior to separation due to a reduction in force; or (C) who have accepted a voluntary demotion in a class in lieu of a reduction in force; or (D) were in a trial service period with another department and separated due to reduction in force; or (E) employees requesting to be placed on this register for classes held immediately prior to the position

being reallocated downward; or (F) who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the director of personnel a current statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status since the employee's last separation other than a reduction in force, or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the board at the time.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(ii) An employee's name shall not appear for classes at or below the range level of a class in which the employee is serving on a permanent full-time basis, except:

(A) When the employee has accepted an option beyond a reasonable commuting distance in lieu of separation due to reduction in force. The employee's name may appear for classes at the same or lower range levels when the availability would return the employee back to his/her previous work location.

(B) When the employee has accepted a position in lieu of separation due to a reduction in force, in a different class series.

(C) Any other exceptions shall be approved by the director or designee.

(2) Service-wide reduction in force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction in force register, except for those requesting to be on the agency reduction in force register following a reallocation downward.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-agency reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or a higher education institution were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency promotional.

(a) Composition.

(i) This register will be established by appropriate classes for each agency and shall include the names of those current permanent employees of each agency who have served six months of a probationary period, or past permanent employees who have been separated due to reduction in force within the last year and who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants. The names of employees in the department of social and health services who have been separated from their position, voluntarily or involuntarily due to a background check disqualification, except through disciplinary action, shall also be included on this register in accordance with subsection (4)(d)(ii) of this section.

(b) Method of ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months.

(ii) An employee in the department of social and health services who has been separated from their position, voluntarily or involuntarily due to a background check disqualification, except through disciplinary action, may request placement on this register. The employee must meet the desirable qualifications and pass a qualifying exam for classes that are at the same salary level or lower than the position from which he/she was separated. Employees appointed from this regis-

ter shall be required to serve a trial service period for classes in which they have not held permanent status. For three years from the date of separation from the position requiring the background check, an employee:

(A) May apply and have his/her name remain on this register for the appropriate classes.

(B) Shall continue to accrue seniority.

(C) Will maintain promotional rights from the position requiring the background check.

Upon appointment from this register the employee's name shall be removed from registers authorized by this subsection.

(5) Higher education reduction in force.

(a) Composition.

(i) This register shall contain the names of permanent employees ranked in order of seniority from higher education institutions or related boards laid off or scheduled for layoff and who have requested placement on this register. The employee's name shall appear for all classifications or equivalent classifications for which the employee held permanent status.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of the register.

(i) An eligible's name will normally remain on this register for two years from the date of placement on the register.

(d) Special provisions.

(i) The employee must request placement on this register within thirty calendar days of the effective date of layoff or previously have requested placement on the inter-system employment register due to layoff. The employee may request placement on lower classes in the same class series or equivalent classes and must demonstrate the ability to meet the minimum qualifications and pass the qualifying examination for classes in which the employee has held permanent status, or lower classes in the same class series, or equivalent classes. Employees appointed from this register shall be required to complete a trial service period of six months.

(6) Service-wide reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or higher education institution were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(7) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of ranking.

(i) This register will be unranked.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(8) Voluntary demotion.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of ranking.

(i) This register shall be unranked. However, employees subject to reduction in force shall have priority.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(9) Service-wide promotional.

(a) Composition.

(i) This register shall contain the names of those permanent employees who have served six months of a probationary period or past permanent employees who have been separated due to reduction in force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.

(10) Reemployment.**(a) Composition.**

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within five years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction in force status and have been offered and declined employment. The director of personnel may extend the time during which an employee may apply for reemployment if the director of personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of ranking.

(i) This register shall be unranked.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.

(11) Inter-system employment.

(a) Composition. This register shall contain the names of permanent classified employees at higher education institutions who have submitted an application and who have passed the required examination.

(b) Method of ranking. This register shall be ranked according to final passing score from the highest to the lowest.

(c) Life of register. An eligible's name will normally remain on this register for one year.

(d) Special provisions. Employees appointed from this register will serve a six month trial service period.

(12) Open competitive.**(a) Composition.**

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of ranking.

(i) This register shall be ranked by the final score.

(c) Life of register.

(i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.

(d) Special provisions.

(i) Persons on this register will indicate the geographic areas for which they are available.

AMENDATORY SECTION (Amending WSR 89-19-062 (Order 329), filed 9/20/89, effective 10/21/89)

WAC 356-26-140 Background checks—Department of social and health services. ~~((1) Within the department of social and health services, a background inquiry shall be completed prior to an applicant's appointment to a position which is directly responsible for the supervision, care, or~~

~~treatment of children, developmentally disabled persons, or mentally ill persons, except as provided in subsection (4) of this section. For purposes of this section, applicants shall also include employees who are notified they are scheduled for reduction in force who wish to consider options to positions covered by this section. The inquiry shall include an examination of the applicant's conviction records and pending criminal charges. Inquiry findings shall be used solely for the purpose of determining the character, suitability, and competence of the applicant and may result in denial of employment only for positions covered by this section.))~~

(1) The department of social and health services shall conduct background checks on employees in covered positions and persons under final consideration for a covered position in accordance WAC 356-30-012.

~~((2) The department of social and health services shall ensure that all applicants being considered for positions covered by this section are aware of the background inquiry requirement.~~

~~(3) Positions covered by this section are all positions which have either a direct or supervisory accountability for the supervision, care, or treatment of residents or clients who are children, developmentally disabled, or mentally ill persons. Positions assigned duties that provide access to residents or clients who are either children or developmentally disabled, or mentally ill persons, but which are not directly accountable for their supervision, care, or treatment are not covered by this section.~~

~~(4) A background inquiry shall be completed on the applicant prior to any permanent or nonpermanent appointment into a position covered by this section, except as waived by the secretary of the department of social and health services or designee. The inquiry shall be conducted only with the applicant's written authorization. Failure to provide written authorization shall disqualify the applicant for both appointment and referral to positions covered by this section. Employees who at the time of consideration for appointment have current probationary, trial service or permanent status in positions covered by this section are exempt from the background inquiry requirement.~~

~~(5) A background inquiry shall be completed on applicants prior to an intermittent appointment to a position covered by this section. Individuals on intermittent appointments in positions covered by this section may not exceed twelve continuous months in such an appointment unless they are cleared following a subsequent background inquiry.~~

~~(6) Inquiry findings to be considered in determining the applicant's character, suitability and competence to perform in the position shall be limited to:~~

~~(a) Conviction of a felony directly related to the position sought if the date of conviction is less than ten years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.~~

~~(b) Conviction of a felony directly related to the position sought, if the date of conviction is more than ten years ago but the date of prison release is less than seven years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.~~

~~(c) Pending felony charges directly related to the position.~~

~~For purposes of applying subsection (6)(a) through (e) of this section, the following offenses shall be considered directly related to all positions covered by this section: All crimes involving physical harm or threat of physical harm to persons; all sex related offenses; all public indecency/prostitution offenses; and all offenses identified as being against children or developmentally disabled persons, or mentally ill persons.~~

~~(d) Disciplinary board final decisions.~~

~~(e) Any combination of two or more felony convictions for drug related or malicious harassment offenses if the date of conviction is less than seven years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.~~

~~(f) Conviction of or pending charges for a gross misdemeanor or misdemeanor involving either a minor or prostitution for which the date of conviction or jail release, whichever is more recent, is less than seven years ago.~~

~~(7) If the inquiry reveals information listed under subsection (6) of this section, no appointment decision shall be made prior to providing the applicant with an opportunity to present evidence to the appointing authority that the inquiry findings should have no bearing on the applicant's character, suitability and competence to perform in the position. In reviewing the inquiry findings, the appointing authority shall take into consideration the recentness and seriousness of the crime, the number of previous offenses, the likelihood of rehabilitation, as well as the vulnerability of the clients to be cared for in determining the applicant's character, suitability, and competence to perform in the position.~~

~~(8) An applicant who has been notified of inquiry findings may appeal, pursuant to WAC 356-34-090, the appointing authority's decision not to appoint him or her only after having requested and completed the review provided in subsection (7) of this section.~~

~~(9) Background inquiry information is confidential and shall be used solely for the purpose of determining the character, suitability and competence of the applicant. Misuse of background inquiry information is a criminal offense and may result in prosecution and/or disciplinary action as provided under WAC 356-34-010.)~~

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

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-34-090 Protests—Requirements for applicants, examinees, and eligibles. (1) An applicant whose application has been rejected; an examinee who feels that the examination is unfair, or not applied uniformly, or that the score is in error or not uniformly derived; an eligible whose name has been removed from the register and/or certification; or an applicant who is not appointed following a background ((inquiry)) check and review conducted pursuant to WAC

((356-26-140)) 356-30-012 may request a review by the director of personnel or designee. The request must be in writing and received at the director of personnel's office within twenty calendar days following the postmarked date of the notification of the application rejection, examination score, removal from a register and/or certification, or the appointing authority's decision.

(2) The director of personnel or designee shall notify the party requesting a review of the date and place of the review at least ten calendar days prior to the review. The review shall be informal and conducted by the director of personnel or designee. The director of personnel or designee may limit attendance of other interested parties if good order, justice, and fairness will be promoted. Within ten calendar days following the review and the receipt of any additional necessary information, the director of personnel or designee shall issue a written determination and send a copy to each of the participating parties.

(3) An adversely affected party may request a hearing of the board to review the determination of the director of personnel or designee. The request for a board hearing must be in writing and received at the director of personnel's office within twenty calendar days following the postmarked date of the notification of the director's or designee's determination. A hearing before the board shall be scheduled and each party shall be afforded not less than ten calendar days' notice. The board will issue a written decision which will be final.

AMENDATORY SECTION (Amending WSR 96-02-073, filed 1/3/96, effective 3/2/96 [2/3/96])

WAC 356-30-330 Reduction in force—Reasons, regulations—Procedure. (1) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(2) When employees have statutory and merit system rule rights to return to the classified service, such employees first shall be returned to the classification selected. If such return causes the total number of employees to exceed the number of positions to be filled in the classification, the least senior person in the position shall have the reduction in force rights prescribed in this section.

(3) The agencies shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-05-390. Ties in seniority will be broken by first measuring the employees' last continuous time within their current classification; if the tie still exists, by measuring the employees' last continuous time in their current agency; and if the tie still exists, by lot.

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the

options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a lesser-sized unit. Employment projects, established under the provisions of WAC 356-30-145, Project employment, are distinct layoff units, separate and exclusive of any other defined layoff unit or employment project. Seasonal career layoff units, established under the provisions of WAC 356-30-130, Seasonal career employment, are distinct layoff units, separate and exclusive of any other defined layoff unit.

(c) Options in lieu of separation by reduction in force shall be offered by an agency only when such options are in accordance with the agency's reduction in force procedure which has been approved by the director of personnel.

(d) Agency reduction in force procedures shall specify the rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction in force.

(e) "Bumping" by employees with greater seniority will be limited to:

- (i) The same layoff unit; and
 - (ii) Classification in which the "bumping" employee previously held permanent status; and
 - (iii) Position at the current salary range of the employee doing the bumping, or lower; and
 - (iv) Employee with the least seniority within the same category of full-time or part-time employment; and
 - (v) Competition at one progressively lower classification at a time.
- (f) An employee may not exercise a bumping option in lieu of separation due to a reduction in force if there is within the agency a vacant position which satisfies all of the criteria set forth below.

The position is one which:

- (i) The agency intends to fill;
- (ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;
- (iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;
- (iv) Is located within a reasonable commuting distance of the employee's permanent work location; and
- (v) Is on the same or similar workshift as the one which the employee currently holds.

(g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

(h) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(i) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(j) Seniority for part-time employees will be computed on a basic payroll hour basis within the same provision and restrictions of the general definition of seniority. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(k) Permanent employees who have been scheduled for reduction in force shall have the right to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right is to be exercised according to the seniority of those desiring the same vacancy.

(l) Options of other than permanent positions as named in (m) of this subsection are to be made if no permanent position to be filled is available within a reasonable commuting distance.

(m) The reduction in force procedure shall contain the statement that, "No permanent employee shall be separated from state service through reduction in force without being offered within fifteen calendar days prior to what would be the permanent employee's effective separation those positions at the same or lesser salary range within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, probationary, or intermittent employees."

(n) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(4) The agency shall submit the procedure to the director of personnel for approval.

(5) Vacancies will not be filled either by local list procedures or on a temporary, intermittent, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction in force.

(6) When a majority of the positions in a layoff unit other than in project employment is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers. Such options shall be offered in accordance with the following requirements:

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(7) In order to exercise an option to a position which may require selective criteria, the following applies. The option may be exercised only by an employee who possesses the required specialized qualifications when:

(a) The criteria were approved when the position was established, reallocated or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) When, at a subsequent time, it was determined that the position requires the performance of specialized duties that would warrant future selective certification.

(d) In the case of (c) of this subsection, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after the notification of the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time.

(8) Options to positions which are covered by WAC ~~((356-26-140))~~ 356-30-012 may be exercised only by employees who, at the time they are notified they are scheduled for reduction in force~~((:)),~~ have authorized a background check as provided for in WAC 356-30-012 and are not disqualified for the available option as a result of the background check.

~~((a) Are exempt from a background inquiry by WAC 356-26-140(4); or~~

~~(b) Authorize a background inquiry as provided for in WAC 356-26-140 and are cleared for the option as a result of the inquiry.))~~

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

WSR 01-16-099
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF
[Filed July 27, 2001, 9:13 a.m.]

Supplemental Notice to WSR 01-12-062.

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

Title of Rule: WAC 148-120-100 Conduct violations.

Purpose: To implement federal regulatory changes regarding discipline enacted March 12, 1999, resulting from the 1997 amendments to the Individuals with Disabilities Education Act and conform procedures to state law.

Statutory Authority for Adoption: RCW 72.40.200.

Statute Being Implemented: RCW 72.40.022.

Summary: Changes are needed as part of the updates to comply with the federal regulatory changes regarding discipline for children with disabilities adopted on March 12, 1999, as a result of the 1997 amendments to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 *et seq.*, and the corresponding state regulatory changes related to disciplinary exclusion adopted by the State Educational Agency, Office of the Superintendent of Public Instruction, on January

1, 2000. Changes update the student conduct code section describing conduct violations which are subject to discipline.

Reasons Supporting Proposal: Required by federal and state law.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Attorney General's Office, 1220 Main Street, Suite 510, Vancouver, WA 98660, (360) 759-2100; Implementation and Enforcement: Len Aron, Washington School for the Deaf, 611 Grand Boulevard, Vancouver, WA 98661-4918, (360) 414-0400.

Name of Proponent: Washington State School for the Deaf, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new and revised rules update the student conduct code section listing and describing rules of conduct, which if violated, are subject to discipline. The rules are intended to promote student safety and respect for the rights of others.

Proposal Changes the Following Existing Rules: As described above.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 34.05.328 does not apply to this rule adoption. The rules are not considered significant legislative rules by the Washington School for the Deaf.

Hearing Location: Washington State School for the Deaf, Administrative Conference Room, 611 Grand Boulevard, Vancouver, WA 98661, on September 4, 2001, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Judy Smith by August 30, 2001, TTY (360) 414-0401, or (360) 414-0401.

Submit Written Comments to: Len Aron, Superintendent, Washington School for the Deaf, 611 Grand Boulevard, Vancouver, WA 98661-4918, fax (360) 696-6291, by August 31, 2001.

Date of Intended Adoption: September 4, 2001.

July 24, 2001

Tommy Meehan

Director of Education

AMENDATORY SECTION (Amending WSR 94-13-058, filed 6/8/94, effective 7/9/94)

WAC 148-120-100 Conduct violations. A student who, either as actor, aider, abettor, or accomplice (~~as defined in RCW 9A.08.020~~), violates any provision of this chapter shall be subject to the disciplinary actions herein adopted. A student may be an accomplice, or found to have aided and abetted in the commission of a violation of the student conduct code if he or she knowingly associates with the wrongful purpose, undertaking or activity; encourages, promotes, or counsels another student in the commission of an offense, or participates in it as in something he or she desires to bring about, and seeks by his or her action to make it succeed.

The following offenses are prohibited:

(1) Physical abuse. Actual, attempted, or threatened physical abuse of any person or conduct which threatens or endangers the health and safety of any person or which intentionally causes a reasonable apprehension of harm to any person.

(2) Destroying or damaging property. Destroying, defacing, or damaging school property or the property of others on school premises or at school-sponsored activities.

(3) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature ~~((where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance))~~ when:

(a) Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education;

(b) Submission to or rejection of that conduct or communication by a person is used as a factor in decisions affecting that person's education;

(c) That conduct or communication has the purpose or effect of substantially or unreasonably interfering with a person's education; or creating an intimidating, hostile, or offensive educational environment.

Sexual harassment may include, but is not limited: Unwelcome verbal harassment or abuse; unwelcome pressure for sexual activity; unwelcome, sexually motivated or inappropriate patting, pinching, or physical contact; unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning a person's educational status; or unwelcome behavior, verbal, signed, or written words or symbols directed at a person because of gender.

(4) Disruption. Disorderly, intimidating or abusive behavior which interferes with the rights of others, school, or school-sponsored activities; obstructing the free movement of people or vehicles; inciting others to engage in prohibited conduct; or threatening disruption.

(5) Insubordination. Refusal or failure to follow instructions and proper orders of school officials, while on school property, during transportation to and from school, or at school-sponsored activities, thereby infringing upon the rights and privileges of others, and/or refusal to desist from prohibited conduct.

(6) False alarms. Falsely setting off, improper use or disabling of any safety equipment, alarm, exit sign, or other device.

(7) False information. Filing a formal complaint which falsely accuses another with violation of this chapter, falsifying information to school officials, or forging or tendering any forged instrument to the school.

(8) Theft. Actual or attempted theft of property or services belonging to the school, any student, school employee, or school visitor, including knowing possession of stolen property.

(9) Academic dishonesty. All forms of cheating, plagiarism and fabrication, including submitting any work product that the student misrepresents as his or her work product for

the purpose of fulfilling any assignment or task required as part of the student's course of studies.

(10) Conversion. Unauthorized use or possession of school equipment or services.

(11) Unlawful entry and trespassing. Entering and/or remaining in any administrative or other employee office or any locked or otherwise closed school facility, in any manner, at any time, without permission.

(12) Smoking. Students are not allowed to smoke or use tobacco products on school premises or during school-sponsored activities.

(13) Alcohol. Use, possession, distribution of, or visible intoxication from alcoholic beverages is prohibited on school property or at school-sponsored activities.

(14) Drugs and controlled substances. Use, possession, distribution, or being visibly under the influence of any ~~((narcotic or))~~ controlled substance or illegal drug as defined in ~~((the Uniform Controlled Substances Act, chapter 69.50 RCW, as amended))~~ WAC 148-120-300, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

(15) Weapons, lasers, and dangerous chemicals. Unauthorized use, possession or storage of any weapon, laser, explosives, dangerous chemicals, substances or instruments, which ~~((may be used to inflict))~~ is capable of causing bodily harm on another or damage upon school property or personal property.

~~((16) Other conduct. Any other conduct or action, the terms and violations of which are published annually in the student/parent handbook, in which the school can demonstrate a clear and distinct interest and which substantially threatens the educational process or other legitimate function of the school or the health or safety of any member of the school community is prohibited.))~~

(16) Sexual violence. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts. Intimate parts include the primary genital area, groin, inner thighs, buttocks or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to:

(a) Touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same or the opposite sex;

(b) Coercing, forcing, attempting to coerce or force the touching of anyone's intimate parts;

(c) Coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another;

(d) Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; or

(e) Threatening of forcing exposure of intimate apparel or body parts by removal of clothing.

(17) Sexual activity and displays of affection. Sexual activity involves touching of another's intimate parts. Intimate parts include the primary genital area, groin, inner thighs, buttocks or breast, as well as the clothing covering these areas. Even if consensual or mutually agreed to, sexual activity is prohibited. Excessive displays of affection are not appropriate in school or at any school-related function. Prohibited conduct includes, but is not limited to: any physical

expression of affection that is intimate or sexual in nature, passionate or prolonged kissing, sexual touching, or fondling.

(18) Pornography. Possession, distribution, display, creation or production of sexually explicit or erotic material. Sexually explicit material includes material defined in RCW 9.68.130. Erotic material includes material defined in RCW 9.68.050.

(19) Malicious harassment. Harassment consists of verbal or physical conduct relating to a person's actual or perceived national origin, disability, race, sexual orientation, or religion, which has the purpose or effect of creating an intimidating, hostile or offensive academic, residential or work environment, or the purpose or effect of substantially or unreasonably interfering with a person's academic or work performance, or otherwise adversely affects a person's academic or work opportunities. Harassment may include: name calling, gestures, bullying, mimicking, mocking, derogatory jokes, remarks or rumors, unwelcome touching of a person or clothing, offensive or graphic posters, book covers, notes or cartoons, graffiti, display or circulation of written materials or pictures, or any other malicious or insensitive conduct of a severe or pervasive nature directed at the characteristics of a person's national origin, customs, culture, disability, race, sexual orientation, or religion.

(20) Unauthorized absence. Absconding from supervision; leaving or running away from the campus, a residential facility, a school building, school activity or school-related function, or school-provided transportation without permission.

(21) Gang activity. Claiming membership in, association with, affiliation with, or participation in a gang or gang-related activities at school or during school-related functions. A gang is a self-formed association of peers having the following characteristics: A gang name and recognizable symbols, identifiable leadership, a geographic territory, a regular or recurrent meeting pattern, may be identified by law enforcement as a gang, and collective actions to engage in serious criminal, or violent behavior. The type of dress, apparel, activities, acts, behavior, or manner of grooming displayed, reflected, or participated in by a student shall not:

(a) Lead school officials to reasonably believe that such behavior, apparel, activities, acts, or other attributes are gang-related, and would disrupt or interfere with the school environment or activity, and/or educational objectives;

(b) Present a safety hazard to self, students, or staff;

(c) Create an atmosphere in which a student, or other person's well-being is hindered by undue pressure, behavior, intimidation, overt gesture, or threat of violence; or

(d) Imply gang membership or affiliation by written communication, marks, drawings, painting, design, emblem upon any school or personal property, or one's person.

(22) Extortion. Obtaining or attempting to obtain by threat or bribery, money, property or services (including sexual favors) of another. Threats include direct as well as indirect communication.

(23) Hazing. Conspiring to engage in or participating in any method of initiation into a student organization or group, or any pastime or amusement engaged in with respect to such an organization or group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emo-

tional harm, to any student. This does not include customary athletic events or other similar contests or competitions.

(24) Misuse of computers, electronic data or communications. (a) Unauthorized copying of school-owned or licensed software or another computer user's data for personal or external use.

(b) Modifying or damaging, attempting to modify or damage, computer equipment, software, databases, files needed in another person's school work, or communications lines;

(c) Disrupting or attempting to disrupt computer operations;

(d) Invading the privacy of another person by using electronic means to obtain confidential information, even if access to such information is inadvertently allowed;

(e) Abusing or harassing another person through electronic means;

(f) Using the school's computing facilities in the commission of a crime or a violation of the student conduct code;

(g) Using computer services without authorization;

(h) Allowing another person to use one's computer identity/account or using another person's computer identity/account. This includes, but is not limited to, logging on to the account, accessing programs, and reading or altering computer records without authorization.

(25) Other conduct. Any other conduct or action, the terms and violations of which are published annually in the student/parent handbook, in which the school can demonstrate a clear and distinct interest and which substantially threatens the educational process or other legitimate function of the school or the health or safety of any member of the school community is prohibited.

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

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

WSR 01-16-108
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed July 30, 2001, 11:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-033.

Title of Rule: School district maintenance and operation levy authority and eligibility for local effort assistance (LEA).

Purpose: To update rules regarding the inclusion and exclusion of revenues in the local levy base used for state local effort assistance.

Other Identifying Information: Chapter 392-139 WAC, Finance levies.

Statutory Authority for Adoption: RCW 84.52.0531(9) and 28A.150.290.

Summary: 1. Rules are updated to reflect changes in state and federal revenues in the levy base.

2. Changes are proposed to prevent monies received by a school district as fiscal agent from substantially increasing a district's LEA eligibility and reducing LEA eligibility for other districts.

Name of Agency Personnel Responsible for Drafting and Implementation: Allen Jones, Office of Superintendent of Public Instruction, (360) 725-6300; and Enforcement: Michael L. Bigelow, Office of Superintendent of Public Instruction, (360) 753-1718.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules govern what revenues may be included in the school district levy base used to calculate the state local effort assistance. The proposed revisions would affect this base as follows:

1. Add better schools and student achievement revenues to the levy base.

2. Prevent distortions of LEA eligibility due to monies received as a fiscal agent.

Proposal Changes the Following Existing Rules: See above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Wanamaker Conference Room, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, on September 4, 2001, at 9 a.m.

Assistance for Persons with Disabilities: Contact Sheila Emery by August 21, 2001, TDD (360) 664-3631, or (360) 725-6271.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by September 3, 2001.

Date of Intended Adoption: September 5, 2001.

July 30, 2001

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 00-09-017, filed 4/11/00, effective 5/12/00)

WAC 392-139-008 Effective date. This chapter applies to levy authority and local effort assistance calculations for the ~~((2000))~~ 2002 calendar year and thereafter. Levy authority and local effort assistance calculations for ~~((1998 and 1999))~~ 2000 and 2001 calendar years are governed by rules in effect ~~((during these years))~~ at the time of the calculations.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-110 Definition—Report 1191. As used in this chapter, "Report 1191" means the monthly report prepared and distributed by the superintendent of public instruction which includes the number of basic education allocation formula derived certificated and classified staff units, the compensation entitlement amounts for such staff, the basic education allocation provided for each average annual full-time equivalent student, the basic education allocation, and the amount of state-funded support for the school year for each school district. The amount of a school district's basic education allocation included in the excess levy base pursuant to WAC ~~((392-139-310 (2)(a)))~~ 392-139-310 (1)(a) is taken from this report.

NEW SECTION

WAC 392-139-241 Definition—Revenues in the levy base received as a fiscal agent. (1) As used in this chapter, "revenues in the levy base received as a fiscal agent" means revenues included in a district's levy base pursuant to WAC 392-139-310 that are:

(a) Received by the district as an administrator for a consortium or cooperative for the benefit of students enrolled in other school districts;

(b) Passed through to another entity for the benefit of students not enrolled in the school district or persons not employed by the school district; or

(c) Directly expended by the district for the benefit of students not enrolled in the school district or persons not employed by the school district.

(2) For the purposes of this chapter, "revenues in the levy base received as a fiscal agent" do not include:

(a) Revenues received for the operation of an interdistrict cooperation program authorized pursuant to RCW 28A.335.160 or 28A.225.250 and chapter 392-135 WAC, if levy authority is transferred pursuant to WAC 392-139-330 or 392-139-901; or

(b) Revenues received by a high school district for serving students from a nonhigh school district pursuant to chapter 28A.545 RCW and chapter 392-132 WAC for which levy authority is transferred pursuant to WAC 392-139-340.

AMENDATORY SECTION (Amending Order 18, filed 11/22/89, effective 12/23/89)

WAC 392-139-300 Establishment of excess levy authority for school districts—General. The maximum dollar amount of any school district's certified excess levy for any given calendar year shall equal the excess levy authority established by the superintendent of public instruction as follows:

(1) Multiply the school district's excess levy base determined pursuant to WAC 392-139-310 by the school district's maximum excess levy percentage determined pursuant to WAC 392-139-320;

(2) Adjust the result obtained in subsection (1) of this section by the amount of the school district's excess levy

authority transfers determined pursuant to WAC 392-139-330 (~~and~~), 392-139-340, and 392-139-901; and

(3) Subtract the school district's maximum local effort assistance determined pursuant to WAC 392-139-660.

AMENDATORY SECTION (Amending WSR 00-09-017, filed 4/11/00, effective 5/12/00)

WAC 392-139-310 Determination of excess levy base.

The superintendent of public instruction shall calculate each school district's excess levy base as provided in this section. (~~Levy base adjustments pursuant to WAC 392-139-901 shall be included in revenues shown in this section.~~)

(1) Sum the following state and federal allocations for the prior school year:

(a) The basic education allocation as defined in WAC 392-139-115 and as reported on the August Report 1191;

(b) The state and federal categorical allocations for the following:

(i) Pupil transportation. Allocations for pupil transportation include allocations for the following accounts:

4199 Transportation - operations; and
4499 Transportation - depreciation.

(ii) Special education. Allocations for special education include allocations for the following accounts:

4121 Special education; and
6124 Special education supplemental.

(iii) Education of highly capable students. Allocations for education of highly capable students include allocations identified by account 4174 Highly capable.

(iv) Compensatory education. Allocations for compensatory education include allocations identified by the following accounts:

4155 Learning assistance;
4162 Better schools - staff;
4165 Transitional bilingual;
4166 Student achievement (2001-02 school year and

thereafter);

6151 Remediation;
6153 Migrant;
~~((6164 Bilingual Title VII Part A;~~
~~6167 Indian education - JOM;))~~
6264 Bilingual (direct); (~~and~~)
6267 Indian education - JOM;
6268 Indian education - ED; and
6367 Indian education - JOM.

(v) Food services. Allocations for food services include allocations identified by the following accounts:

4198 School food services (state);
6198 School food services (federal); and
6998 USDA commodities.

(vi) Statewide block grant programs. Allocations for statewide block grant programs include allocations identified by the following accounts:

4163 Better schools - professional development;
4175 Local education program enhancement (including student learning improvement allocations); and
6176 Targeted assistance.

(c) General federal programs. Allocations for general federal programs identified by the following accounts:

5200 General purpose direct federal grants - unassigned;
6100 Special purpose - OSPI - unassigned;
6121 Special education - Medicaid reimbursement;
6138 Secondary vocational education;
6146 Skills center;
6177 Eisenhower professional development; (~~and~~)
6200 Direct special purpose grants; and
6300 Federal grants through other agencies - unassigned.

(2) Increase the result obtained in subsection (1) of this section by the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year as stated in the state Operating Appropriations Act divided by 0.55.

(3) Revenue accounts referenced in this section are defined in the accounting manual for public school districts in the state of Washington, revised (~~1998, except for the revenue accounts referenced in subsection (5) of this section, which are defined in the accounting manual, revised 2000~~) 2001.

(4) The dollar amount of revenues for state and federal categorical allocations identified in this section shall come from the following sources:

(a) The following state and federal categorical allocations are taken from the Report 1197 Column A (Annual Allotment Due):

4121 Special education;
4155 Learning assistance;
4162 Better schools - staff;
4163 Better schools - professional development;
4165 Transitional bilingual;
4166 Student achievement (2001-02 school year and

thereafter);

4174 Highly capable;
4175 Local education program enhancement;
4198 School food services (state);
4199 Transportation - operations;
4499 Transportation - depreciation;
6121 Special education - Medicaid reimbursements;
6124 Special education - supplemental;
6138 Secondary vocational education;
6146 Skills center;
6151 Remediation;
6153 Migrant;
6176 Targeted assistance;
6177 Eisenhower professional development; and
6198 School food services (federal).

(b) The following state and federal allocations are taken from the F-195:

5200 General purpose direct federal grants - unassigned;
6100 Special purpose - OSPI - unassigned;
~~((6164 Bilingual Title VII Part A;~~
~~6167 Indian education - JOM;))~~
6200 Direct special purpose grants;
6264 Bilingual (direct);
6267 Indian education - JOM;
6268 Indian education - ED; (~~and~~)
6300 Federal grants through other agencies - unassigned;
6367 Indian education - JOM; and
6998 USDA commodities.

WSR 01-16-113
PROPOSED RULES
BENTON CLEAN AIR AUTHORITY

[Filed July 30, 2001, 11:39 a.m.]

(5) Effective for levy authority and local effort assistance calculations for ~~((2001))~~ 2002 and thereafter, ~~((the following federal allocations are included in the levy base in subsections (1)(e) and (4)(b) of this section:~~

6121 Special education—Medicaid reimbursements;

6267 Indian education—JOM;

6367 Indian education—JOM; and

6300 Federal grants through other agencies—~~unassigned--~~) a district's levy base shall be reduced if revenues in the levy base received as a fiscal agent equal more than five percent of all other revenues in the levy base. The reduction shall be determined as follows:

(a) Determine total revenues in the levy base. Beginning with the 2003 calculations, include adjustments for the difference between actual and budgeted allocations pursuant to subsection (6) of this section.

(b) Determine revenues in the levy base received as a fiscal agent. Beginning in 2003 calculations, include adjustments for the difference between actual and budgeted allocations pursuant to subsection (6) of this section.

(c) Subtract the result of (b) of this subsection from the result of (a) of this subsection.

(d) If the result of (b) of this subsection is greater than five percent of the result of (c) of this subsection, the district's levy base is reduced by the result of (b) of this subsection minus five percent of the result of (c) of this subsection.

(6) Effective for levy authority and local effort assistance calculations for 2003 and thereafter, allocations in subsections (4)(b) and (5) of this section shall be adjusted by the difference between actual and budgeted allocations for the school year before the prior school year calculated as follows:

(a) Sum actual revenues for these accounts from Report F-196; and

(b) Subtract final budgeted revenues for these accounts from Report F-195.

(7) State moneys generated by a school district's students and redirected by the superintendent of public instruction to an educational service district at the request of the school district shall be included in the district's levy base.

(8) State basic education moneys generated by a school district's students and allocated directly to a technical college shall be included in the district's levy base.

NEW SECTION

WAC 392-139-312 Reporting of revenues in the levy base received as a fiscal agent. Prior to September 15 of each year, each school district shall review estimated revenues in the levy base for the ensuing calendar year to determine if moneys received as a fiscal agent would result in an adjustment pursuant to WAC 392-139-310(5). If so, the district shall report to the superintendent of public instruction, the amount of revenues in the levy base received as a fiscal agent. The report shall be submitted prior to September 15 according to instructions provided by the superintendent of public instruction.

Original Notice.

Exempt from preproposal statement of inquiry under 34.05.310(4), 70.94.141.

Title of Rule: Regulation 1.

Purpose: Establish fee schedule for Notice of Construction and Asbestos programs; revise fee schedule for Source Registration Program; revise Article 5 Open Burning to bring into compliance with state law, general housekeeping, throughout regulation.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: Full cost recovery for program expenses.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David A. Lauer, 650 George Washington Way, Richland, WA 99352, (509) 943-3396.

Name of Proponent: Benton Clean Air Authority, governmental.

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

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

Proposal Changes the Following Existing Rules: Establishes and revises fee schedules in order to achieve cost recovery on existing programs.

Current burn regulations in Article 5 are less stringent than state law, which was revised in April 2000. Those changes have been incorporated into Article 5 revision.

Hearing Location: Benton County Annex, Conference Room, 5600 West Canal, Kennewick, WA 99336, on October 18, 2001, at 6:00 p.m.

Submit Written Comments to: David A. Lauer, 650 George Washington Way, Richland, WA 99352, fax (509) 943-2232, by October 17, 2001.

Date of Intended Adoption: October 18, 2001.

July 26, 2001

Terry Flores

Administrative Assistant III

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 01-17 issue of the Register.

WSR 01-16-119
PROPOSED RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed July 31, 2001, 8:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-09-061.

- Title of Rule: Tuition and fees for community colleges.

PROPOSED

Purpose: Updates various definitions that are relevant to section; proposes changes in the method of assessing tuition and fee charges, etc.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Chapter 131-28 WAC.

Summary: See Purpose above.

Reasons Supporting Proposal: General update to this section was needed.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Scott Morgan, State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, (360) 753-0880.

Name of Proponent: State Board for Community and Technical Colleges, public and governmental.

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

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

Proposal Changes the Following Existing Rules: Updates various definitions relevant to the section as well as proposes changes in the method for assessing tuition and fees.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Cascadia Community College, 18345 Campus Way N.E., Bothell, WA 98011, on September 20, 2001, at 10 a.m.

Assistance for Persons with Disabilities: Contact Delrae Oderman, (360) 753-7413, by September 10, 2001, fax (360) 586-6440.

Submit Written Comments to: Scott Morgan, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504, fax (360) 586-6440, by September 15, 2001.

Date of Intended Adoption: September 20, 2001.

July 31, 2001

Claire C. Krueger
Executive Assistant
Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-22-062, filed 11/2/98, effective 12/3/98)

WAC 131-28-005 Tuition and fees for community colleges established. Tuition and fees for community college ~~(s)~~ state-funded courses are established in chapter 28B.15 RCW. Technical colleges are required to administer tuition and tuition waivers for state-funded courses under policies and procedures of their respective boards of trustees. This chapter applies only to community colleges unless technical colleges are specified.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-010 Tuition and fee charges for summer quarter. Tuition, operating, services and activities, and special fees charged to students enrolled ~~((as))~~ in state-funded ~~((students))~~ courses for summer quarter shall be assessed on the same basis and in the same manner as such fees are assessed for other quarters of the academic year. ~~((Fees charged to students enrolled as self-supporting shall comply with RCW 28B.15.515(1).))~~

AMENDATORY SECTION (Amending WSR 98-22-062, filed 11/2/98, effective 12/3/98)

WAC 131-28-015 Assessment of tuition and fee charges. It shall be the general policy of the state board that all tuition and services and activities fees shall be assessed on a uniform and equitable basis, except when the requirement to pay all or part of such fees has been specifically waived or altered by law or by ~~((regulation))~~ rule of the state board or the district board of trustees. Students must pay tuition and fees to be enrolled in state-funded courses unless a waiver is allowed.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-021 Definitions. For the purpose of WAC 131-28-025, the following definitions shall apply:

(1) "Resident student" and "nonresident student" shall be defined in the same manner as in chapter 28B.15 RCW.

(2) "Tuition fees," "building fees," "operating fees" and "services and activities fees" shall be defined in the same manner as in chapter 28B.15 RCW.

(3) "Special fees" shall be defined as all fees established by the district board of trustees other than tuition, building fees, operating fees or services and activities fees and as such shall include fees charged to an individual student for specific services and privileges received by such student.

(4) "Student funded course" shall be defined as any organized instructional activity, typically ungraded, primarily offered for part-time students, not normally an integral part of any specific study program leading to either an academic or an occupational degree or certificate, and specifically identified as such by a community college consistent with the course classification procedures established by the state board.

(5) ~~((Academic or occupational course shall be defined as all organized instructional activities other than student funded courses.~~

~~((Short course shall be defined as any academic, occupational, or student funded course not regularly scheduled in the quarterly announcement of courses, not routinely listed in the college catalog as a regular and normal part of the instructional program, and not normally of a full quarter in duration.~~

(7) "Regular course" shall be defined as any course not classified as a short course.

(8)) "Required course" shall be defined as any course specified in the college catalog or official curriculum description of any vocational preparatory program as necessary for completion of such program, except courses prerequisite to such program.

~~((9)) "Vocational preparatory program" shall be defined as any planned series of learning experiences, the specific objective of which is to prepare persons to enter gainful employment in a recognized occupation not designated as professional or requiring a baccalaureate or higher degree, provided that such program has been approved by the state board.))~~ (6) "State-funded course" shall be defined as any course reported by the college for state funding that is eligible for state funding under chapters 28.15 and 28B.50 RCW, Title 131 WAC and state board policy.

AMENDATORY SECTION (Amending WSR 98-22-062, filed 11/2/98, effective 12/3/98)

WAC 131-28-025 Method of assessing tuition and fee charges. ~~((1) For academic and occupational regular or short courses.))~~ Tuition and fees charged to students:

~~((a))~~ (1) Shall be based upon the number of credits assigned to such courses as listed in the official and current catalog of the college, or for courses not given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the state board.

~~((b))~~ (2) Shall be assessed on a per-credit basis at uniform rates for resident and for nonresident students, respectively. Partial credits shall be assessed on a proportionate basis. The respective maximums charged to any resident or nonresident student shall not exceed the amount specified in chapter 28B.15 RCW.

~~((c))~~ (3) Shall be assessed for part-time students, for each credit of registration or its equivalent, at the rate of one-tenth of the total combined tuition and services and activities fees charged to full-time students consistent with chapter 28B.15 RCW.

~~((d))~~ (4) Shall include an additional operating fee for each credit in excess of eighteen at the rate of one-tenth of the tuition fee charged to full-time students.

~~((e))~~ (5) Shall be no less than two times the amount of tuition and services and activities fees charged for one credit.

~~((2) For student funded courses, fees charged to students:~~

~~(a) Shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;~~

~~(b) Shall be assessed at a rate sufficient to defray the direct and indirect costs of offering such courses.~~

(3) Nothing herein shall be construed to be a restriction on the right of the district board of trustees to assess additional noninstructional fees and special fees to cover unique instructional costs or expendable instructional materials related to any course offered by a college district.))

AMENDATORY SECTION (Amending WSR 98-22-062, filed 11/2/98, effective 12/3/98)

WAC 131-28-02501 Waivers. Community college boards may grant waivers from the standard tuition and fees rate for ungraded courses designated in WAC 131-28-026(3) and to students who qualify under a waiver created in Title 28B RCW.

Except for ungraded courses, colleges shall waive the building fee, services and activities fees, and operating fees in equal proportion.

Colleges may not impose conditions or eligibility criteria beyond that specified in this chapter, state board policy, or Title 28B RCW. Colleges may restrict the number of waivers granted.

Colleges may round the amount ~~((waived))~~ collected to the nearest dollar.

NEW SECTION

WAC 131-28-029 Student funded course fees. For student funded courses, fees charged to students:

(1) Shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;

(2) Shall be assessed at a rate sufficient to defray the direct and indirect costs of offering such courses.

WSR 01-16-120
PROPOSED RULES
BUILDING CODE COUNCIL
[Filed July 31, 2001, 8:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-11-071.

Title of Rule: Amendment of chapter 51-11 WAC, Washington State Energy Code.

Purpose: To consider whether to amend the 2000 Edition of the Washington State Energy Code (chapter 51-11 WAC).

Statutory Authority for Adoption: RCW 19.27A.025 and 19.27A.045.

Statute Being Implemented: Chapters 19.27, 19.27A, and 34.05 RCW.

Summary: The proposed rules include adoption of amendments to the 2000 Washington State Energy Code, including increasing the energy efficiency for residential buildings and updating the mechanical equipment efficiencies for nonresidential buildings (see Explanation of Rule below for itemized list of proposed changes).

Reasons Supporting Proposal: RCW 19.27A.025 and 19.27A.045.

Name of Agency Personnel Responsible for Drafting and Implementation: Judith Darst, P.O. Box 48350, Olympia, WA 98504, (360) 725-2965; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule amends chapter 51-11 WAC, Washington State Energy Code. The purpose is to amend the 2000 Washington State Energy Code, including increasing the energy efficiency for residential buildings and updating the mechanical equipment efficiencies for nonresidential buildings. The proposed amendments will provide greater simplicity, improved energy efficiency, and consistency, than the published version for application in Washington state.

Regulatory Review: In compliance with Executive Order 97-02, Regulatory Improvement, the following criteria for regulatory review will be considered at the time of final adoption of the rule.

1. **Need.** This rule is authorized by RCW 19.27A.025 and 19.27A.045. The council regularly reviews statewide amendment proposals to the Washington State Energy Code, and adopts the amendments as deemed appropriate. The purpose and objective of this review, as given in RCW 19.27.020, is to promote the health, safety and welfare of the occupants or users of buildings; to require minimum construction standards for the state of Washington; to permit the use of modern technical methods; to eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regulations; and to provide standards to make buildings accessible to and usable by persons with physical disabilities. The technical advisory groups appointed by the council have identified rules that are obsolete, duplicative or ambiguous, and have proposed amendments and revisions.

2. **Effectiveness and Efficiency.** The mission of the council is to adopt building codes for uniform application throughout the state. In this special rule review at the request of the governor, the council examined regulatory alternatives and new technologies. The council has identified where alternatives can be used effectively and efficiently. The council efficiently achieves uniform state building codes by serving as the central administrative agency for statewide adoption of building codes.

3. **Clarity.** The council revised their filing procedure for state amendments to the national uniform codes. To enhance clarity, only those subsections with a state amendment will be filed under the main section number. The balance of the main section will remain as written in the national uniform code, as adopted by reference, unless otherwise noted. This reformatting change reorganizes and shortens the WACs.

4. **Intent and Statutory Authority.** The proposed rule is consistent with the legislative intent of the statute chapters 19.27 and 19.27A RCW. These statutes give the council sufficient authority to maintain the state building code, and to adopt amendments to the Washington State Energy Code.

5. **Coordination.** The council rule-making process has included participation by national, state, and local building, fire, mechanical and plumbing officials, as well as state agency representatives for the departments of social and

health services, health, labor and industries, and the state fire marshal. The council actively seeks participation from other state agencies to assure that duplication and inconsistency is eliminated.

6. **Cost.** The council appointed technical advisory groups and an Economic and Regulatory Assessment Committee to examine the costs and benefits associated with the revisions to the building codes.

7. **Fairness.** The state amendments to the Washington State Energy Code proposed by the council are intended to mitigate disproportionate impact on the regulated community. The council is made up of representatives from the regulated community, as well as public and regulatory officials. In addition, the council enlisted the assistance of technical advisory groups, made up of the individuals, organizations and businesses impacted by the building codes, to review code changes and proposals.

Proposal Changes the Following Existing Rules: RESIDENTIAL:

1. **Prescriptive Paths (Tables 6-1 through 6-6, Sections 601, 602, 603, 502.1.5) (TWO OPTIONS):** Both options of this proposed amendment simplify the code by deleting the existing Tables 6-1 through 6-6 and replacing them with revised Tables 6-1 and 6-2. Also, both options increase the energy efficiency, eliminate the dual fuel element of the code, and reduce the number of overall paths. The difference between the two options is in the new Table 6-1, for 12% glazing, the wall insulation requirement:

Option 1: R-15 for both "Wall Above Grade" and "Wall interior Below Grade."

Option 2: R-13 for "Wall Above Grade" and R-19 for "Wall interior Below Grade."

2. **Component Performance Paths (Table 5-1):** This proposed amendment simplifies the code and increases the energy efficiency by deleting the dual fuel columns.

3. **Glazing Area Calculations (Section 502.1.5.2 exception 3, 602.7.2 exception):** These proposals revise two existing exceptions regarding glazing area calculations and clarify how to account for glazing in doors, single glazing for ornamental, security or architectural purposes, and double glazed garden windows.

4. **Residential Mechanical Equipment Efficiencies (Section 503.4 and Tables 5-4 through 5-8):** In conjunction with the proposed Nonresidential change #7, this proposed amendment first restates the present requirement: Compliance with the 1987 National Appliances Energy Conservation Act (NAECA). Also, for simplicity and consistency the remainder of Section 503.4 and Tables 5-4 through 5-8 are deleted and a reference to Section 1411 is inserted. Compliance with Section 1411 also includes compliance with the new Mechanical Equipment Efficiency Tables 14-1A through 14-1-G (ASHRAE/IESNA Standard 90.1.1999).

5. **Prescriptive Heating System Sizing: (Chapter 9):** In conjunction with the residential envelope revisions (proposals #1 and #2), this proposed amendment revises the heating system sizing calculations. The houses will be more efficient and therefore the design heat load needs to be reduced. Also, the dual fuel allowances were deleted to reflect the

changes made in both the prescriptive path approach and the component performance approach (listed above).

6. Vertical Glazing U-factors for Small Businesses (Table 10-6B): This proposal amends Table 10-6B to provide flexibility for small window manufacturers.

NONRESIDENTIAL:

7. Mechanical Equipment Efficiency (Tables 14-1 through 14-3 and Section 1411): This proposed amendment deletes the existing equipment efficiency tables (Tables 14-1 through 14-3) and replaces them with Tables 14-1A through 14-1-G, the current national standard (ASHRAE/IESNA Standard 90.1.1999).

8. Dampers (Section 1412.4.1): This proposed amendment adds the word "motorized" to the damper requirement. It adds two new exceptions for nonmotorized dampers. It also requires a maximum leakage rate tested in accordance with AMCA Standard 500 and requires the drawings to indicate compliance.

9. Economizers (Sections 1401, 1413, 1423 and 1433): These proposed amendments makes clarifications to the installation of economizers, adds more comprehensive exceptions, addresses water economizers and humidification, and deletes the exception to Section 1401. These proposed changes provide for new technology, give more specific guidance for designed systems, and remove vague language that could result in obsolete and inefficient systems that increase costs for no appreciable gains.

10. Pool Water Heaters (Section 1452): This proposed amendment requires minimum efficiencies for pool water heaters.

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

Small Business Economic Impact Statement

In response to the governor's request related to the 2001 energy crisis, the State Building Code Council is proposing to adopt amendments to chapter 51-11 WAC, the Washington State Energy Code. The council appoints technical advisory groups (TAGs) to conduct a comprehensive review of proposed code amendments. The participants on the Energy Code TAG represent architects, mechanical engineers, illumination engineers, building officials, commercial contractors, manufacturers, model code organizations, homebuilders, utilities, mechanical contractors, state agencies, educators, and the general public. The Economic and Regulatory Assessment Committee consists of council members as specified in SBCC by-laws.

Proposed amendments to the following sections have been identified by the Energy Code TAG and the Economic and Regulatory Assessment Committee as having a cost impact on businesses required to comply with the rule. According to the definition established by the economic committee, these rules would impose a moderate first cost increase on businesses required to comply. A moderate cost is defined as greater than 1/4 of 1% but less than 1% of the total construction cost.

However, the increases do not represent a disproportionate cost to small business and if any additional first cost of

construction is passed on to consumers, it will be completely offset by the consumer's energy savings.

Chapter 51-11 WAC, Tables 5-1, 6-1, and 6-2: For Group R (residential) construction, the proposed rule makes envelope U-factor improvements and simplifies the prescriptive path approach. Current estimates show 18% of homes in this category use tradeoffs to reduce wall insulation. Base-line window U-factors would prohibit use of aluminum framed windows under prescriptive compliance. Manufacturers of window products would be impacted since in most cases, the new window requirements will call for low-e coatings.

Chapter 51-11 WAC, Tables 14-1A through 14-1G: This proposed rule brings the mechanical equipment efficiency requirements up to the current national standard (ASHRAE/IESNA Standard 90.1.1999). Since the national efficiencies will be effective before this code requirement would go into effect, any additional cost would not be attributed to the code. In any case, the increase in cost would be categorized as a minor cost. A minor cost is defined as less than/equal to 1/4 of 1% of the total construction cost.

A copy of the statement may be obtained by writing to Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 48350, Olympia, WA 98504-8350, phone (360) 725-2969, fax (360) 586-9383.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on September 14, 2001, at 9:00 a.m.; and at the Auburn City Hall, 25 West Main Street, Auburn, WA, on October 12, 2001, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Patti Thorn by September 1, 2001, at (360) 725-2966, TDD (360) 753-2200.

Submit Written Comments to: Jim Lewis, Chairman, State Building Code Council, P.O. Box 48350, Olympia, WA 98504-8350, fax (360) 586-9383, by October 12, 2001.

Date of Intended Adoption: November 9, 2001.

July 13, 2001

Tim Nogler
for James M. Lewis
Council Chair

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0502 Building envelope requirements.

502.1 General:

502.1.1: The stated U- or F-factor of any component assembly, listed in Table 5-1 or 5-2, such as roof/ceiling, opaque wall or opaque floor may be increased and the U-factor for other components decreased, provided that the total heat gain or loss for the entire building envelope does not

exceed the total resulting from compliance to the U-factors specified in this Section.

The U-factors for typical construction assemblies are included in Chapter 10. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapter 10, values shall be calculated in accordance with Chapters 21-29 in Standard RS-1 listed in Chapter 7, using the framing factors listed in Chapter 10 where applicable.

For envelope assemblies containing metal framing, the U-factor shall be determined by one of the following methods:

1. Results of laboratory or field measurements.

2. Standard RS-25, listed in Chapter 7, where the metal framing is bonded on one or both sides to a metal skin or covering.

3. The zone method as provided in Chapter 24 of Standard RS-1, listed in Chapter 7.

4. Results of parallel path correction factors effective framing/cavity R-values as provided in Table 10-5A - EFFECTIVE R-VALUES FOR METAL FRAMING AND CAVITY ONLY for metal stud walls and roof/ceilings.

502.1.2: For consideration of thermal mass effects, see section 402.4.

502.1.3: When return air ceiling plenums are employed, the roof/ceiling assembly shall:

a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and

b. For gross area purposes, be based upon the interior face of the upper plenum surface.

502.1.4 Insulation:

502.1.4.1 General: All insulating materials shall comply with sections 2602 and/or 707 of the Uniform Building Code. Substantial contact of the insulation with the surface being insulated is required. All insulation materials shall be installed according to the manufacturer's instructions to achieve proper densities and maintain uniform R-values and shall be installed in a manner which will permit inspection of the manufacturer's R-value identification mark. To the maximum extent possible, insulation shall extend over the full component area to the intended R-value.

Alternatively, the thickness of roof/ceiling and wall insulation that is either blown in or spray-applied shall be identified by inches of thickness, density and R-value markers installed at least one for every 300 square feet (28 m²) through the attic, ceiling and/or wall space. In attics, the markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness and minimum settled thickness with numbers a minimum 1.0 inch (25 mm) in height. Each marker shall face the attic access. The thickness of installed attic insulation shall meet or exceed the minimum initial installed thickness shown by the marker. In cathedral ceilings and

walls, the markers shall be affixed to the rafter and wall frame at alternating high and low intervals and marked with the minimum installed density and R-value with numbers a minimum 1.0 inch (25 mm) in height. Each marker shall face the conditioned room area.

502.1.4.2 Insulation Materials: All insulation materials including facings such as vapor barriers or breather papers installed within floor/ceiling assemblies, roof/ceiling assemblies, walls, crawl spaces, or attics shall have a flame spread rating of less than 25 and a smoke density not to exceed 450 when tested in accordance with UBC Standard 8-1.

EXCEPTIONS:

1. Foam plastic insulation shall comply with section 2602 of the Uniform Building Code.
2. When such materials are installed in concealed spaces of Types III, IV and V construction, the flame spread and smoke developed limitations do not apply to facing, provided that the facing is installed in substantial contact with the unexposed surface of the ceiling, floor or wall finish.
3. Cellulose insulation shall comply with section 707 of the Uniform Building Code.

502.1.4.3 Clearances: Where required, insulation shall be installed with clearances according to manufacturer's specifications. Insulation shall be installed so that required ventilation is unobstructed. For blown or poured loose fill insulation, clearances shall be maintained through installation of a permanent retainer.

502.1.4.4 Access Hatches and Doors: Access doors from conditioned spaces to unconditioned spaces (e.g., attics and crawl spaces) shall be weatherstripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all equipment which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer must be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the attic access is opened, and to provide a permanent means of maintaining the installed R-value of the loose fill insulation.

502.1.4.5 Roof/Ceiling Insulation: Open-blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation. Baffles shall be, rigid material, resistant to wind driven moisture. Requirements for baffles for ceiling insulation shall meet the Uniform Building Code section 1505.3 for minimum ventilation requirements. When feasible, the baffles shall be installed from the top of the outside of the exterior wall, extending inward, to a point 6 inches vertically above the height of noncompressed insulation, and 12 inches vertically above loose fill insulation.

502.1.4.6 Wall Insulation: Insulation installed in exterior walls shall comply with the provisions of this section. All wall insulation shall fill the entire framed cavity. Exterior

wall cavities isolated during framing shall be fully insulated to the levels of the surrounding walls. All faced insulation shall be face stapled to avoid compression.

502.1.4.7 Floor Insulation: Floor insulation shall be installed in a permanent manner in substantial contact with the surface being insulated. Insulation supports shall be installed so spacing is no more than 24 inches on center. Foundation vents shall be placed so that the top of the vent is below the lower surface of the floor insulation.

EXCEPTION: Insulation may be omitted from floor areas over heated basements, heated garages or underfloor areas used as HVAC supply plenums. See Uniform Mechanical Code section 607 for underfloor supply plenum requirements. When foundation walls are insulated, the insulation shall be attached in a permanent manner. The insulation shall not block the airflow through foundation vents when installed. When foundation vents are not placed so that the top of the vent is below the lower surface of the floor insulation, a permanently attached baffle shall be installed at an angle of 30° from horizontal, to divert air flow below the lower surface of the floor insulation.

502.1.4.8 Slab-On-Grade: Slab-on-grade insulation, installed inside the foundation wall, shall extend downward from the top of the slab for a minimum distance of 24 inches or downward and then horizontally beneath the slab for a minimum combined distance of 24 inches. Insulation installed outside the foundation shall extend downward to a minimum of 24 inches or to the frostline. Above grade insulation shall be protected.

EXCEPTION: For monolithic slabs, the insulation shall extend downward from the top of the slab to the bottom of the footing.

502.1.4.9 Radiant Slabs: The entire area of a radiant slab shall be thermally isolated from the soil, with a minimum of R-10 insulation. The insulation shall be an approved product for its intended use. If a soil gas control system is present below the radiant slab, which results in increased convective flow below the radiant slab, the radiant slab shall be thermally isolated from the sub-slab gravel layer.

502.1.4.10 Below Grade Walls: Below grade exterior wall insulation used on the exterior (cold) side of the wall shall extend from the top of the below grade wall to the top of the footing and shall be approved for below grade use. Above grade insulation shall be protected.

Insulation used on the interior (warm) side of the wall shall extend from the top of the below grade wall to the below grade floor level.

502.1.5 Glazing and Door U-factors: Glazing and door U-factors shall be determined in accordance with sections 502.1.5.1 and 502.1.5.2. All products shall be labeled with the NFRC certified or default U-factor. The labeled U-factor shall be used in all calculations to determine compliance with this Code. Sealed insulating glass shall conform to, or be in test for, ASTM E-774-81 class A.

EXCEPTIONS: 1. For glazed wall systems, assemblies with all of the following features are deemed to satisfy the vertical glazing U-factor requirement in ((~~Table 6-1 through 6-6~~)

6-6)) Table 6-1 or 6-2 options with vertical glazing U-0.40 and greater:

a. Double glazing with a minimum 1/2 inch gap width, having a low-emissivity coating with $e=0.10$ maximum, with 90% minimum argon gas fill, and a non-aluminum spacer (as defined in footnote 1 to Table 10-6B), and

b. Frame that is thermal break aluminum (as defined in footnote 9 to Table 10-6B), wood, aluminum clad wood, vinyl, aluminum clad vinyl, or reinforced vinyl. The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the ((~~Table 6-1 through 6-6~~) Table 6-1 or 6-2 vertical glazing U-factor requirement using the exception to Section 502.1.5 in the Washington State Energy Code."

2. For overhead glazing, assemblies with all of the following features are deemed to satisfy the overhead glazing U-factor requirement in ((~~all Table 6-1 through 6-6~~) Table 6-1 or 6-2 options except the unlimited glazing area options ((~~Option VIII in Table 6-2, Option IX in Table 6-4, and Option VIII for Climate Zone 1 and Option IX for Climate Zone 2 in Table 6-6~~)) (Option III in Table 6-1 and Option IV in Table 6-2):

a. Either, double glazing with a minimum 1/2 inch gap width, having a low-emissivity coating with $e=0.20$ maximum, with 90% minimum argon gas fill, or, triple glazed plastic domes, and

b. Frame that is thermal break aluminum (as defined in footnote 9 to Table 10-6B), wood, aluminum clad wood, vinyl, aluminum clad vinyl, or reinforced vinyl. The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the ((~~Table 6-1 through 6-6~~) Table 6-1 or 6-2 overhead glazing U-factor requirement using the exception to Section 502.1.5 in the Washington State Energy Code."

3. For solariums with a floor area which does not exceed 300 square feet, assemblies which comply with the features listed in exception 2 are deemed to satisfy the vertical glazing and overhead glazing U-factor requirement in ((~~Table 6-1 through 6-6~~) Table 6-1 or 6-2 options with vertical glazing U-0.40 and greater.

The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the ((~~Table 6-1 through 6-6~~) Table 6-1 or 6-2 vertical glazing and overhead glazing U-factor requirements using the exception to Section 502.1.5 in the Washington State Energy Code."

502.1.5.1 Standard Procedure for Determination of Glazing U-factors: U-factors for glazing shall be determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC. Compliance shall be based on the Residential Model Size. Product samples used for U-factor determinations shall be production line units or representative of units as purchased by the consumer or contractor. Products that are listed in the NFRC Certified Products Directory or certified to the NFRC standard shall not use default values.

EXCEPTIONS: 1. Glazing products without NFRC ratings may be assigned default U-factors from Table 10-6A for vertical glazing and from Table 10-6E for overhead glazing.

2. Units without NFRC ratings produced by a small business may be assigned default U-factors from Table 10-6A for garden windows, from Table 10-6B for other vertical glazing, and from Table 10-6E for overhead glazing.

502.1.5.2 Standard Procedure for Determination of Door U-factors: All doors, including fire doors, shall be assigned default U-factors from Table 10-6C.

EXCEPTIONS:

1. U-factors determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC.
2. The default values for the opaque portions of doors shall be those listed in Table 10-6C, provided that the U-factor listed for a door with a thermal break shall only be allowed if both the door and the frame have a thermal break.
3. One unlabeled or untested exterior swinging door with the maximum area of 24 square feet may be installed for ornamental, security or architectural purposes. Products using this exception shall not be included in ~~((either))~~ the U-factor ~~((or glazing area))~~ calculation requirements, however glazing area shall be included in glazing area calculations.

502.1.6 Moisture Control:

502.1.6.1 Vapor Retarders: Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases.

EXCEPTION: Vapor retarder installed with not more than 1/3 of the nominal R-value between it and the conditioned space.

502.1.6.2 Floors: Floors separating conditioned space from unconditioned space shall have a vapor retarder installed. The vapor retarder shall have a one perm dry cup rating or less (i.e., four mil [0.004 inch thick] polyethylene or kraft faced material).

502.1.6.3 Roof/Ceilings: Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of 12 inches shall be provided with a vapor retarder. Faced batt insulation where used as a vapor retarder shall be face stapled. Single rafter joist vaulted ceiling cavities shall be of sufficient depth to allow a minimum one inch vented air space above the insulation.

502.1.6.4: Vapor retarders shall not be required in roof/ceiling assemblies where the ventilation space above the insulation averages 12 inches or greater.

502.1.6.5: Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.

502.1.6.6 Walls: Walls separating conditioned space from unconditioned space shall have a vapor retarder installed. Faced batt insulation shall be face stapled.

502.1.6.7 Ground Cover: A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped 12 inches minimum at the joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of 3-1/2 inches.

502.2 Thermal Criteria for Group R Occupancy:

502.2.1 UA Calculations: The proposed UA as calculated using Equations 2 and 3 shall not exceed the target UA as calculated using Equation 1. For the purpose of determining equivalent thermal performance, the glazing area for the target UA shall be calculated using values in Table 5-1. The opaque door area shall be the same in the target UA and the proposed UA.

EXCEPTION: Log and solid timber walls that have a minimum average thickness of 3.5" and with space heat type other than electric resistance, are exempt from wall target UA and proposed UA calculations.

502.2.2 Space Heat Type: The following two categories comprise all space heating types:

1. **Electric Resistance:** Space heating systems which include baseboard units, radiant units and forced air units as either the primary or secondary heating system.

EXCEPTION: Electric resistance systems for which the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) One thousand watts (1000 w) per dwelling unit, or; 2) One watt per square foot (1 w/ft²) of the gross floor area.

2. **Other:** All gas, wood, oil and propane space heating systems, unless electric resistance is used as a secondary heating system, and all heat pump space heating systems. (See EXCEPTIONS, Electric Resistance, section 502.2.2 above.)

502.3 Reserved.

502.4 Air Leakage:

502.4.1 General: The requirements of this section shall apply to all buildings and structures, or portions thereof, and only to those locations separating outdoor ambient conditions from interior spaces that are heated or mechanically cooled.

502.4.2 Doors and Windows, General: Exterior doors and windows shall be designed to limit air leakage into or from the building envelope. Site-constructed doors and windows shall be sealed in accordance with Section 502.4.3.

502.4.3 Seals and Weatherstripping:

a. Exterior joints around windows and door frames, openings between walls and foundation, between walls and roof and wall panels; openings at penetrations of utility services through walls, floors and roofs; and all other openings in the building envelope for all occupancies and all other openings in between units in R-1 occupancy shall be sealed, caulked, gasketed or weatherstripped to limit air leakage. Other exterior joints and seams shall be similarly treated, or taped, or covered with moisture vapor permeable housewrap.

b. All exterior doors or doors serving as access to an enclosed unheated area shall be weatherstripped to limit leakage around their perimeter when in a closed position.

c. Site built windows are exempt from testing but shall be made tight fitting. Fixed lights shall have glass retained by stops with sealant or caulking all around. Operating sash shall have weatherstripping working against overlapping trim and a closer/latch which will hold the sash closed. The window frame to framing crack shall be made tight with caulking, overlapping membrane or other approved technique.

d. Openings that are required to be fire resistive are exempt from this section.

502.4.4 Recessed Lighting Fixtures: When installed in the building envelope, recessed lighting fixtures shall meet one of the following requirements:

1. Type IC rated, manufactured with no penetrations between the inside of the recessed fixture and ceiling cavity and sealed or gasketed to prevent air leakage into the unconditioned space.

2. Type IC rated, installed inside a sealed box constructed from a minimum 1/2 inch thick gypsum wall board, or constructed from a preformed polymeric vapor barrier, or other air tight assembly manufactured for this purpose.

3. Type IC rated, certified under ASTM E283 to have no more than 2.0 cfm air movement from the conditioned space to the ceiling cavity. The lighting fixture shall be tested at 75 Pascals or 1.57 lbs/ft² pressure difference and have a label attached, showing compliance.

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

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0503 Building mechanical systems.

503.1 General: This section covers the determination of design requirements, system and component performance, control requirements, insulating systems and duct construction.

503.2 Calculations of Heating and Cooling Loads, and System Sizing Limits: The design parameters specified in Chapter 3 shall apply for all computations.

503.2.1 Calculation Procedures: Heating and cooling design loads for the purpose of sizing HVAC systems are required and shall be calculated in accordance with accepted engineering practice, including infiltration and ventilation.

503.2.2 Space Heating and Space Cooling System Sizing Limits: Building mechanical systems for all buildings which provide space heating and/or space cooling shall be sized no greater than two hundred percent (200%) of the heating and cooling design loads as calculated above.

EXCEPTIONS: The following limited exemptions from the sizing limit shall be allowed; however, in all cases heating and/or cooling design load calculations shall be submitted.

1. For equipment which provides both heating and cooling in one package unit, including heat pumps with electric heating and cooling and gas-pack units

with gas heating and electric cooling, compliance need only be demonstrated for either the space heating or space cooling system size.

2. Natural gas- or oil-fired space heating equipment whose total rated space heating output in any one dwelling unit is

a. 40,000 Btu/h or less is exempt from the sizing limit,

b. larger than 40,000 Btu/h may exceed the two hundred (200%) percent sizing limit provided that the installed equipment has an annual fuel utilization efficiency (AFUE) of not less than ninety (90%) percent.

3. Stand-by equipment may be installed if controls and other devices are provided which allow redundant equipment to operate only when the primary equipment is not operating.

503.3 Simultaneous Heating and Cooling: Systems and equipment that provide simultaneous heating and cooling shall comply with the requirements in, as appropriate, Section 1422 or Section 1435.

503.4 HVAC Equipment Performance Requirements: All heating equipment shall meet the requirements of the 1987 National Appliance Energy Conservation Act (NAECA) and be so labeled. Equipment shall also comply with Section 1411.

~~((503.4.1 Equipment Components:~~

~~503.4.1.1: The requirements of this section apply to equipment and mechanical component performance for heating, ventilating and air conditioning systems. Equipment efficiency levels are specified. Data furnished by the equipment supplier or certified under a nationally recognized certification program or rating procedure shall be used to satisfy these requirements. Equipment efficiencies shall be based on the standard rating conditions in Tables 5-4, 5-5 or 5-6 as appropriate.~~

~~503.4.1.2: Where components from more than one manufacturer are assembled into systems regulated under this section, compliance for each component shall be as specified in sections 503.4.2 through 503.4.6 of this Code.~~

~~503.4.2: HVAC System Heating Equipment Heat Pump heating Mode. Heat pumps whose energy input is entirely electric shall have a coefficient of performance (COP) heating, not less than the values in Table 5-7. Heat Pumps with supplementary backup heat other than electricity shall meet the requirements of Table 5-7.~~

~~503.4.2.1: These requirements apply to, but are not limited to, unitary (central) heat pumps (air source and water source) in the heating mode, water source (hydronic) heat pumps as used in multiple-unit hydronic HVAC systems, and heat pumps in the packaged terminal air conditioner in the heating mode.~~

~~503.4.2.3 Supplementary Heater: The heat pump shall be installed with a control to prevent supplementary backup heater operation when the operating load can be met by the heat pump compression cycle alone.~~

~~503.4.2.4 Heat Pump Controls: Requirements for heat pump controls are listed in section 503.8.3.5 of this Code.~~

~~503.4.3 HVAC System Combustion Equipment: For Group R Occupancy, all gas, oil, and propane central heating systems shall have a minimum AFUE of 0.78*. All other Group R Occupancy heating equipment fueled by gas, oil, or propane shall be equipped with an intermittent ignition device, or shall comply with the efficiencies as required in the 1987 National Appliances Energy Conservation Act (Public Law 100-12):~~

~~*HVAC Heating system efficiency trade-offs shall be made using Chapters 4 or 6 of this Code.~~

~~503.4.4 Packaged and Unitary HVAC System Equipment, Electrically Operated, Cooling Mode: HVAC system equipment as listed below, whose energy input in the cooling mode is entirely electric, shall have an energy efficiency ratio (EER) or a seasonal energy efficiency ratio (SEER) cooling not less than values in Table 5-8.~~

~~503.4.4.1: These requirements apply to, but are not limited to, unitary (central) and packaged terminal heat pumps (air source and water source); packaged terminal air conditioners.~~

~~503.4.5 Other HVAC Equipment: HVAC equipment, other than that addressed in Sections 503.4.2 through 503.4.4, shall have a minimum performance at the specified rating conditions not less than the values shown in Tables 14-1 through 14-3:))~~

503.5 Reserved.

503.6 Balancing: The HVAC system design shall provide a means for balancing air and water systems. Balancing the system shall include, but not be limited to, dampers, temperature and pressure test connections and balancing valves.

503.7 Cooling with Outdoor Air (Economizer Cycle): Systems and equipment that provide mechanical cooling shall comply with Section 1413 and, as appropriate, Section 1423 or 1433.

503.8 Controls:

503.8.1 Temperature Control: Each system shall be provided with at least one adjustable thermostat for the regulation of temperature. Each thermostat shall be capable of being set by adjustment or selection of sensors as follows:

503.8.1.1: When used to control heating only: Fifty-five degrees to seventy-five degrees F.

503.8.1.2: When used to control cooling only: Seventy degrees to eighty-five degrees F.

503.8.1.3: When used to control both heating and cooling, it shall be capable of being set from fifty-five degrees to eighty-five degrees F and shall be capable of operating the system heating and cooling in sequence. The thermostat and/or control system shall have an adjustable deadband of not less than ten degrees F.

503.8.2 Humidity Control: If a system is equipped with a means for adding moisture to maintain specific selected relative humidities in space or zones, a humidistat shall be pro-

vided. Humidistats shall be capable of being set to prevent new energy from being used to produce space-relative humidity above thirty percent.

EXCEPTION: Special uses requiring different relative humidities may be permitted when approved by the building official.

503.8.3 Zoning for Temperature Control:

503.8.3.1 One- and Two-Family Dwellings: At least one thermostat for regulation of space temperature shall be provided for each separate system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each zone or floor.

503.8.3.2 Multifamily Dwellings: For multifamily dwellings, each individual dwelling unit shall have at least one thermostat for regulation of space temperature. A readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each room. Spaces other than living units shall meet the requirements of 503.8.3.3.

503.8.3.3 Reserved.

503.8.3.4 Control Setback and Shut-off:

Residential Occupancy Groups. One- and Two-Family and Multifamily dwellings—The thermostat required in section 503.8.3.1 or section 503.8.3.2, or an alternate means such as a switch or clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during the periods of non-use or reduced need, such as, but not limited to unoccupied periods and sleeping hours. Lowering thermostat set points to reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting.

503.8.3.5 Heat Pump Controls: Programmable thermostats are required for all heat pump systems. The cut-on temperature for the compression heating shall be higher than the cut-on temperature for the supplementary heat, and the cut-off temperature for the compression heating shall be higher than the cut-off temperature for the supplementary heat. Heat pump thermostats will be capable of providing at least two programmable setback periods per day. The automatic setback thermostat shall have the capability of limiting the use of supplemental heat during the warm-up period.

503.9 Air Handling Duct System Insulation: Ducts, plenums and enclosures installed in or on buildings shall be thermally insulated per Table 5-11.

EXCEPTIONS: Duct insulation (except where required to prevent condensation) is not required in any of the following cases:

1. When the heat gain or loss of the ducts, without insulation, will not increase the energy requirements of the building.
2. Within the HVAC equipment.
3. Exhaust air ducts.
4. Supply or return air ducts installed in unvented crawl spaces with insulated walls, basements, or cellars in one-and two-family dwellings.

503.10 Duct Construction: All duct work shall be constructed in accordance with Standards RS-15, RS-16, RS-17, RS-18, RS-19 or RS-20, as applicable, and the Uniform Mechanical Code.

503.10.1 Leakage Testing: High-pressure and medium-pressure ducts shall be leak tested in accordance with the applicable standards in Chapter 7 of this Code with the rate of air leakage not to exceed the maximum rate specified in that standard.

503.10.2 Seams and Joints: All low-pressure supply and return, including enclosed stud bays or joist cavities/space used to transport air, shall be securely fastened and sealed with welds, gaskets, mastics (adhesives), mastic-plus-embedded-fabric systems or tapes installed in accordance with the manufacturer's installation instructions. Tapes and mastics used with rigid fibrous glass ducts shall be listed and labeled in accordance with UL 181A. Tapes and mastics used with flexible air ducts shall be listed and labeled in accordance

with UL 181B. Duct tape is not permitted as a sealant on any ducts.

EXCEPTION: Ducts or building cavities used for air distribution that are located entirely within the conditioned space of the building are exempt from this section.

503.10.3 Dampers: Requirements for Automatic or manual dampers are found in the Washington State Ventilation and Indoor Air Quality Code.

503.10.4 Duct Insulation: Ducts shall meet the insulation requirements specified in Table 5-11.

503.11 Pipe Insulation: All piping shall be thermally insulated in accordance with Table 5-12.

EXCEPTION: Piping installed within unitary HVAC equipment.

Cold water pipes outside the conditioned space shall be insulated in accordance with the Washington State Plumbing Code (chapter 51-46 WAC).

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0530 Table 5-1.

**TABLE 5-1
TARGET COMPONENT VALUES FOR GROUP R OCCUPANCY**

Component	((Electric Resistance))		((Other Fuels	
	Climate Zone		Climate Zone	
	1	2	1	2
Glazing % Floor Area	15%	15%	15%	15%
Vertical Glazing U-Factor	U = 0.400	U = 0.400	U = 0.650	U = 0.600
Overhead Glazing U-Factor	U = 0.58	U = 0.58	U = 0.68	U = 0.64
Doors	U = 0.200 (R-5)	U = 0.200 (R-5)	U = 0.400 (R-2.5)	U = 0.400 (R-2.5)
Ceilings				
Attic	U = 0.031 (R-38)	U = 0.031 (R-38)	U = 0.036 (R-30)	U = 0.031 (R-38)
Single Rafter/ Joist Vaulted	U = 0.034 (R-30)	U = 0.034 (R-30)	U = 0.034 (R-30)	U = 0.034 (R-30)
Walls ²	U = 0.058 (R-19A)	U = 0.044 (R-19+5A)	U = 0.062⁺ (R-19)	U = 0.062⁺ (R-19)
Floors	U = 0.029 (R-30)	U = 0.029 (R-30)	U = 0.041 (R-19)	U = 0.029 (R-30)
Slab on Grade Slab R-Value	F = 0.54 (R-10)	F = 0.54 (R-10)	F = 0.54 (R-10)	F = 0.54 (R-10)
Below Grade Interior				
Wall R-Value	R-19	R-19	R-19	R-19
2' Depth: Walls	U = 0.043	U = 0.043	U = 0.043	U = 0.043
Slab	F = 0.69	F = 0.69	F = 0.69	F = 0.69
3.5' Depth: Walls	U = 0.041	U = 0.041	U = 0.041	U = 0.041
Slab	F = 0.64	F = 0.64	F = 0.64	F = 0.64
7' Depth: Walls	U = 0.037	U = 0.037	U = 0.037	U = 0.037
Slab	F = 0.57	F = 0.57	F = 0.57	F = 0.57

PROPOSED

Below Grade Exterior				
Wall R-Value	R-10	R-12	R-10	R-12
2' Depth: Walls	U = 0.070	U = 0.061	U = 0.070	U = 0.061
Slab	F = 0.60	F = 0.60	F = 0.60	F = 0.60
3.5' Depth: Walls	U = 0.064	U = 0.057	U = 0.064	U = 0.057
Slab	F = 0.57	F = 0.57	F = 0.57	F = 0.57
7' Depth: Walls	U = 0.056	U = 0.050	U = 0.056	U = 0.050
Slab	F = 0.42	F = 0.42	F = 0.42	F = 0.42

1. Log and Solid Timber walls that have a minimum average thickness of 3.5" are exempt from wall target UA and proposed UA calculations.
2. "A" means advanced framing. For more information, see Section 1005.2.

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0533 Table 5-4—Reserved.

~~((HVAC SYSTEM HEATING EQUIPMENT (HEAT PUMPS)
ELECTRICALLY OPERATED STANDARD RATING CONDITIONS~~

CONDITIONS	°F	TYPE		
		AIR SOURCE	WATER SOURCE	
Air entering equipment	°F	70°F (dry bulb)	70°F (dry bulb)	70°F (dry bulb)
Outdoor unit ambient	°F	47°F (dry bulb) 43°F (wet bulb)	47°F (dry bulb) 41°F (wet bulb)	_____
Entering water temp.	°F	_____	_____	60°F
Water flow rate		_____	_____	As used in cooling

Standard ratings are at sea level.)

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0534 Table 5-5—Reserved.

~~((HVAC SYSTEM EQUIPMENT, ELECTRICALLY DRIVEN
STANDARD RATING CONDITIONS — COOLING~~

	°F	TEMPERATURES			
		DRY BULB	WET BULB	INLET	OUTLET
Air entering equipment	°F	80°	67°	_____	_____
Condenser ambient (air-cooled)	°F	95°	75°	_____	_____
Condenser water (water-cooled)	°F	_____	_____	85°	95°

Standard ratings are at sea level.)

PROPOSED

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0535 Table 5-6—~~Reserved.~~

~~((APPLIED HVAC SYSTEM COMPONENTS ELECTRICALLY DRIVEN
STANDARD RATING CONDITIONS — COOLING~~

ITEM	°F	CENTRIFUGAL OR SELF-CONTAINED	CONDENSERLESS
		RECIPROCATING WATER CHILLER	RECIPROCATING WATER CHILLER
(Water Temperature, Leaving chilled)	44°	44°	44°
(Water Temperature, Entering chilled)	54°	54°	54°
(Water Temperature, Leaving condenser)	95°	—	—
(Water Temperature, Entering)	85°	—	—
Fouling Factor, Water			
Nonferrous tubes	0.0005*	0.0005	0.0005
Steel tubes	0.0010*	0.0010	0.0010
Refrigerant	0.0000*	0.0000	0.0000
Condenser Ambient (air/evap. cooled)	95°F (dry bulb) 75°F (wet bulb)	—	—
Compressor saturated discharge temperature			
Water-cooled (evap. cooled)	105°	—	105°
Air-cooled	120°	—	120°

Standard ratings at sea level.

* hr·ft²·°F/Btu)

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0536 Table 5-7—~~Reserved.~~

~~((MINIMUM HEAT PUMP EFFICIENCIES, HEATING MODE¹~~

SOURCE	MINIMUM COP	MINIMUM HSPF
Air Source:		
Split System	3.0 ²	6.8
Single Package System	3.0 ²	6.6
Water Source	3.8 ³	—
Ground Source	3.0 ⁴	—

¹ When tested at the standard rating specified in Table 5-4.

² When tested @ 47°F (dry bulb)/43°F (wet bulb)

³ @ 70°F entering

~~((MINIMUM HEAT PUMP EFFICIENCIES, HEATING MODE¹
¹ @ 50°F entering))~~

AMENDATORY SECTION (Amending WSR 92-01-140, filed 12/19/91, effective 7/1/92)

WAC 51-11-0537 Table 5-8—~~Reserved.~~

~~((MINIMUM EFFICIENCY FOR ELECTRIC HVAC EQUIPMENT,
COOLING~~

STANDARD RATING CAPACITY	AIR COOLED		EVAP/WATER COOLED
	SEER	EER	EER
Under 65,000 Btu/hr. (19,050 watts)			

**((MINIMUM EFFICIENCY FOR ELECTRIC HVAC EQUIPMENT,
COOLING**

STANDARD RATING CAPACITY	AIR COOLED		EVAP/ WATER COOLED
	SEER	EER	EER
A. Split System	10.0	—	—
B. Single Package ³	9.7	—	9.3 ¹
65,000 Btu/hr. and over	—	8.9 ²	10.5 ¹

¹ @ 80°F dry bulb / 67°F wet bulb

² @ 95°F dry bulb

³ Prior to January 1, 1993 a minimum value of 8.0 SEER may be used.)

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0601 Scope.

601.1 General: This chapter establishes design criteria in terms of prescribed requirements for building construction.

The provisions of this chapter are applicable to all Group R Occupancies. Occupancies shall comply with all the requirements of Chapter 5 except for the modifications herein specified.

For wood frame assemblies, the building envelope requirements of this chapter may be met by installing one of the prescriptive packages in ((Tables 6-1 to 6-6)) Table 6-1 or 6-2. Installed components shall meet the requirements of section 602. Compliance with nominal R-Values shall be demonstrated for the thermal resistance of the added insulation in framing cavities and/or insulated sheathing only and shall not include the thermal transmittance of other building materials or air films, but shall permit interruption by occasional framing members. Other than wood frame assemblies with continuous insulation uninterrupted by framing shall also be allowed to comply with nominal R-values.

For metal frame assemblies, compliance shall be demonstrated in accordance with Chapter 4 or Chapter 5 based on the assemblies in Chapter 10. Compliance with nominal R-values is not allowed, unless the full nominal R-value of the insulation is installed either inside or outside of the framing and is uninterrupted by framing.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0602 Building envelope requirements for Group R Occupancy.

602.1 Roof/Ceiling: Ceilings below vented attics and single-rafter, joist-vaulted ceilings shall be insulated to not less than the nominal R-value specified for ceilings in ((Tables 6-1 to 6-6)) Table 6-1 or 6-2 as applicable.

602.2 Exterior Walls Both Above and Below Grade: Above grade exterior walls shall be insulated to not less than the nominal R-value specified in ((Tables 6-1 to 6-6)) Table 6-1 or 6-2 as applicable. The following walls should be considered to meet R-19 without additional documentation:

1. 2 x 6 framed and insulated with R-19 fiberglass batts.
2. 2 x 4 framed and insulated with R-13 fiberglass batts plus R-3.2 foam sheathing.
3. 2 x 4 framed and insulated with R-11 fiberglass batts plus R-5.0 foam sheathing.

602.3 Exterior Walls (Below Grade): Below grade exterior walls surrounding conditioned space shall be insulated to not less than the nominal R-value specified for below grade walls in ((Tables 6-1 to 6-6)) Table 6-1 or 6-2 as applicable.

602.4 Slab-on-grade Floors: Slab-on-grade floors shall be insulated along their perimeter to not less than the nominal R-values specified for slab-on-grade floors in ((Tables 6-1 to 6-6)) Table 6-1 or 6-2 as applicable. Slab insulation shall be installed in compliance with section 502.1.4.8. See Chapter 5, section 502.1.4.9, for additional requirements for radiant slab heating.

602.5 Floors Over Unconditioned Space: Floors over unconditioned spaces, such as vented crawl spaces, unconditioned basements, and parking garages shall be insulated to not less than the nominal R-value shown for floors over unconditioned spaces, in ((Tables 6-1 to 6-6)) Table 6-1 or 6-2.

602.6 Exterior Doors: Doors shall comply with Sections 602.6.1 and 602.6.2.

- EXCEPTIONS:
1. Doors whose area and U-factor are included in the calculations for compliance with the requirements for glazing in section 602.7 shall be exempt from the door U-factor requirements prescribed in ((Tables 6-1 to 6-6)) Table 6-1 or 6-2.
 2. One unlabeled or untested exterior swinging door with the maximum area of 24 square feet may be installed for ornamental, security or architectural purposes. Products using this exception shall not be included in either the U-factor or glazing area calculation requirements.

602.6.1 Exterior Door Area: For half-lite and full-lite doors, the glazing area shall be included in calculating the allowed total glazing area in Section 602.7.1. Single glazing used for ornamental, security or architectural purposes shall be calculated using the exception to Section 602.7.2.

602.6.2 Exterior Door U-Factor: Doors, including fire doors, shall have a maximum area weighted average U-factor not exceeding that prescribed in ((Tables 6-1 to 6-6)) Table 6-1 or 6-2.

602.7 Glazing:

602.7.1 Glazing Area: The total glazing area as defined in Chapter 2 shall not exceed the percentage of gross conditioned floor area specified in ((Tables 6-1 to 6-6)) Table 6-1 or 6-2. This area shall also include any glazing in doors.

PROPOSED

602.7.2 Glazing U-Factor: The total glazing area as defined in Chapter 2 shall have an area weighted average U-factor not to exceed that specified in ((Tables 6-1 to 6-6)) Table 6-1 or 6-2. U-factors for glazing shall be determined in accordance with section 502.1.5. These areas and U-factors shall also include any doors using the exception of section 602.6.

glazing and garden windows is one percent of the floor area.

602.8 Air Leakage For Group R Occupancy: The minimum air leakage control measures shall be as specified in section 502.4 as applicable.

AMENDATORY SECTION (Amending WSR 94-05-059, filed 2/10/94, effective 4/1/94)

WAC 51-11-0603 Building mechanical systems for Group R Occupancy.

603.1: Group R Occupancies that are space heated by air-to-air, ground-to-air, or water-to-air heat pumps shall comply with ((Table 6-2 or 6-4 or 6-6 for other fuels)) Table 6-1 or 6-2. System sizing shall be determined by an analysis consistent with section 503.2 of this Code, or, when approved by the building official, Chapter 9. All mechanical equipment efficiencies and service water heating system efficiencies shall comply with standards as stated in sections 503 and 504 of this Code.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0625 Table 6-1.

**((TABLE 6-1
PRESCRIPTIVE REQUIREMENTS^{1, **} FOR GROUP R OCCUPANCY
CLIMATE ZONE 1 - HEATING BY ELECTRIC RESISTANCE**

Option	Glazing Area ¹⁰ : % of Floor	Glazing U-Factor		Door ⁹ U-Factor	Ceiling ²	Vaulted-Ceiling ³	Wall-Above-Grade	Wall-int ⁴ Below-Grade	Wall-ext ⁴ Below-Grade	Floor ⁵	Slab ⁶ on Grade
		Vertical	Overhead ¹¹								
I.	10%	0.46	0.58	0.40	R-38	R-30	R-21	R-21	R-10	R-30	R-10
II.	12%	0.43	0.58	0.20	R-38	R-30	R-19	R-19	R-10	R-30	R-10
III.	12%	0.40	0.58	0.40	R-38	R-30	R-21	R-21	R-10	R-30	R-10
IV, [*]	15%	0.40	0.58	0.20	R-38	R-30	R-19	R-19	R-10	R-30	R-10
V.	18%	0.39	0.58	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
VI.	21%	0.36	0.58	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
VII, ⁷	25%	0.32 ⁷	0.58	0.20	R-38	R-30	R-19 +R-5 ⁸	R-21	R-10	R-30	R-10
VIII, ⁷	30%	0.29 ⁷	0.58	0.20	R-38	R-30	R-19 +R-5 ⁸	R-21	R-10	R-30	R-10

- * Reference Case
- ** Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.
- 1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3. Requirement applicable only to single rafter or joist vaulted ceilings.
- 4. Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5. Floors over crawl spaces or exposed to ambient air conditions.
- 6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7. The following options shall be applicable to buildings less than three stories: 0.35 maximum for glazing areas of 25% or less; 0.32 maximum for glazing areas of 30% or less.
- 8. This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
- 10. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.040 or less is not included in glazing area limitations.
- 11. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.))

PROPOSED

OPTION 1:

**TABLE 6-1
PRESCRIPTIVE REQUIREMENTS^{0,1} FOR GROUP R OCCUPANCY
CLIMATE ZONE 1**

Option	Glazing Area ¹⁰ : % of Floor	Glazing U-Factor		Door ² U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall ¹² Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
		Vertical	Overhead ¹¹								
I.	12%	0.35	0.58	0.20	R-38	R-30	R-15	R-15	R-10	R-30	R-10
II.*	15%	0.40	0.58	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
III.	Unlimited Group R-3 Occupancy only	0.40	0.58	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10

* Reference Case

**TABLE 6-2
PRESCRIPTIVE REQUIREMENTS^{0,1} FOR GROUP R OCCUPANCY
CLIMATE ZONE 2**

Option	Glazing Area ¹⁰ : % of Floor	Glazing U-Factor		Door ² U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall ¹² Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
		Vertical	Overhead ¹¹								
I.	10%	0.40	0.58	0.20	R-38	R-30	R-21 Int ⁷	R-21	R-12	R-30	R-10
II.*	15%	0.40	0.58	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
III.	17%	0.37	0.58	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
IV.	Unlimited Group R-3 Occupancy only	0.35	0.58	0.20	R-38	R-30	R-21 Int ⁷	R-21	R-12	R-30	R-10

* Reference Case

0. Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.
1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 13%, it shall comply with all of the requirements of the 15% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
3. Requirement applicable only to single rafter or joist vaulted ceilings.
4. Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
5. Floors over crawl spaces or exposed to ambient air conditions.
6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
7. Int. denotes standard framing 16 inches on center with headers insulated with a minimum of R-5 insulation.
8. This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
9. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
10. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.40 or less is not included in glazing area limitations.
11. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.
12. Log and solid timber walls with a minimum average thickness of 3.5" are exempt from this insulation requirement.

PROPOSED

OPTION 2:

TABLE 6-1
PRESCRIPTIVE REQUIREMENTS^{0,1} FOR GROUP R OCCUPANCY
CLIMATE ZONE 1

Option	Glazing Area ¹⁰ : % of Floor	Glazing U-Factor		Door ² U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall ¹² Above Grade	Wall ⁸ int ⁴ Below Grade	Wall ⁸ ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
		Vertical	Overhead ¹¹								
I.	12%	0.35	0.58	0.20	R-38	R-30	R-13	R-19	R-10	R-30	R-10
II.*	15%	0.40	0.58	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
III.	Unlimited Group R-3 Occupancy only	0.40	0.58	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10

* Reference Case

TABLE 6-2
PRESCRIPTIVE REQUIREMENTS^{0,1} FOR GROUP R OCCUPANCY
CLIMATE ZONE 2

Option	Glazing Area ¹⁰ : % of Floor	Glazing U-Factor		Door ² U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall ¹² Above Grade	Wall ⁸ int ⁴ Below Grade	Wall ⁸ ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
		Vertical	Overhead ¹¹								
I.	10%	0.40	0.58	0.20	R-38	R-30	R-21 Int ⁷	R-21	R-12	R-30	R-10
II.*	15%	0.40	0.58	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
III.	17%	0.37	0.58	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
IV.	Unlimited Group R-3 Occupancy only	0.35	0.58	0.20	R-38	R-30	R-21 Int ⁷	R-21	R-12	R-30	R-10

* Reference Case

0. Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.
1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 13%, it shall comply with all of the requirements of the 15% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
3. Requirement applicable only to single rafter or joist vaulted ceilings.
4. Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
5. Floors over crawl spaces or exposed to ambient air conditions.
6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
7. Int. denotes standard framing 16 inches on center with headers insulated with a minimum of R-5 insulation.
8. This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
9. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
10. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.40 or less is not included in glazing area limitations.
11. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.
12. Log and solid timber walls with a minimum average thickness of 3.5" are exempt from this insulation requirement.

PROPOSED

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0626 Table 6-2—Reserved.

((TABLE 6-2

**PRESCRIPTIVE REQUIREMENTS^{1, **} FOR GROUP R OCCUPANCY
CLIMATE ZONE 1 - HEATING BY OTHER FUELS**

Option	HVAC ⁹ Equip. Effie.	Glazing Area ¹¹ : % of Floor	Glazing U-Factor		Door ¹⁰ U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade	Wall ⁴ int ⁴ Below Grade	Wall ⁴ ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
			Vertical	Overhead ¹²								
I.	Med.	10%	0.70	0.68	0.40	R-30	R-30	R-15	R-15	R-10	R-19	R-10
II.	Med.	12%	0.65	0.68	0.40	R-30	R-30	R-15	R-15	R-10	R-19	R-10
III.	High	21%	0.75	0.68	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
IV.*	Med.	21%	0.65	0.68	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
V.	Low	21%	0.60	0.68	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
VI. ⁷	Med.	25%	0.45 ⁷	0.68	0.40	R-38	R-30	R-19	R-19	R-10	R-25	R-10
VII. ⁷	Med.	30%	0.40 ⁷	0.68	0.40	R-30	R-30	R-19	R-19	R-10	R-25	R-10
VIII.	Med.	unlimited	0.25	0.40	0.40	R-30	R-30	R-19	R-19	R-10	R-25	R-10

* Reference Case

** Nominal R values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.

1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
3. Requirement applicable only to single rafter or joist vaulted ceilings.
4. Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
5. Floors over crawl spaces or exposed to ambient air conditions.
6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
7. The following options shall be applicable to buildings less than three stories: 0.50 maximum for glazing areas of 25% or less; 0.45 maximum for glazing areas of 30% or less.
8. Reserved.
9. Minimum HVAC Equipment efficiency requirement. 'Low' denotes an AFUE of 0.74. 'Med.' denotes an AFUE of 0.78. 'High' denotes an AFUE of 0.88. Minimum HVAC Equipment efficiency requirement for heat pumps. 'Low' denotes an HSPF of 6.35. 'Med' denotes an HSPF of 6.8. 'High' denotes an HSPF of 7.7. Water and ground source heat pumps shall be considered as medium efficiency and have a minimum COP as required in Table 5-7.
10. Doors, including all fire doors, shall be assigned default U factors from Table 10-6C.
11. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U factor of U = 0.040 or less is not included in glazing area limitations.
12. Overhead glazing shall have U factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.)

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0627 Table 6-3—Reserved.

((TABLE 6-3

**PRESCRIPTIVE REQUIREMENTS^{1, **} FOR GROUP R OCCUPANCY
CLIMATE ZONE 2 - HEATING BY ELECTRIC RESISTANCE**

Option	Glazing Area ¹¹ : % of Floor	Glazing U-Factor		Door ¹⁰ U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade	Wall ⁴ int ⁴ Below Grade	Wall ⁴ ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
		Vertical	Overhead ¹²								
I.	10%	0.38	0.58	0.20	R-38	R-30	R-21	R-21	R-12	R-30	R-10
II.	12%	0.40	0.58	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-12	R-25	R-10
III.*	15%	0.40	0.58	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
IV.	18%	0.38	0.58	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
V.	21%	0.35	0.58	0.20	R-38Adv	R-38	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
VI. ⁷	25%	0.30 ⁷	0.58	0.20	R-49Adv	R-38	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
VII. ⁷	30%	0.28 ⁷	0.58	0.20	R-60Adv	R-38	R-21+R-7.5 ⁹	R-21	R-12	R-30	R-10

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- * Reference Case
- ** Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.
- + Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3 Requirement applicable only to single rafter or joist vaulted ceilings.
- 4 Below grade walls shall be insulated either on the exterior to a minimum level of R-12, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7 The following options shall be applicable to buildings less than three stories: 0.33 maximum for glazing areas of 25% or less; 0.31 maximum for glazing areas of 30% or less.
- 8 This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9 This wall insulation requirement denotes R-21 wall cavity insulation plus R-7.5 foam sheathing.
- 10 Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
- 11 Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.040 or less is not included in glazing area limitations.
- 12 Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.))

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0628 Table 6-4—Reserved.

((TABLE 6-4
**PRESCRIPTIVE REQUIREMENTS^{1,*} FOR GROUP R OCCUPANCY
 CLIMATE ZONE 2 - HEATING BY OTHER FUELS**

Option	HVAC ⁹ Equip. Effie.	Glazing Area ¹¹ : % of Floor	Glazing U-Factor		Door ¹⁰ U- Factor	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade	Wall int ⁴ Below Grade	Wall ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
			Vertical	Overhead ¹²								
I.	Med.	10%	0.70	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
II.	Med.	12%	0.65	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
III.	High	17%	0.65	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
IV. [*]	Med.	17%	0.60	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
V.	Low	17%	0.50	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VI.	Med.	21%	0.50	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VII. ⁷	Med.	25%	0.40 ⁷	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VIII. ⁷	Med.	30%	0.40 ⁷	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
IX.	Med.	unlimited	0.25	0.40	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10

- * Reference Case
- ** Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.
- + Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3 Requirement applicable only to single rafter or joist vaulted ceilings.
- 4 Below grade walls shall be insulated either on the exterior to a minimum level of R-12, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7 The following options shall be applicable to buildings less than three stories: 0.45 maximum for glazing areas of 25% or less; 0.40 maximum for glazing areas of 30% or less.
- 8 Reserved.
- 9 Minimum HVAC Equipment efficiency requirement. 'Low' denotes an AFUE of 0.74. 'Med.' denotes an AFUE of 0.78. 'High' denotes an AFUE of 0.88. Minimum HVAC Equipment efficiency requirement for heat pumps. 'Low' denotes an HSPF of 6.35. 'Med' denotes an HSPF of 6.8. 'High' an HSPF of 7.7. Water and ground source heat pumps shall be considered as medium efficiency and have a minimum COP as required in Table 5-7.
- 10 Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
- 11 Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.040 or less is not included in glazing area limitations.
- 12 Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.))

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0629 Table 6-5—Reserved.

((TABLE 6-5

**LOG HOMES PRESCRIPTIVE REQUIREMENTS¹
HEATING BY ELECTRIC RESISTANCE**

Option	Average ² Log Thickness	Glazing- Area ⁹ : % of Floor	Glazing U-Factor		Door ⁸ U-Factor	Ceiling ³	Vaulted ⁴ Ceiling	Floor ⁵	Slab ⁶ on Grade
			Vertical	Overhead ¹⁰					
Climate Zone 1									
I. ⁷	5.5"	15%	0.31	0.58	0.14	R-60 Adv	R-38	R-38	R-10
II. ⁷	7.5"	15%	0.40	0.58	0.20	R-60 Adv	R-38	R-30	R-10
III. ⁸	9.6"	15%	0.40	0.58	0.20	R-38	R-30	R-30	R-10
Climate Zone 2									
IV. ⁷	6.7"	15%	0.31	0.58	0.14	R-60 Adv	R-38	R-38	R-10
V. ⁷	8.7"	15%	0.40	0.58	0.14	R-60 Adv	R-38	R-38	R-10
VI. ⁷	9.8"	15%	0.40	0.58	0.20	R-60 Adv	R-38	R-30	R-10
VII. ⁷	10.5"	15%	0.40	0.58	0.20	R-49 Adv	R-38	R-30	R-10
VIII. ⁸	13.5"	15%	0.40	0.58	0.20	R-38	R-30	R-30	R-10

- * Reference Case
- 1 For Group R Occupancy use Table 6-5 for only the portion of floor area using log/solid timber walls. Use Tables 6-1 to 6-4 for all other portions of the floor area. Minimum requirements are for each option listed. Interpolations between options is not permitted. Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Required minimum average log thickness.
- 3 'Adv' denotes Advanced Framing. Requirement applies to all ceilings except single rafter joist vaulted ceilings.
- 4 Requirement applicable only to single rafter joist vaulted ceilings.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications.
- 7 These options shall be applicable to buildings less than three stories.
- 8 Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C or 10-6D.
- 9 Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.040 or less is not included in glazing area limitations.
- 10. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.)

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-0630 Table 6-6—Reserved.

((TABLE 6-6

**LOG HOMES PRESCRIPTIVE REQUIREMENTS^{1,2,*}
HEATING BY OTHER FUELS**

Option	HVAC ⁹ Equip. Effie:	Glazing- Area ¹² : % of Floor	Glazing U-Factor		Door ¹⁰ U- Factor	Ceiling ²	Vaulted Ceiling ³	Wall ¹¹ Above Grade	Wall ¹¹ int ⁴ Below Grade	Wall ¹¹ ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
			Vert- ical	Over- head ¹³								
Climate Zone 1												
I.	Med.	10%	0.70	0.68	0.40	R-30	R-30	R-15	R-15	R-10	R-19	R-10
II.	Med.	12%	0.65	0.68	0.40	R-30	R-30	R-15	R-15	R-10	R-19	R-10
III.	High	21%	0.75	0.68	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
IV. ⁸	Med.	21%	0.65	0.68	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
V.	Low	21%	0.60	0.68	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
VI. ⁷	Med.	25%	0.45 ⁷	0.68	0.40	R-38	R-30	R-19	R-19	R-10	R-25	R-10
VII. ⁷	Med.	30%	0.40 ⁷	0.68	0.40	R-30	R-30	R-19	R-19	R-10	R-25	R-10
VIII.	Med.	unlimited	0.25	0.40	0.40	R-30	R-30	R-19	R-19	R-10	R-25	R-10
Climate Zone 2												
I.	Med.	10%	0.70	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
II.	Med.	12%	0.65	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
III.	High	17%	0.65	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10

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IV.*	Med.	17%	0.60	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
V.	Low	17%	0.50	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VI.	Med.	21%	0.50	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VII.	Med.	25%	0.40 ^b	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VIII.	Med.	30%	0.40 ^b	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
IX.	Med.	unlimited	0.25	0.40	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10

- * Reference Case
- ** Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.
- 1 Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3 Requirement applicable only to single rafter or joist vaulted ceilings.
- 4 Below-grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below-grade walls shall be a water-resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be a water-resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7 The following options shall be applicable to buildings less than three stories: 0.50 maximum for glazing areas of 25% or less; 0.45 maximum for glazing areas of 30% or less.
- 8 The following options shall be applicable to buildings less than three stories: 0.45 maximum for glazing areas of 25% or less; 0.40 maximum for glazing areas of 30% or less.
- 9 Minimum HVAC Equipment efficiency requirement. 'Low' denotes an AFUE of 0.74. 'Med.' denotes an AFUE of 0.78. 'High' denotes an AFUE of 0.88. Minimum HVAC Equipment efficiency requirement for heat pumps. 'Low' denotes an HSPF of 6.35. 'Med' denotes an HSPF of 6.8. 'High' an HSPF of 7.7. Water and ground source heat pumps shall be considered as medium efficiency and have a minimum COP as required in Table 5-7.
- 10 Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C.
- 11 Log and solid timber walls with a minimum average thickness of 3.5" are exempt from this insulation requirement.
- 12 Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.040 or less is not included in glazing area limitations.
- 13 Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.)

AMENDATORY SECTION (Amending WSR 95-01-126, filed 12/21/94, effective 6/30/95)

WAC 51-11-0900 Section 0900—Prescriptive heating system sizing. When using the prescriptive approach in Chapter 6, if approved by the building official, design heat load calculations are not required to show compliance to this Code if the heating system installed is equal to or less than the following:

Climate Zone 1	20 Btu/h•ft ²
((Electric Resistance	21 Btu/h•ft ²
Electric Resistance (Forced Air)	24 Btu/h•ft ²
Other Fuels (Forced Air)	27 Btu/h•ft ²)
Climate Zone 2	25 Btu/h•ft ²
((Electric Resistance	29 Btu/h•ft ²
Electric Resistance (Forced Air)	32 Btu/h•ft ²
Other Fuels (Forced Air)	39 Btu/h•ft ²)

Example: A ((1500)) 2000 ft² house in Zone ((1)) 2, heated with gas, would not have to submit a design heat load if the proposed furnace is ((40,500)) 50,000 Btu or less.

((1500 x 27=40,500)) 2000 x 25 = 50,000

Disclaimer: All heating systems shall be designed and installed in accordance with Uniform Building Code Section 310.11.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1006 Section 1006 Default U-factors for glazing and doors.

1006.1 Glazing and Doors without NFRC Certification: Glazing and doors that do not have NFRC certification shall be assigned the following U-factors:

**TABLE 10-6
Other than Group R Occupancy: DEFAULT U-FAC-
TORS FOR VERTICAL GLAZING, OVERHEAD
GLAZING AND OPAQUE DOORS**

Vertical Glazing	U-Factor	
	Any Frame	Vinyl/Wood Frame
Single	1.45	1.45
Double	0.90	0.75
1/2 Inch Air, Fixed	0.75	0.60
1/2 Inch Air, Low-e ^(0.40) , Fixed	0.60	0.50
1/2 Inch Argon, Low-e ^(0.10) , Fixed	0.50	0.40

Overhead Glazing		
	U-Factor	
	Any Frame	Vinyl/Wood Frame
Single	2.15	2.15
Double	1.45	1.00
Low-e ^(0.40) or Argon	1.40	0.95
Low-e ^(0.40) + Argon	1.30	0.85
Low-e ^(0.20) Air	1.30	0.90
Low-e ^(0.20) + Argon	1.25	0.80
Triple	1.25	0.80

Opaque Doors	
	U-Factor
Uninsulated Metal	1.20
Insulated Metal (Including Fire Door and Smoke Vent)	0.60
Wood	0.50

Notes:

- Where a gap width is listed (i.e.: 1/2 inch), that is the minimum allowed.
- Where a low-emissivity emittance is listed (i.e.: 0.40, 0.20, 0.10), that is the maximum allowed.
- Where a gas other than air is listed (i.e.: Argon), the gas fill shall be a minimum of 90%.
- Where an operator type is listed (i.e.: Fixed), the default is only allowed for that operator type.
- Where a frame type is listed (i.e.: Wood/vinyl), the default is only allowed for that frame type. Wood/vinyl frame includes reinforced vinyl and aluminum-clad wood.

TABLE 10-6A
Group R Occupancy: DEFAULT U-FACTORS FOR VERTICAL GLAZING

Description ^{1,2,3,4}			Frame Type ^{5,6}		
			Aluminum	Aluminum Thermal Break ⁷	Wood/Vinyl
Windows	Single		1.20	1.20	1.20
	Double, < 1/2"	Clear	0.92	0.75	0.63
		Clear+ Argon	0.87	0.71	0.60
		Low-e	0.85	0.69	0.58
		Low-e+Argon	0.79	0.62	0.53
	Double, ≥ 1/2"	Clear	0.86	0.69	0.58
		Clear+ Argon	0.83	0.67	0.55
		Low-e	0.78	0.61	0.51
		Low-e+Argon	0.75	0.58	0.48
	Triple,	Clear	0.70	0.53	0.43
		Clear+ Argon	0.69	0.52	0.41
		Low-e	0.67	0.49	0.40
		Low-e+Argon	0.63	0.47	0.37
	Garden Windows	Single		2.60	n.a.
Double		Clear	1.81	n.a.	1.61
		Clear+ Argon	1.76	n.a.	1.56
		Low-e	1.73	n.a.	1.54
		Low-e+Argon	1.64	n.a.	1.47

- <1/2"= a minimum dead air space of less than 0.5 inches between the panes of glass.
 ≥ 1/2"= a minimum dead air space of 0.5 inches or greater between the panes of glass.
 Where no gap width is listed, the minimum gap width is 1/4".
- Any low-e (emissivity) coating (0.1, 0.2 or 0.4).
- U-factors listed for argon shall consist of sealed, gas-filled insulated units for argon, CO2, SF6, argon/SF6 mixtures and Krypton.
- "Glass block" assemblies may use a U-factor of 0.51.
- Insulated fiberglass framed products shall use wood/vinyl U-factors.

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- 6 Aluminum clad wood windows shall use the U-factors listed for wood/vinyl windows.
- 7 Aluminum Thermal Break= An aluminum thermal break framed window shall incorporate the following minimum design characteristics:
- The thermal conductivity of the thermal break material shall be not more than 3.6 Btu-in/h/ft²/°F;
 - The thermal break material must produce a gap in the frame material of not less than 0.210 inches; and,
 - All metal framing members of the products exposed to interior and exterior air shall incorporate a thermal break meeting the criteria in a) and b) above.

TABLE 10-6B¹

Group R Occupancy: ((~~DEFAULT U FACTORS~~)) **SMALL BUSINESS COMPLIANCE TABLE FOR VERTICAL GLAZING**
 ((~~FOR SMALL BUSINESSES~~))

DESCRIPTION ^{2,3,4,((5)),6}	FRAME TYPE ^{7,8}			
	ALUMINUM	ALUM. THERMAL BREAK ⁹	WOOD/VINYL	ALUM. CLAD WOOD/REINFORCED VINYL ¹⁰
Double, Clear 1/4"	0.82	0.66	0.56	0.59
Double, Clear 1/4" + argon	0.77	0.63	0.53	0.56
Double, Low-e4 1/4"	0.76	0.61	0.52	0.54
Double, Low-e2 1/4"	0.73	0.58	0.49	0.51
Double, Low-e1 1/4"	0.70	0.55	0.47	0.49
Double, Low-e4 1/4" + argon	0.70	0.55	0.47	0.49
Double, Low-e2 1/4" + argon	0.66	0.52	0.43	0.46
Double, Low-e1 1/4" + argon	0.64	0.50	0.41	0.43
Double, Clear 3/8"	0.78	0.63	0.54	0.57
Double, Clear 3/8" + argon	0.75	0.60	0.51	0.54
Double, Low-e4 3/8"	0.72	0.57	0.48	0.51
Double, Low-e2 3/8"	0.69	0.54	0.45	0.48
Double, Low-e1 3/8"	0.66	0.51	0.43	0.46
Double, Low-e4 3/8" + argon	0.68	0.53	0.44	0.47
Double, Low-e2 3/8" + argon	0.63	0.49	0.41	0.44
Double, Low-e1 3/8" + argon	0.61	0.47	0.39	0.41
Double, Clear 1/2"	0.75	0.60	0.50	0.54
Double, Clear 1/2" + argon	0.72	0.58	0.48	0.51
Double, Low-e4 1/2"	0.68	0.53	0.44	0.47
Double, Low-e2 1/2"	0.64	0.50	((0.41)) 0.40	0.44
Double, Low-e1 1/2"	0.61	0.47	((0.39)) 0.35	0.42
Double, Low-e4 1/2" + argon	0.65	0.50	0.42	0.44
Double, Low-e2 1/2" + argon	0.60	0.46	0.37	0.40
Double, Low-e1 1/2" + argon	0.58	0.43	0.35	0.38
Triple, Clear 1/4"	0.66	0.52	0.42	0.44
Triple, Clear 1/4" + argon	0.63	0.49	0.39	0.42
Triple, Low-e4 1/4"	0.64	0.50	0.40	0.40
Triple, Low-e2 1/4"	0.62	0.48	0.39	0.41
Triple, Low-e1 1/4"	0.61	0.47	0.38	0.40
Triple, Low-e4 1/4" + argon	0.60	0.46	0.37	0.39
Triple, Low-e2 1/4" + argon	0.58	0.43	0.34	0.37

TABLE 10-6B¹

**Group R Occupancy: ((DEFAULT U FACTORS)) SMALL BUSINESS COMPLIANCE TABLE FOR VERTICAL GLAZING
((FOR SMALL BUSINESSES))**

DESCRIPTION ^{2,3,4,((5-))6}	FRAME TYPE ^{7,8}			
	ALUMINUM	ALUM. THERMAL BREAK ⁹	WOOD/VINYL	ALUM. CLAD WOOD/REINFORCED VINYL ¹⁰
Triple, Low-e1 1/4" + argon	0.57	0.42	0.34	0.36
Triple, Clear 1/2"	0.61	0.46	0.37	0.40
Triple, Clear 1/2"+ argon	0.59	0.45	0.36	0.38
Triple, Low-e4 1/2"	0.58	0.43	0.35	0.37
Triple, Low-e2 1/2"	0.55	0.41	0.32	0.35
Triple, Low-e1 1/2"	0.54	0.39	0.31	0.33
Triple, Low-e4 1/2"+ argon	0.55	0.41	0.32	0.35
Triple, Low-e2 1/2"+ argon	0.52	0.38	0.30	0.32
Triple, Low-e1 1/2"+ argon	0.51	0.37	0.29	0.31

Footnotes to Table 10-6B

- 1 Subtract 0.02 from the listed default U-factor for non-aluminum spacer. Acceptable spacer materials may include but is not limited to fiberglass, wood and butyl or other material with an equivalent thermal performance.
- 2 1/4"= a minimum dead air space of 0.25 inches between the panes of glass.
3/8"= a minimum dead air space of 0.375 inches between the panes of glass.
1/2"= a minimum dead air space of 0.5 inches between the panes of glass.
Product with air spaces different than those listed above shall use the value for the next smaller air space; i.e. 3/4 inch= 1/2 inch U-factors, 7/16 inch= 3/8 inch U-factors, 5/16 inch= 1/4 inch U-factors.
- 3 Low-e4 (emissivity) shall be 0.4 or less.
Low-e2 (emissivity) shall be 0.2 or less.
Low-e1 (emissivity) shall be 0.1 or less.
- 4 U-factors listed for argon shall consist of sealed, gas-filled insulated units for argon, CO2, SF6, and argon/SF6 mixtures. The following conversion factor shall apply to Krypton gas-filled units: 1/4" or greater with krypton is equivalent to 1/2" argon.
- 5 ~~((Dividers placed between glazing. The U factor listed shall be used where the divider has a minimum gap of 1/8 inch between the divider and lite of each inside glass surface. Add 0.03 to the listed U factor for True Divided Lite windows.)) Reserved.~~
- 6 "Glass block" assemblies may use a U-factor of 0.51.
- 7 Insulated fiberglass framed products shall use wood/vinyl U-factors.
- 8 Subtract 0.02 from the listed default values for solariums.
- 9 Aluminum Thermal Break= An aluminum thermal break framed window shall incorporate the following minimum design characteristics:
 - a) The thermal conductivity of the thermal break material shall be not more than 3.6 Btu-in/h/ft²/F°;
 - b) The thermal break material must produce a gap in the frame material of not less than 0.210 inches; and,
 - c) All metal framing members of the products exposed to interior and exterior air shall incorporate a thermal break meeting the criteria in a) and b) above.
- 10 Aluminum clad wood windows shall use the U-factors listed for Aluminum Clad Wood/Reinforced Vinyl windows. Vinyl clad wood window shall use the U-factors listed for Wood/Vinyl windows. Any vinyl frame window with metal reinforcement in more than one rail shall use the U-factors listed for Aluminum Clad Wood/Reinforced Vinyl window.

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TABLE 10-6C
Group R Occupancy: DEFAULT U-FACTORS FOR DOORS

Door Type	No Glaz- ing	Single Glazing	Double Glaz- ing with 1/4 in. Airspace	Double Glazing with 1/2 in. Airspace	Double Glazing with e=0.10, 1/2 in. Argon
SWINGING DOORS (Rough opening - 38 in. x 82 in.)					
<i>Slab Doors</i>					
Wood slab in wood frame ^a	0.46				
6% glazing (22 in. x 8 in. lite)	-	0.48	0.47	0.46	0.44
25% glazing (22 in. x 36 in. lite)	-	0.58	0.48	0.46	0.42
45% glazing (22 in. x 64 in. lite)	-	0.69	0.49	0.46	0.39
More than 50% glazing		Use Table 10-6A			
Insulated steel slab with wood edge in wood frame ^a	0.16				
6% glazing (22 in. x 8 in. lite)	-	0.21	0.20	0.19	0.18
25% glazing (22 in. x 36 in. lite)	-	0.39	0.28	0.26	0.23
45% glazing (22 in. x 64 in. lite)	-	0.58	0.38	0.35	0.26
More than 50% glazing		Use Table 10-6A			
Foam insulated steel slab with metal edge in steel frame ^b	0.37				
6% glazing (22 in. x 8 in. lite)	-	0.44	0.42	0.41	0.39
25% glazing (22 in. x 36 in. lite)	-	0.55	0.50	0.48	0.44
45% glazing (22 in. x 64 in. lite)	-	0.71	0.59	0.56	0.48
More than 50% glazing		Use Table 10-6A			
Cardboard honeycomb slab with metal edge in steel frame ^b	0.61				
<i>Style and Rail Doors</i>					
Sliding glass doors/French doors		Use Table 10-6A			
<i>Site-Assembled Style and Rail Doors</i>					
Aluminum in aluminum frame	-	1.32	0.99	0.93	0.79
Aluminum in aluminum frame with thermal break	-	1.13	0.80	0.74	0.63
REVOLVING DOORS (Rough opening - 82 in. x 84 in.)					
Aluminum in aluminum frame					
Open	-	1.32	-	-	-
Closed	-	0.65	-	-	-
SECTIONAL OVERHEAD DOORS (Nominal - 10 ft x 10 ft)					
Uninsulated steel (nominal U =1.15) ^c	1.15	-	-	-	-
Insulated steel (nominal U =0.11) ^c	0.24	-	-	-	-
Insulated steel with thermal break (nominal U = 0.08) ^c	0.13	-	-	-	-
a.	Thermally broken sill (add 0.03 for nonthermally broken sill)				
b.	Nonthermally broken sill				
c.	Nominal U-factors are through the center of the insulated panel before consideration of thermal bridges around the edges of the door sections and due to the frame.				

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TABLE 10-6D
Group R Occupancy: DEFAULT U-FACTORS FOR GLAZED DOORS
 See Table 10-6C

TABLE 10-6E
Group R Occupancy: DEFAULT U-FACTORS FOR OVERHEAD GLAZING

Glazing Type	Frame Type			
	Aluminum without Thermal Break	Aluminum with Thermal Break	Reinforced Vinyl/ Aluminum-Clad Wood or Vinyl	Wood or Vinyl- Clad Wood/ Vinyl without Reinforcing
Single Glazing glass	U-1.58	U-1.51	U-1.40	U-1.18
acrylic/polycarb	U-1.52	U-1.45	U-1.34	U-1.11
Double Glazing air	U-1.05	U-0.89	U-0.84	U-0.67
argon	U-1.02	U-0.86	U-0.80	U-0.64
Double Glazing, $e=0.20$ air	U-0.96	U-0.80	U-0.75	U-0.59
argon	U-0.91	U-0.75	U-0.70	U-0.54
Double Glazing, $e=0.10$ air	U-0.94	U-0.79	U-0.74	U-0.58
argon	U-0.89	U-0.73	U-0.68	U-0.52
Double Glazing, $e=0.05$ air	U-0.93	U-0.78	U-0.73	U-0.56
argon	U-0.87	U-0.71	U-0.66	U-0.50
Triple Glazing air	U-0.90	U-0.70	U-0.67	U-0.51
argon	U-0.87	U-0.69	U-0.64	U-0.48
Triple Glazing, $e=0.20$ air	U-0.86	U-0.68	U-0.63	U-0.47
argon	U-0.82	U-0.63	U-0.59	U-0.43
Triple Glazing, $e=0.20$ on 2 surfaces air	U-0.82	U-0.64	U-0.60	U-0.44
argon	U-0.79	U-0.60	U-0.56	U-0.40
Triple Glazing, $e=0.10$ on 2 surfaces air	U-0.81	U-0.62	U-0.58	U-0.42
argon	U-0.77	U-0.58	U-0.54	U-0.38
Quadruple Glazing, $e=0.10$ on 2 surfaces air	U-0.78	U-0.59	U-0.55	U-0.39
argon	U-0.74	U-0.56	U-0.52	U-0.36
krypton	U-0.70	U-0.52	U-0.48	U-0.32

1. U-factors are applicable to both glass and plastic, flat and domed units, all spacers and gaps.
2. Emissivities shall be less than or equal to the value specified.
3. Gap fill shall be assumed to be air unless there is a minimum of 90% argon or krypton.
4. Aluminum frame with thermal break is as defined in footnote 9 to Table 10-6B.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1401 Scope. This section covers the determination of requirements, system and component performance, control requirements and duct construction.

((EXCEPTION: Special applications, including but not limited to hospitals, laboratories, thermally sensitive equipment, and rooms designed to comply with the special construction and fire protection requirements of NFPA 75, "Standard for the Protection of Electronic Computer/Data Processing Equipment" may be exempt from the requirements of this section when approved by the building official. Exemptions shall be specific on a case-by-case basis and allowed only to the extent necessary to accommodate the special applications.))

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1411 HVAC equipment performance requirements.

1411.1 General: Equipment shall have a minimum performance at the specified rating conditions not less than the values shown in Tables 14-1A through ~~((14-3))~~ 14-1G. If a nationally recognized certification program exists for a product covered in Tables 14-1A through ~~((14-3))~~ 14-1G, and it includes provisions for verification and challenge of equipment efficiency ratings, then the product shall be listed in the certification program.

Gas-fired and oil-fired forced air furnaces with input ratings \geq 225,000 Btu/h (65 kW) shall also have an intermittent ignition or interrupted device (IID), and have either mechanical draft (including power venting) or a flue damper. A vent damper is an acceptable alternative to a flue damper for furnaces where combustion air is drawn from the conditioned space. All furnaces with input ratings \geq 225,000 Btu/h (65 kW), including electric furnaces, that are not located within the conditioned space shall have jacket losses not exceeding 0.75% of the input rating.

1411.2 Rating Conditions: Cooling equipment shall be rated at ARI test conditions and procedures when available. Where no applicable procedures exist, data shall be furnished by the equipment manufacturer.

1411.3 Combination Space and Service Water Heating: For combination space and service water heaters with a principal function of providing space heat, the Combined Annual Efficiency (CAE) may be calculated by using ASHRAE Standard 124-1991. Storage water heaters used in combination space heat and water heat applications shall have either an Energy Factor (EF) or a Combined Annual Efficiency (CAE) of not less than the following:

	Energy Factor (EF)	Combined Annual Efficiency (CAE)
< 50 gallon storage	0.58	0.71
50 to 70 gallon storage	0.57	0.71
> 70 gallon storage	0.55	0.70

1411.4 Packaged Electric Heating and Cooling Equipment: Packaged electric equipment providing both heating and cooling with a total cooling capacity greater than 20,000 Btu/h shall be a heat pump.

EXCEPTION: Unstaffed equipment shelters or cabinets used solely for personal wireless service facilities.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1412 Controls.

1412.1 Temperature Controls: Each system shall be provided with at least one temperature control device. Each zone shall be controlled by individual thermostatic controls responding to temperature within the zone. At a minimum, each floor of a building shall be considered as a separate zone.

1412.2 Deadband Controls: When used to control both comfort heating and cooling, zone thermostatic controls shall be capable of a deadband of at least 5 degrees F within which the supply of heating and cooling energy to the zone is shut off or reduced to a minimum.

EXCEPTIONS:

1. Special occupancy, special usage, or code requirements where deadband controls are not appropriate.
2. Buildings complying with Section 1141.4, if in the proposed building energy analysis, heating and cooling thermostat setpoints are set to the same temperature between 70 degrees F and 75 degrees F inclusive, and assumed to be constant throughout the year.
3. Thermostats that require manual changeover between heating and cooling modes.

1412.3 Humidity Controls: If a system is equipped with a means for adding moisture, a humidistat shall be provided.

1412.4 Setback and Shut-Off: HVAC systems shall be equipped with automatic controls capable of accomplishing a reduction of energy use through control setback or equipment shutdown during periods of non-use or alternate use of the spaces served by the system. The automatic controls shall have a minimum seven-day clock and be capable of being set for seven different day types per week.

EXCEPTIONS:

1. Systems serving areas which require continuous operation at the same temperature setpoint.
2. Equipment with full load demands of 2 Kw (6,826 Btu/h) or less may be controlled by readily accessible manual off-hour controls.

1412.4.1 Dampers: Outside air intakes, exhaust outlets and relief outlets serving conditioned spaces shall be equipped with motorized dampers which close automatically when the system is off or upon power failure.

EXCEPTIONS:

1. Systems serving areas which require continuous operation.
2. Combustion air intakes.
3. Gravity (nonmotorized) dampers are acceptable in buildings less than 3 stories in height.
4. Gravity (nonmotorized) dampers are acceptable in exhaust and relief outlets in the first story and levels below the first story of buildings three or more stories in height.

Dampers installed to comply with this section, including dampers integral to HVAC equipment, shall have a maximum leakage rate when tested in accordance with AMCA Standard 500 of:

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(a) Motorized dampers: 10 cfm/ft² of damper area at 1.0 in w.g.

(b) Nonmotorized dampers: 20 cfm/ft² of damper area at 1.0 in w.g., except that for nonmotorized dampers smaller than 24 inches in either dimension: 40 cfm/ft² of damper area at 1.0 in w.g.

Drawings shall indicate compliance with this section.

1412.4.2 **Optimum Start Controls:** Heating and cooling systems with design supply air capacities exceeding 10,000 cfm shall have optimum start controls. Optimum start controls shall be designed to automatically adjust the start time of an HVAC system each day to bring the space to desired occupied temperature levels immediately before scheduled occupancy. The control algorithm shall, as a minimum, be a function of the difference between space temperature and occupied setpoint and the amount of time prior to scheduled occupancy.

1412.5 **Heat Pump Controls:** Unitary air cooled heat pumps shall include microprocessor controls that minimize supplemental heat usage during start-up, set-up, and defrost conditions. These controls shall anticipate need for heat and use compression heating as the first stage of heat. Controls shall indicate when supplemental heating is being used through visual means (e.g., LED indicators).

1412.6 **Combustion Heating Equipment Controls:** Combustion heating equipment with a capacity over 225,000 Btu/h shall have modulating or staged combustion control.

EXCEPTIONS: Boilers.
Radiant heaters.

1412.7 **Balancing:** Each air supply outlet or air or water terminal device shall have a means for balancing, including but not limited to, dampers, temperature and pressure test connections and balancing valves.

AMENDATORY SECTION (Amending 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1413 ((Air)) Economizers.

1413.1 **Operation:** Air economizers shall be capable of automatically modulating outside and return air dampers to provide 100 percent of the design supply air as outside air to reduce or eliminate the need for mechanical cooling. Air economizers shall be used for RS-29 analysis base case for all systems without exceptions in Sections 1413, 1423, or 1433. Water economizers shall be capable of providing the total concurrent cooling load served by the connected terminal equipment lacking airside economizer, at outside air temperatures of 45°F dry-bulb/40°F wet-bulb and below. For this calculation, all factors including solar and internal load shall be the same as those used for peak load calculations, except for the outside temperatures.

EXCEPTION: Water economizers using air-cooled heat rejection equipment may use a 35°F dry-bulb outside air temperature for this calculation. This exception is limited to a maximum of 20 tons per building.

1413.2 ~~((Control: Air economizers shall be controlled by a control system capable of determining if outside air can meet~~

~~part or all of the building's cooling loads.))~~ Documentation: Water economizer plans submitted for approval shall include the following information:

1. Maximum outside air conditions for which economizer is sized to provide full cooling.

2. Design cooling load to be provided by economizer at this outside air condition.

3. Heat rejection and terminal equipment performance data including model number, flow rate, capacity, entering and leaving temperature in full economizer cooling mode.

1413.3 **Integrated Operation:** ~~((Building Heating Energy:))~~ The HVAC system and its controls shall allow economizer operation when mechanical cooling is required simultaneously. Air and water economizers shall be capable of providing partial cooling even when additional mechanical cooling is required to meet the remainder of the cooling load. ((Controls shall not preclude the economizer operation when mechanical cooling is required simultaneously.))

EXCEPTIONS: ~~((Economizers on individual, direct expansion, cooling systems with capacities not greater than 75,000 Btu/h may include controls that limit simultaneous operation of the economizer and mechanical cooling for the purpose of preventing ice formation on cooling coils.))~~

1. Individual, direct expansion units that have a rated capacity less than 65,000 Btu/h and use nonintegrated economizer controls that preclude simultaneous operation of the economizer and mechanical cooling.

2. Water-cooled water chillers.

1413.4 **Humidification:** If an air economizer is required on a cooling system for which humidification equipment is to be provided to maintain minimum indoor humidity levels, then the humidifier shall be of the adiabatic type (direct evaporative media or fog atomization type) that cools return air while humidifying outside air while in economizer. If a water economizer or no economizer is provided, the isothermal type of humidifier may be used (steam injection, gas, electric resistance or infrared generator type that uses new energy to boil moisture to be added).

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1423 Economizers. Economizers meeting the requirements of Section 1413 shall be installed on single package unitary fan-cooling units having a supply capacity of greater than 1,900 cfm or a total cooling capacity greater than 54,000 Btu/h including those serving computer server rooms, electronic equipment, radio equipment, telephone switchgear.

The total capacity of all units without economizers shall not exceed ~~((240,000))~~ 120,000 Btu/h per building, or ~~((10%))~~ 5% of its aggregate cooling (economizer) capacity, whichever is greater. That portion of the equipment serving Group R occupancy is not included in determining the total capacity of all units without economizers in a building.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1433 Economizers. Air economizers meeting the requirements of Section 1413 shall ((be installed on the following systems:)) be provided on all new systems including those serving computer server rooms, electronic equipment, radio equipment, telephone switchgear.

- ((a. Single package unitary fan-cooling units with a supply capacity of greater than 1,900 cfm or a total cooling capacity greater than 54,000 Btu/h.
b. Other individual fan-cooling units with a supply capacity of greater than 2,800 cfm or a total cooling capacity greater than 84,000 Btu/h.

The total capacity of all units without economizers shall not exceed 240,000 Btu/h per building, or 10% of its aggregate cooling (economizer) capacity, whichever is greater. That portion of the equipment serving Group R occupancy is not included in determining the total capacity of all units without economizers in a building.

EXCEPTIONS:

1. Systems with air or evaporatively cooled condensers and that either one of the following can be demonstrated to the satisfaction of the enforcing agency:
 - a. Special outside air filtration and treatment, for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible.
 - b. The use of outdoor air cooling affects the operation of other systems (such as humidification, dehumidification, and supermarket refrigeration systems) so as to increase the overall building energy consumption.
2. Systems for which at least 75 percent of the annual energy used for mechanical cooling is provided from site-recovery or site-solar energy source.
3. A water economizer system, which is capable of cooling supply air by indirect evaporation. Such a system shall be designed and capable of being controlled to provide 100 percent of the expected system cooling load at outside air temperatures of 50 degrees F dry bulb/45 degrees F wet bulb and below. For this calculation, all factors including solar and internal load shall be the same as those used for peak load calculations, except for the outside air temperatures.))

EXCEPTIONS:

1. Single package unitary fan-cooling units installed outdoors or in a mechanical room adjacent to outdoors with a total cooling capacity less than 20,000 Btu/h. Other single package unitary fan-cooling units with a total cooling capacity less than 54,000 Btu/h. The total capacity of all such systems without economizers shall not exceed 120,000 Btu/h per building, or 5% of its air economizer capacity, whichever is greater. That portion of the equipment serving Group R occupancy is not included in determining the total capacity of all units without economizers in a building.
2. Water-cooled refrigeration equipment provided with a water economizer meeting the requirements of Section 1413. Water economizer capacity per building shall not exceed 500 tons. This exception shall not be used for RS-29 analysis.
3. Systems for which at least 75% of the annual energy used for mechanical cooling is provided from site-recovery or site-solar energy source.
4. Systems where special outside air filtration and treatment, for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible.
5. Systems that affect other systems (such as dehumidification and supermarket refrigeration systems)

so as to increase the overall building energy consumption. New humidification equipment shall comply with Section 1413.4.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1437 Electric motor efficiency. Design A & B squirrel-cage, T-frame induction permanently wired polyphase motors of 1 hp or more having synchronous speeds of 3,600, 1,800 and 1,200 rpm shall have a nominal full-load motor efficiency no less than the corresponding values for energy efficient motors provided in Table 14-4.

EXCEPTIONS:

1. Motors used in systems designed to use more than one speed of a multi-speed motor.
2. Motors used as a component of the equipment meeting the minimum equipment efficiency requirements of Section 1411 and Tables 14-1A ((and 14-2)) through 14-1G provided that the motor input is included when determining the equipment efficiency.
3. Motors that are an integral part of specialized process equipment.
4. Where the motor is integral to a listed piece of equipment for which no complying motor has been approved.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1452 ((Reserved)) Pool water heaters. Heat pump pool heaters shall have a minimum COP of 4.0 determined in accordance with ASHRAE Standard 146, Method of Testing for Rating Pool Heaters. Other pool heating equipment shall comply with the applicable efficiencies in Tables 14-1A through 14-1G.

AMENDATORY SECTION (Amending WSR 01-03-010, filed 1/5/01, effective 7/1/01)

WAC 51-11-1454 Pool covers. Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90 degrees F shall have a pool cover with a minimum insulation value of R-12.

(TABLE 14-1)
Standard Rating Conditions and Minimum Performance for
Air-Cooled Unitary Air Conditioners, Heat Pumps, Packaged Terminal Air Conditioners,
Warm Air Furnaces, Duct Furnaces and Unit Heaters

Equipment Type & Rating	Category	Sub-category & Rating Conditions	Minimum Rating		Standard
			Steady State	Seasonal or Part Load	
Air Conditioners and Heat Pumps Cooling Ratings	≤65,000 Btu/h Cooling Capacity	Split Systems Single Package	NA NA	10.0 SEER 9.7 SEER	ARI 210/240 -1989
	>65,000 and ≤135,000 Btu/h Cooling Capacity	All Unitary	8.9 EER	8.3 IPLV	
		Standard Ratings:	95°F db	80°F db	
	>135,000 and ≤760,000 Btu/h ¹ Cooling Capacity	Air Conditioners	8.5 EER	7.5 IPLV	ARI 360 -1986
Heat Pumps		8.5 EER	7.5 IPLV		
>760,000 Btu/h ¹ Cooling Capacity	Air Conditioners	8.2 EER	7.5 IPLV		
	Heat Pumps	8.7 EER	7.5 IPLV		
Packaged Term. Air Conditioners & Heat Pumps Cooling Ratings	All Capacities	Air Conditioners and Heat Pumps Standard/Low Temp[-]	10.0 - (0.16 x Cap/1000) ³ EER 95°F	12.2 - (0.20 x Cap/1000) ³ EER 82°F	ARI 310 -1990
Heat Pump Heating Ratings	≤65,000 Btu/h Cooling Capacity	Split Systems Single Package		6.8 HSPF 6.6 HSPF	ARI 210/240 -1989
	>65,000 and ≤135,000 Btu/h Cooling Capacity	All Unitary	3.0 COP	2.0 COP	
		Standard Ratings:	47°F db/43°F wb	17°F db/15°F wb	
>135,000 Btu/h Cooling Capacity	Standard Ratings[-]	2.9 COP 47°F	2.0 COP 17°F	ARI 365 -1986	
	Packaged Term. Heat Pumps Heating Ratings	All Capacities	Heat Pumps Standard Ratings[-]	2.9 - (0.026 x Cap/1000) ³ COP 47°F db/43°F wb	ARI 380 -1990
Warm Air Furnaces & Combination Furnace/A.C.	≤225,000 Btu/h	Gas and Oil Fired Seasonal Ratings[-]	80% E _t ⁴	78% AFUE ⁵	DOE 10 CFR Part 430 AppN
	≥225,000 Btu/h	Gas, Max Rating ⁶	80% E _t ⁴	NA	ANSI Z21.47 -1983
		Gas, Min Rating ⁶	78% E _t ⁴	NA	
≥225,000 Btu/h	Oil, Max Rating ⁶	81% E _t ⁴	NA	UL 727 -1986	
	Oil, Min Rating ⁶	81% E _t ⁴	NA		
Warm Air Duct Furnaces and Unit Heaters	All Size Gas Duct Furnaces	Max Rated Capacity ⁶	78% E _t ⁴	NA	ANSI Z83.9
		Min Rated Capacity ⁶	75% E _t ⁴	NA	-1986
	All Size Gas Unit Heaters	Max Rated Capacity ⁶	78% E _t ⁴	NA	ANSI Z83.8
		Min Rated Capacity ⁶	74% E _t ⁴	NA	-1985
All Size Oil Unit Heaters	Max Rated Capacity ⁶	81% E _t ⁴	NA	UL 731	
	Min Rated Capacity ⁶	81% E _t ⁴	NA	-1988	

1. For units that have a heating section, deduct 0.2 from all required EER's and IPLV's.
2. For multi-capacity equipment the minimum performance shall apply to each step provided Multi-capacity refers to manufacturer published rating for more than one capacity mode allowed by the product's controls.
3. Capacity (Cap) means the rated cooling capacity of the product in Btu/h in accordance with the cited ARI standard. If the unit's capacity is less than 7,000 Btu/h, use 7,000 Btu/h in the calculation. If the unit's capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculation.
4. These values apply to non-NAECA equipment. See referenced standard for definition of Thermal efficiency (E_t), (100% flue losses.)

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((TABLE 14-2

**Standard Rating Conditions and Minimum Performance for
Water and Evaporatively Cooled Unitary Air Conditioners, Heat Pumps, Water Source and Ground Source
Heat Pumps, Condensing Units, and Water Chilling Packages**

Equipment Type & Rating	Category	Sub-category & Rating Conditions	Minimum Rating		Standard
			Steady State	Seasonal or Part Load	
Evaporatively Cooled A/Cs & Heat Pumps Cooling Ratings	≤65,000 Btu/h Cooling Capacity	Standard Conditions ¹ :	9.3 EER	8.5 IPLV	ARI-210/240-1989
	>65,000 and ≤135,000 Btu/h Cooling Capacity	Outdoor Conditions: 95°F db/75°F wb	10.5 EER	9.7 IPLV	CTI-201-1986
Water Source Heat Pump Cooling Ratings	≤65,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water[·]	9.3 EER 85°F ewt ²	10.2 EER 75°F ewt ²	ARI-320-1986
	>65,000 and ≤135,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water[·]	10.5 EER 85°F ewt ²	NA	CTI-201-1986
Ground Water Heat Pump Cooling Ratings	<135,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water[·]	11.0 EER 70°F ewt ²	11.5 EER 50°F ewt ²	ARI-325-1985
Water Cooled Unitary Air Conditioners Cooling Ratings	≤65,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water[·]	9.3 EER 85°F ewt ²	8.3 IPLV 75°F ewt ²	ARI-210/240-1989
	>65,000 and ≤135,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water[·]	10.5 EER 85°F ewt ²	NA	CTI-201-1986
Water/Evap Cooled Air Cond. and Heat Pumps Cooling Ratings	>135,000 Btu/h Cooling Capacity	Standard Conditions ¹ :	9.6 EER	9.0 IPLV	ARI-360-1986 CTI-201-1986
Air and Water/Evap Cooled Condensing Units Cooling Ratings ³	>135,000 Btu/h Cooling Capacity	Air Cooled	9.9 EER	11.0 IPLV	ARI-365-1987
		Water/Evap Cooled	12.9 EER	12.9 IPLV	CTI-201-1986
Air and Water Cooled Water Chilling Packages Cooling Ratings	<150 Tons	Water Cooled	3.8 COP	3.9 IPLV	ARI-550-90 ARI-590-86pN CTI-201-1986
	≥150 and <300 Tons		4.2 COP	4.5 IPLV	
	≥300 Tons		5.2 COP ⁴	5.3 IPLV ⁴	
	<150 Tons	Air Cooled with Condenser	2.7 COP	2.8 IPLV	
	≥150 Tons	Air Cooled with Condenser	2.5 COP	2.5 IPLV	
	All Capacities	Air Cooled Condenserless	3.1 COP	3.2 IPLV	
Water & Ground Water Source Heat Pumps Heating Ratings	<135,000 Btu/h Cooling Capacity	Water Source Standard Conditions ¹ :	3.8 COP 70°F ewt ²	NA NA	ARI-320-1986
		Ground Water Source Standard Conditions ¹ :	3.4 COP 70°F ewt ²	3.0 COP 50°F ewt ²	ARI-325-1985

1. Standard Indoor Conditions: 80°F dry bulb and 67°F wet bulb.
2. ewt: Entering Water Temperature for water cooled heat pumps and air conditioners.
3. Condensing unit requirements are based on single number rating defined in paragraph 5.1.3.2 of ARI Standard 365.
4. These requirements are reduced to 4.7 COP and 4.8 IPLV, where refrigerants with ozone depletion factors of 0.05 or less are used. No reduction is allowed for standard design systems analyzed under RS-29.)

((TABLE 14-3

**Standard Rating Conditions and Minimum Performance,
Gas and Oil Fired Boilers**

Reference	Category	Rating Condition	Minimum Performance
DOE Test Procedure 10 CFR, Part 430 AppN	Gas Fired <300,000 Btu/h	Seasonal Rating	AFUE 80% ^{1,3}
	Oil Fired <300,000 Btu/h	Seasonal Rating	AFUE 80% ¹

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Reference	Category	Rating Condition	Minimum Performance
ANSI Z21.13-87 H.I. Htg. Boiler Std. 86 ASME PTC4.1-64 U.L. 795-73	Gas-Fired ≥300,000 Btu/h	1. Max. Rated Capacity ² Steady State	E _c ⁴ 80%
		2. Min. Rated Capacity ² Steady State	E _c ⁴ 80%
U.L. 726-75 H.I. Htg. Boiler Std. 86 ASME PTC4.1-64	Oil-Fired ≥300,000 Btu/h	1. Max. Rated Capacity ² Steady State	E _c ⁴ 83%
		2. Min. Rated Capacity ² Steady State	E _c ⁴ 83%
H.I. Htg. Boiler Std. 86 ASME PTC4.1-64	Oil-Fired (Residual) ≥300,000 Btu/h	1. Max. Rated Capacity ² Steady State	E _c ⁴ 83%
		2. Min. Rated Capacity ² Steady State	E _c ⁴ 83%

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1. To be consistent with National Appliance Energy Conservation Act of 1987 (P.L. 100-12).
2. Provided and allowed by the controls.
3. Except for gas-fired steam boilers for which minimum AFUE is 75%.
4. E_c = combustion efficiency, 100% - flue losses. See reference document for detailed information.)

Table 14-1A
Unitary Air Conditioners and Condensing Units, Electrically Operated, Minimum Efficiency Requirements

Equipment Type	Size Category	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^a
Air Conditioners, Air Cooled	< 65,000 Btu/h ^d	Split System	10.0 SEER	ARI 210/240
		Single Package	9.7 SEER	
	≥65,000 Btu/h and < 135,000 Btu/h	Split System and Single Package	10.3 EER ^c	ARI 340/360
	≥135,000 Btu/h and < 240,000 Btu/h	Split System and Single Package	9.7 EER ^c	
	≥ 240,000 Btu/h and < 760,000 Btu/h	Split System and Single Package	9.5 EER ^c 9.7 IPLV ^c	
Air Conditioners, Water and Evaporatively Cooled	< 65,000 Btu/h	Split System and Single Package	12.1 EER	ARI 210/240
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split System and Single Package	11.5 EER ^c	ARI 340/360
	≥135,000 Btu/h and ≤240,000 Btu/h	Split System and Single Package	11.0 EER ^c	
	> 240,000 Btu/h	Split System and Single Package	11.0 EER ^c 10.3 IPLV ^c	
Condensing Units, Air Cooled	≥135,000 Btu/h		10.1 EER 11.2 IPLV	ARI 365
Condensing Units, Water or Evaporatively Cooled	≥135,000 Btu/h		13.1 EER 13.1 IPLV	

^a Reserved.
^b IPLVs are only applicable to equipment with capacity modulation.
^c Deduct 0.2 from the required EERs and IPLVs for units with a heating section other than electric resistance heat.
^d Single-phase air-cooled air-conditioners < 65,000 Btu/h are regulated by NAECA. SEER values are those set by NAECA.

Table 14-1B
Unitary and Applied Heat Pumps, Electrically Operated, Minimum Efficiency Requirements

<u>Equipment Type</u>	<u>Size Category</u>	<u>Sub-Category or Rating Condition</u>	<u>Minimum Efficiency^b</u>	<u>Test Procedure^a</u>
<u>Air Cooled, (Cooling Mode)</u>	<u>< 65,000 Btu/h^d</u>	<u>Split System</u>	<u>10.0 SEER</u>	<u>ARI 210/240</u>
		<u>Single Package</u>	<u>9.7 SEER</u>	
	<u>≥65,000 Btu/h and < 135,000 Btu/h</u>	<u>Split System and Single Package</u>	<u>10.1 EER^c</u>	<u>ARI 340/360</u>
		<u>≥135,000 Btu/h and <240,000 Btu/h</u>	<u>Split System and Single Package</u>	
<u>≥240,000 Btu/h</u>	<u>Split System and Single Package</u>	<u>9.0 EER^c</u> <u>9.2 IPLV^c</u>		
<u>Water-Source (Cooling Mode)</u>	<u>< 17,000 Btu/h</u>	<u>86°F Entering Water</u>	<u>11.2 EER</u>	
	<u>≥ 17,000 Btu/h and <65,000 Btu/h</u>	<u>86°F Entering Water</u>	<u>12.0 EER</u>	<u>ARI/ISO-13256-1</u>
	<u>≥65,000 Btu/h and < 135,000 Btu/h</u>	<u>86°F Entering Water</u>	<u>12.0 EER</u>	<u>ARI/ISO-13256-1</u>
<u>Groundwater-Source (Cooling Mode)</u>	<u>< 135,000 Btu/h</u>	<u>59°F Entering Water</u>	<u>16.2 EER</u>	<u>ARI/ISO-13256-1</u>
<u>Ground Source (Cooling Mode)</u>	<u>< 135,000 Btu/h</u>	<u>77°F Entering Water</u>	<u>13.4 EER</u>	<u>ARI/ISO-13256-1</u>
<u>Air Cooled (Heating Mode)</u>	<u>< 65,000 Btu/h^d (Cooling Capacity)</u>	<u>Split System</u>	<u>6.8 HSPF</u>	<u>ARI 210/240</u>
		<u>Single Package</u>	<u>6.6 HSPF</u>	
	<u>≥65,000 Btu/h and < 135,000 Btu/h (Cooling Capacity)</u>	<u>47°F db/43°F wb Outdoor Air</u>	<u>3.2 COP</u> <u>2.2 COP</u>	<u>ARI 340/360</u>
		<u>17°F db/15°F wb Outdoor Air</u>		
<u>≥135,000 Btu/h (Cooling Capacity)</u>	<u>47°F db/43°F wb Outdoor Air</u>	<u>3.1 COP</u> <u>2.0 COP</u>		
	<u>17°F db/15°F wb Outdoor Air</u>			
<u>Water-Source (Heating Mode)</u>	<u>< 135,000 Btu/h (Cooling Capacity)</u>	<u>68°F Entering Water</u>	<u>4.2 COP</u>	<u>ARI/ISO-13256-1</u>
<u>Groundwater-Source (Heating Mode)</u>	<u>< 135,000 Btu/h (Cooling Capacity)</u>	<u>50°F Entering Water</u>	<u>3.6 COP</u>	<u>ARI/ISO-13256-1</u>
<u>Ground Source (Heating Mode)</u>	<u>< 135,000 Btu/h (Cooling Capacity)</u>	<u>32°F Entering Water</u>	<u>3.1 COP</u>	<u>ARI/ISO-13256-1</u>

^a Reserved.
^b IPLVs and part load rating conditions are only applicable to equipment with capacity modulation.
^c Deduct 0.2 from the required EERs and IPLVs for units with a heating section other than electric resistance heat.
^d Single-phase air-cooled heat pumps < 65,000 Btu/h are regulated by NAECA. SEER and HSPF values are those set by NAECA.

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Table 14-1C
Water Chilling Packages, Minimum Efficiency Requirements

<u>Equipment Type</u>	<u>Size Category</u>	<u>Sub-Category or Rating Condition</u>	<u>Minimum Efficiency^b</u>	<u>Test Procedure^a</u>
<u>Air Cooled, With Condenser, Electrically Operated</u>	<u>All Capacities</u>		<u>2.80 COP</u> <u>3.05 IPLV</u>	<u>ARI 550/590</u>
<u>Air Cooled, Without Condenser, Electrically Operated</u>	<u>All Capacities</u>		<u>3.10 COP</u> <u>3.45 IPLV</u>	
<u>Water Cooled, Electrically Operated, Positive Displacement (Reciprocating)</u>	<u>All Capacities</u>		<u>4.20 COP</u> <u>5.05 IPLV</u>	<u>ARI 550/590</u>
<u>Water Cooled, Electrically Operated, Positive Displacement (Rotary Screw and Scroll)</u>	<u>< 150 Tons</u>		<u>4.45 COP</u> <u>5.20 IPLV</u>	<u>ARI 550/590</u>
	<u>≥150 Tons and < 300 Tons</u>		<u>4.90 COP</u> <u>5.60 IPLV</u>	
	<u>≥300 Tons</u>		<u>5.50 COP</u> <u>6.15 IPLV</u>	
<u>Water Cooled, Electrically Operated, Centrifugal</u>	<u>< 150 Tons</u>		<u>5.00 COP</u> <u>5.25 IPLV</u>	<u>ARI 550/590</u>
	<u>≥150 Tons and < 300 Tons</u>		<u>5.55 COP</u> <u>5.90 IPLV</u>	
	<u>≥300 Tons</u>		<u>6.10 COP</u> <u>6.40 IPLV</u>	
<u>Air Cooled Absorption Single Effect</u>	<u>All Capacities</u>		<u>0.60 COP</u>	<u>ARI 560</u>
<u>Water Cooled Absorption Single Effect</u>	<u>All Capacities</u>		<u>0.70 COP</u>	
<u>Absorption Double Effect, Indirect-Fired</u>	<u>All Capacities</u>		<u>1.00 COP</u> <u>1.05 IPLV</u>	
<u>Absorption Double Effect, Direct-Fired</u>	<u>All Capacities</u>		<u>1.00 COP</u> <u>1.00 IPLV</u>	

^a Reserved.

^b The chiller equipment requirements do not apply for chillers used in low temperature applications where the design leaving fluid temperature is less than or equal to 40°F.

Table 14-1D
Packaged Terminal Air Conditioners, Packaged Terminal Heat Pumps, Room Air Conditioners, and Room Air Conditioner Heat Pumps, Electrically Operated, Minimum Efficiency Requirements

<u>Equipment Type</u>	<u>Size Category (Input)</u>	<u>Sub-Category or Rating Condition</u>	<u>Minimum Efficiency^b</u>	<u>Test Procedure^a</u>
<u>PTAC (Cooling Mode) New Construction</u>	<u>All Capacities</u>	<u>95°F db Outdoor Air</u>	<u>12.5 - (0.213 x Cap/1000)^b EER</u>	<u>ARI 310/380</u>
<u>PTAC (Cooling Mode) Replacements^c</u>	<u>All Capacities</u>	<u>95°F db Outdoor Air</u>	<u>10.9 - (0.213 x Cap/1000)^b EER</u>	
<u>PTHP (Cooling Mode) New Construction</u>	<u>All Capacities</u>	<u>95°F db Outdoor Air</u>	<u>12.3 - (0.213 x Cap/1000)^b EER</u>	
<u>PTHP (Cooling Mode) Replacements^c</u>	<u>All Capacities</u>	<u>95°F db Outdoor Air</u>	<u>10.8 - (0.213 x Cap/1000)^b EER</u>	

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<u>PTHP (Heating Mode) New Construction</u>	<u>All Capacities</u>		<u>3.2 - (0.026 x Cap/1000)^b COP</u>	<u>ANSI/AHA M RAC-1</u>
<u>PTHP (Heating Mode) Replacements^e</u>	<u>All Capacities</u>		<u>2.9 - (0.026 x Cap/1000)^b COP</u>	
<u>Room Air Conditioners, with Louvered Sides</u>	<u>< 6,000 Btu/h</u>		<u>9.7 EER</u>	
	<u>≥6,000 Btu/h and < 8,000 Btu/h</u>		<u>9.7 EER</u>	
	<u>≥ 8,000 Btu/h and < 14,000 Btu/h</u>		<u>9.8 EER</u>	
	<u>≥14,000 Btu/h and < 20,000 Btu/h</u>		<u>9.7 EER</u>	
	<u>≥20,000 Btu/h</u>		<u>8.5 EER</u>	
<u>Room Air Conditioners, without Lou- vered Sides</u>	<u>< 8,000 Btu/h</u>		<u>9.0 EER</u>	
	<u>≥8,000 Btu/h and < 20,000 Btu/h</u>		<u>8.5 EER</u>	
	<u>≥20,000 Btu/h</u>		<u>8.5 EER</u>	
<u>Room Air Conditioner Heat Pumps with Louvered Sides</u>	<u>< 20,000 Btu/h</u>		<u>9.0 EER</u>	
	<u>≥ 20,000 Btu/h</u>		<u>8.5 EER</u>	
<u>Room Air Conditioner Heat Pumps without Louvered Sides</u>	<u>< 14,000 Btu/h</u>		<u>8.5 EER</u>	
	<u>≥ 14,000 Btu/h</u>		<u>8.0 EER</u>	
<u>Room Air Conditioner, Casement Only</u>	<u>All Capacities</u>		<u>8.7 EER</u>	
<u>Room Air Conditioner, Casement – Slider</u>	<u>All Capacities</u>		<u>9.5 EER</u>	

^a Reserved.

^b Cap means the rated cooling capacity of the product in Btu/h. If the unit's capacity is less than 7000 Btu/h, use 7000 Btu/h in the calculation. If the unit's capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculation.

^c Replacement units must be factory labeled as follows: "MANUFACTURED FOR REPLACEMENT APPLICATIONS ONLY; NOT TO BE INSTALLED IN NEW CONSTRUCTION PROJECTS." Replacement efficiencies apply only to units with existing sleeves less than 16-in. high and less than 42-in. wide.

^d Casement room air conditioners are not separate product classes under current minimum efficiency column.

^e New room air conditioner standards, covered by NAECA became effective October 1, 2000.

Table 14-1E

Warm Air Furnaces and Combination Warm Air Furnaces/Air-Conditioning Units, Warm Air Duct Furnaces and Unit Heaters, Minimum Efficiency Requirements

<u>Equipment Type</u>	<u>Size Category (Input)</u>	<u>Sub-Category or Rating Condition</u>	<u>Minimum Efficiency^b</u>	<u>Test Procedure^a</u>
<u>Warm Air Furnace, Gas-Fired</u>	<u>< 225,000 Btu/h (66 kW)</u>		<u>78% AFUE or 80% E_f^c</u>	<u>DOE 10 CFR Part 430 or ANSI Z21.47</u>
	<u>≥225,000 Btu/h (66 kW)</u>	<u>Maximum Capacity^c Minimum Capacity^c</u>	<u>80% E_f^f</u>	<u>ANSI Z21.47</u>
<u>Warm Air Furnace, Oil-Fired</u>	<u>< 225,000 Btu/h (66 kW)</u>		<u>78% AFUE or 80% E_f^c</u>	<u>DOE 10 CFR Part 430 or UL 727</u>

	<u>≥225,000 Btu/h (66 kW)</u>	<u>Maximum Capacity^b Minimum Capacity^b</u>	<u>81% E_t^a —</u>	<u>UL 727</u>
<u>Warm Air Duct Furnaces, Gas-Fired</u>	<u>All Capacities</u>	<u>Maximum Capacity^b Minimum Capacity^b</u>	<u>80% E_c^a —</u>	<u>ANSI Z83.9</u>
<u>Warm Air Unit Heaters, Gas-Fired</u>	<u>All Capacities</u>	<u>Maximum Capacity^b Minimum Capacity^b</u>	<u>80% E_c^a —</u>	<u>ANSI Z83.8</u>
<u>Warm Air Unit Heaters, Oil-Fired</u>	<u>All Capacities</u>	<u>Maximum Capacity^b Minimum Capacity^b</u>	<u>80% E_c^a —</u>	<u>UL 731</u>

^a Reserved.

^b Minimum and maximum ratings as provided for and allowed by the unit's controls.

^c Combination units not covered by NAECA (3-phase power or cooling capacity greater than or equal to 65,000 Btu/h [19 kW]) may comply with either rating.

^d E_t = Thermal efficiency. See test procedure for detailed discussion.

^e E_c = Combustion efficiency (100% less flue losses). See test procedure for detailed discussion.

^f E_c = Combustion efficiency. Units must also include an IID, have jacket losses not exceeding 0.75% of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

^g E_t = Thermal efficiency. Units must also include an IID, have jacket losses not exceeding 0.75% of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

**Table 14-1F
Boilers, Gas- and Oil-Fired, Minimum Efficiency Requirements**

<u>Equipment Type^f</u>	<u>Size Category</u>	<u>Sub-Category or Rating Condition</u>	<u>Minimum Effi- ciency^b</u>	<u>Test Procedure</u>
<u>Boilers, Gas-Fired</u>	<u>< 300,000 Btu/h</u>	<u>Hot Water</u>	<u>80% AFUE</u>	<u>DOE 10 CFR Part 430</u>
		<u>Steam</u>	<u>75% AFUE</u>	
	<u>≥300,000 Btu/h and ≤ 2,500,000 Btu/h</u>	<u>Maximum Capacity^b</u>	<u>75% E_t</u>	<u>H.I. Htg Boiler Std</u>
		<u>Hot Water</u>	<u>80% E_c</u>	
<u>Boilers, Oil-Fired</u>	<u>< 300,000 Btu/h</u>	<u>Hot Water</u>	<u>80% AFUE</u>	<u>DOE 10 CFR Part 430</u>
		<u>Steam</u>	<u>80% E_c</u>	
	<u>≥300,000 Btu/h and ≤ 2,500,000 Btu/h</u>	<u>Maximum Capacity^b</u>	<u>78% E_t</u>	<u>H.I. Htg Boiler Std</u>
		<u>Hot Water</u>	<u>83% E_c</u>	
<u>Oil-Fired (Residual)</u>	<u>≥300,000 Btu/h and ≤ 2,500,000 Btu/h</u>	<u>Maximum Capacity^b</u>	<u>78% E_t</u>	<u>H.I. Htg Boiler Std</u>
		<u>Hot Water</u>	<u>83% E_c</u>	
	<u>> 2,500,000 Btu/h^f</u>	<u>Steam</u>	<u>83% E_c</u>	

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- ^a Reserved.
- ^b Minimum and maximum ratings as provided for and allowed by the unit's controls.
- ^c E_c = Combustion efficiency (100% less flue losses). See reference document for detailed information.
- ^d E_t = Thermal efficiency. See reference document for detailed information.
- ^e Alternate test procedures used at the manufacturer's option are ASME PTC-4.1 for units over 5,000,000 Btu/h input, or ANSI Z21.13 for units greater than or equal to 300,000 Btu/h and less than or equal to 2,500,000 Btu/h input.
- ^f These requirements apply to boilers with rated input of 8,000,000 Btu/h or less that are not packaged boilers, and to all packaged boilers. Minimum efficiency requirements for boilers cover all capacities of packaged boilers.

**Table 14-1G
Performance Requirements for Heat Rejection Equipment**

Equipment Type	Total System Heat Rejection Capacity at Rated Conditions	Sub-Category or Rating Condition	Minimum Efficiency ^b	Test Procedure ^c
<u>Propeller or Axial Fan Cooling Towers</u>	All	95°F (35°C) Entering Water 85°F (29°C) Leaving Water 75°F (24°C) wb Outdoor Air	≥38.2 gpm/hp	CTI ATC-105 and CTI STD-201
<u>Centrifugal Fan Cooling Towers</u>	All	95°F (35°C) Entering Water 85°F (29°C) Leaving Water 75°F (24°C) wb Outdoor Air	≥ 20.0 gpm/hp	CTI ATC-105 and CTI STD-201
<u>Air Cooled Condensers</u>	All	125°F (52°C) Condensing Temperature R22 Test Fluid 190°F (88°C) Entering Gas Temperature 15°F (8°C) Subcooling 95°F (35°C) Entering Drybulb	≥176,000 Btu/h•hp	ARI 460

^a For purposes of this table, cooling tower performance is defined as the maximum flow rating of the tower divided by the fan nameplate rated motor power.

^b For purposes of this table air-cooled condenser performance is defined as the heat rejected from the refrigerant divided by the fan nameplate rated motor power.

^c Reserved.

TABLE 14-2 RESERVED

TABLE 14-3 RESERVED

**TABLE 14-4
Energy Efficient Electric Motors
Minimum Nominal Full-Load Efficiency**

Synchronous Speed (RPM)	Open Motors			Closed Motors		
	3,600	1,800	1,200	3,600	1,800	1,200
HP	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency
1.0	-	82.5	80.0	75.5	82.5	80.0
1.5	82.5	84.0	84.0	82.5	84.0	85.5
2.0	84.0	84.0	85.5	84.0	84.0	86.5
3.0	84.0	86.5	86.5	85.5	87.5	87.5
5.0	85.5	87.5	87.5	87.5	87.5	87.5
7.5	87.5	88.5	88.5	88.5	89.5	89.5

Synchronous Speed (RPM)	Open Motors			Closed Motors		
	3,600	1,800	1,200	3,600	1,800	1,200
HP	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency
10.0	88.5	89.5	90.2	89.5	89.5	89.5
15.0	89.5	91.0	90.2	90.2	91.0	90.2
20.0	90.2	91.0	91.0	90.2	91.0	90.2
25.0	91.0	91.7	91.7	91.0	92.4	91.7
30.0	91.0	92.4	92.4	91.0	92.4	91.7
40.0	91.7	93.0	93.0	91.7	93.0	93.0
50.0	92.4	93.0	93.0	92.4	93.0	93.0
60.0	93.0	93.6	93.6	93.0	93.6	93.6
75.0	93.0	94.1	93.6	93.0	94.1	93.6
100.0	93.0	94.1	94.1	93.6	94.5	94.1
125.0	93.6	94.5	94.1	94.5	94.5	94.1
150.0	93.6	95.0	94.5	94.5	95.0	95.0
200.0	94.5	95.0	94.5	95.0	95.0	95.0

TABLE 14-5
Duct Insulation

Duct Type	Duct Location	Insulation R-Value	Other Requirements
Supply, Return	Not within conditioned space: On exterior of building, on roof, in attic, in enclosed ceiling space, in walls, in garage, in crawl spaces	R-7	Approved weather proof barrier
Outside air intake	Within conditioned space	R-7	See Section 1414.2
Supply, Return, Outside air intake	Not within conditioned space: in concrete, in ground	R-5.3	
Supply with supply air temperature <55°F or >105°F	Within conditioned space	R-3.3	

Note: Requirements apply to the duct type listed, whether heated or mechanically cooled. Mechanically cooled ducts requiring insulation shall have a vapor retarder, with a perm rating not greater than 0.5 and all joints sealed.

TABLE 14-6
Minimum Pipe Insulation (inches)¹

Fluid Design Operating Temp. Range, °F	Insulation Conductivity		Nominal Pipe Diameter (in.)					
	Conductivity Range Btu • in. / (h • ft ² • °F)	Mean Rating Temp. °F	Runouts ² up to 2	1 and less	>1 to 2	>2 to 4	>4 to 6	>6
Heating systems (Steam, Steam Condensate[,] and Hot water)			Nominal Insulation Thickness					
Above 350	0.32-0.34	250	1.5	2.5	2.5	3.0	3.5	3.5
251-350	0.29-0.31	200	1.5	2.0	2.5	2.5	3.5	3.5
201-250	0.27-0.30	150	1.0	1.5	1.5	2.0	2.0	3.5
141-200	0.25-0.29	125	0.5	1.5	1.5	1.5	1.5	1.5
105-140	0.24-0.28	100	0.5	1.0	1.0	1.0	1.5	1.5
Domestic and Service Hot Water Systems								

PROPOSED

PROPOSED

Fluid Design Operating Temp. Range, °F	Insulation Conductivity		Nominal Pipe Diameter (in.)					
	Conductivity Range Btu • in. / (h • ft ² • °F)	Mean Rating Temp. °F	Runouts ² up to 2	1 and less	>1 to 2	>2 to 4	>4 to 6	>6
105 and Greater	0.24-0.28	100	0.5	1.0	1.0	1.5	1.5	1.5
Cooling Systems (Chilled Water, Brine[,] and Refrigerant)								
40-55	0.23-0.27	75	0.5	0.5	0.75	1.0	1.0	1.0
Below 40	0.23-0.27	75	1.0	1.0	1.5	1.5	1.5	1.5

1. Alternative Insulation Types. Insulation thicknesses in Table 14-6 are based on insulation with thermal conductivities within the range listed in Table 14-6 for each fluid operating temperature range, rated in accordance with ASTM C 335-84 at the mean temperature listed in the table. For insulation that has a conductivity outside the range shown in Table 14-6 for the applicable fluid operating temperature range at the mean rating temperature shown (when rounded to the nearest 0.01 Btu • in./ (h•ft²•°F)), the minimum thickness shall be determined in accordance with the following equation:

$$T = PR \left[\left(\frac{1+t}{PR} \right)^{K/k} - 1 \right]$$

Where

- T = Minimum insulation thickness for material with conductivity K, inches.
 - PR = Pipe actual outside radius, inches[.]
 - t = Insulation thickness from Table 14-6, inches
 - K = conductivity of alternate material at the mean rating temperature indicated in Table 14-6 for the applicable fluid temperature range, Btu • in. / (h•ft² • °F)
 - k = the lower value of the conductivity range listed in Table 14-6 for the applicable fluid temperature range, Btu • in. / (h • ft² • °F)
2. Runouts to individual terminal units not exceeding 12 ft. in length.

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

WSR 01-16-121
PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed July 31, 2001, 8:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-11-072.

Title of Rule: Amendment of chapter 51-04 WAC, Policies and procedures for consideration of statewide and local amendments to the state building code.

Purpose: To consider amendment to the process of reconsideration of code change and local government amendment proposals (WAC 51-04-040).

Statutory Authority for Adoption: RCW 19.27.035.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: The proposed rule amends the procedure for reconsideration of rules and amendments by the state Building Code Council.

Reasons Supporting Proposal: RCW 19.27.035.

Name of Agency Personnel Responsible for Drafting and Implementation: Tim Nogler, P.O. Box 48350, Olympia, WA 98504-8350, (360) 586-8999; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fis-

cal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Proposed rule provides specific guidance for the reconsideration process, including deadlines and optional dispositions. The proposed rule will provide clear notice of State Building Code Council procedure for the benefit of the interested public and the council members.

Proposal Changes the Following Existing Rules: The proposed rule adds specific language describing the procedure for reconsideration of building code amendment decisions.

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

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on September 14, 2001, at 9:00 a.m.; and at the Auburn City Hall, 25 West Main Street, Auburn, WA, on October 12, 2001, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Patti Thorn by September 1, 2001, at (360) 725-2966, TDD (360) 753-2200.

Submit Written Comments to: Jim Lewis, Chairman,
State Building Code Council, P.O. Box 48350, Olympia, WA
98504-8350, fax (360) 586-5880, by October 12, 2001.

Date of Intended Adoption: November 9, 2001.

July 13, 2001

Tim Nogler
for James M. Lewis
Council Chair

AMENDATORY SECTION (Amending WSR 90-02-108,
filed 1/3/90, effective 2/3/90)

WAC 51-04-040 Reconsideration. Any party proposing a statewide or local government amendment to the building code may, upon denial of the amendment by the council, file a petition for reconsideration (~~in accordance with RCW 34.05-470~~).

Within ten days of a building code council vote to deny a statewide or local government amendment, any party may file a petition for reconsideration, stating the specific justification for rule adoption or local amendment. The petition shall be filed with the State Building Code Council, P.O. Box 48300, Olympia, Washington 98504.

The council is deemed to have denied the petition for reconsideration if, within twenty days from the date the petition is filed, the council does not either:

(1) Dispose of the petition; or

(2) Serve the parties with a written notice specifying the date by which it will act on the petition.

Unless the petition is deemed denied, the petition shall be disposed of by the council with recommendations from the same committee or committees that considered the proposed rule or local amendment. The disposition shall be in the form of a written notice denying the petition, granting the petition and refileing the rule-making order or approving the local amendment, or granting the petition and setting the matter for further hearings.

WSR 01-16-122
PROPOSED RULES
BUILDING CODE COUNCIL

[Filed July 31, 2001, 8:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-11-071.

Title of Rule: Adoption of chapters 51-56 and 51-57 WAC, adoption and amendment of the 2000 Edition of the Uniform Plumbing Code and Plumbing Code Standards. Repeal of chapters 51-46 and 51-47 WAC, adoption and amendment of the 1997 Edition of the Uniform Plumbing Code and Plumbing Code Standards.

Purpose: To consider whether to adopt, or amend and adopt, the 2000 Edition of the Uniform Plumbing Code and Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials, and repeal the 1997 edition of these codes.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: The proposed rules include adoption of the 2000 Edition of the Uniform Plumbing Code and Standards, with amendments (including Appendixes A, Sizing the Water Supply System, and I, Installation Standards), and repeal of the 1997 edition. Amendments providing greater safety and flexibility than the published version including medical gas systems, venting of fixtures, storm drainage, cross connection control, plumbing materials, and existing state amendments carried forward to the 2000 edition.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, P.O. Box 48300, Olympia, WA 98504-8300, (360) 725-2964; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will adopt by reference and amend the 2000 Edition of the Uniform Plumbing Code and Uniform Plumbing Code Standards (UPC), published by the International Association of Plumbing and Mechanical Officials. The purpose is to replace the 1997 UPC (chapters 51-46 and 51-47 WAC), which will then be repealed, and assign the 1997 UPC new Washington Administrative Code (WAC) numbers, (chapters 51-56 and 51-57 WAC). The 2000 UPC will be amended to provide greater safety and flexibility than the published version for its application in Washington state.

Regulatory Review: In compliance with Executive Order 97-02, Regulatory Improvement, the following criteria for regulatory review will be considered at the time of final adoption of the rule.

1. **Need.** This rule is necessary to comply with the requirements of RCW 19.27.074. The council must regularly review updated versions of the Uniform Plumbing Code, and amend and adopt as deemed appropriate by the council. An updated, 2000 version of the Uniform Plumbing Code has been published. The purpose and objective of this review, as given in RCW 19.27.020, is to promote the health, safety and welfare of the occupants or users of buildings; to require minimum construction standards for the state of Washington; to permit the use of modern technical methods; to eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regulations; and to provide standards to make buildings accessible to and usable by physically disabled persons. The technical advisory groups appointed by the council have identified rules that are obsolete, duplicative or ambiguous, and have proposed amendments and revisions.

PROPOSED

2. Effectiveness and Efficiency. The mission of the council is to adopt building codes for uniform application throughout the state. In the course of the regular rule review, the council examined regulatory alternatives and new technologies. The council has identified where alternatives can be used effectively and efficiently. The council efficiently achieves uniform state building codes by serving as the central administrative agency for statewide adoption of building codes.

3. Clarity. To enhance clarity, only those subsections with a state amendment will be filed under the main section number. The balance of the main section will remain as written in the national uniform code, as adopted by reference, unless otherwise noted.

4. Intent and Statutory Authority. The proposed rule is consistent with the legislative intent of the statute chapter 19.27 RCW. The statute gives the council sufficient authority to maintain the state building code, and to amend and adopt new editions of the Uniform Plumbing Code. The Uniform Plumbing Code is published every three years.

5. Coordination. The council rule-making process includes participation by national, state, and local building, fire, mechanical and plumbing officials, as well as state agency representatives for the departments of social and health services, health, labor and industries, and the state fire marshal. The council actively seeks participation from other state agencies to assure that duplication and inconsistency is eliminated.

6. Cost. The council appointed technical advisory groups and an Economic and Regulatory Assessment Committee to examine the costs and benefits associated with the revisions to the building codes.

7. Fairness. The state amendments to the Uniform Plumbing Code proposed by the council are intended to mitigate disproportionate impact on the regulated community. The council is made up of representatives from the regulated community, as well as public and regulatory officials. In addition, the council enlisted the assistance of technical advisory groups, made up of the individuals, organizations and businesses impacted by the building codes, to review code changes and proposals.

Proposal Changes the Following Existing Rules: The proposal will replace the 1997 UPC with the updated 2000 UPC which contains national changes made to the code. Proposed amendments provide for specific application of the code in Washington state. The amendments added to the 2000 UPC are as follows:

Chapter 51-56 WAC:

1. Sections 001, 002, 007, 008: These sections maintain existing statewide amendments, correcting section references and dates.

2. Section 003: This change updates the adopting language, allows conformance with chapter 19.27 RCW and maintains the intent of that law. This section mandates that Chapters 11 and 12 are not adopted. It also mandates that the portions of the code addressing venting and combustion air of fuel fired appliances and those portions addressing building sewers not be adopted.

3. Section 101.4.1.4: Maintain existing state amendment, correcting section references. This section is not adopted. This requirement is in direct conflict with chapter 19.27 RCW, which sets specific code precedent.

4. Section 102.4: Add a subsection outlining an appeal process. The Plumbing Code does not currently contain an appeals process. This amendment brings the code into conformance with the other model codes.

5. Section 103.1.3: Maintain existing state amendment.

6. Section 205: Revise the definition of Certified Backflow Assembly Tester for consistency with Department of Health regulations.

7. Section 208: Revise the definition of Flammable Vapor or Fumes for consistency with the Fire Code.

8. Section 218: Maintain existing state amendment.

9. Section 301.1.1: Maintain existing state amendment.

10. Section 301.1.3: Maintain existing state amendment.

11. Section 311.4: Maintain existing state amendment, correcting section references. This section is also amended to include a reference allowing the use of horizontal wet venting per Appendix L.

12. Section 313.6: Maintain existing state amendment, correcting section references.

13. Section 313.7: Maintain existing language.

14. Section 316.1.6: Maintain existing state amendment.

15. Section 402: Maintain existing state amendment, with updated references.

16. Section 412.2: Maintain existing state amendment.

17. Section 413.0: Maintain existing state amendment.

18. Section 501.0: This section is modified to maintain existing state amendment language.

19. Section 502: This section is amended to delete definitions for which the Mechanical Code takes precedence.

20. Section 505.0: Maintain existing state amendments. The Washington State Department of Labor and Industries has jurisdiction over hot water boilers.

21. Section 506.2: Remove reference to hot water boilers. The Washington State Department of Labor and Industries has jurisdiction over hot water boilers.

22. Section 507: Maintain current state amendment. The Mechanical Code takes precedence over combustion air issues.

23. Section 509.0: Maintain existing state amendment.

24. Sections 512 through 525: Maintain existing state amendment. These sections cover the venting requirements for water heaters. The Mechanical Code takes precedence over these sections and therefore they are being deleted.

25. Section 603.0: This amendment maintains the existing language and adds a reference to Washington State Department of Health requirements for backflow devices and assemblies.

26. Section 603.3.3: This amendment is proposed to clarify existing requirements for annual testing of backflow assemblies. This change could be perceived to add enforce-

ment cost if the requirements of this section have not been previously carried out.

27. **Section 603.4.6.1:** Carries forward the existing state amendment and allows for a spill proof pressure vacuum breaker if approved by the local authority.

28. **Section 603.4.13:** Retain the existing language in the 1997 UPC.

29. **Section 603.4.18.1:** This amendment specifies the type of residential sprinkler system exempted under this section.

30. **Section 604.1:** This section has been amended to clarify the allowable use of PEX.

31. **Section 604.13:** Maintain the current state amendment.

32. **Section 608.5:** Maintain the current state amendment.

33. **Section 610.4:** This change maintains an existing statewide amendment and corrects section references.

34. **Section 701.1.2:** This change corrects section references due to another proposal to move Chapter 15 to Appendix M.

35. **Section 704.3:** Maintain the current state amendment. This change eliminates conflict with Washington State Department of Health requirements.

36. **Section 710.3:** Maintain the current state amendment.

37. **Part II - Building Sewers, Sections 713 - 723 and associated Tables:** Maintain current state amendment. The Washington State Department of Health has jurisdiction over building sewer requirements.

38. **Section 810.4:** Maintain current state amendment. The term "beehive" was felt to be proprietary.

39. **Section 903.1.2:** This change corrects section references due to another proposal to move Chapter 15 to Appendix M.

40. **Section 1302:** This change maintains an existing state amendment.

41. **Sections 1309 through 1315:** These changes maintain existing state amendments and provide updated section references.

42. **Chapter 14:** Delete the term "Mandatory" from the reference standards.

43. **Chapter 15:** This proposal would move the existing Chapter 15, Firestop Protection for DWV and Stormwater Applications, to Appendix M, and substitute the current Appendix M, Storm Drainage (UPC Chapter 11), for Chapter 15.

44. **Appendix M:** See 43, above.

Chapter 51-47 WAC:

Sections 51-47-001, 51-47-002, 51-47-003, 51-47-007 and 51-47-008: These sections maintain existing statewide amendments correcting section references and dates. Adoption of Appendix A is included to allow more flexibility in designing water supply systems.

IS 7-90 Section 604.1 and IS 8-95 Section 604.1. This proposal would allow PVC to terminate inside a building.

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

Small Business Economic Impact Statement

The State Building Code Council is proposing to adopt amendments to chapter 51-56 WAC, the 2000 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials. The council appoints Technical Advisory Groups (TAGs) to conduct a comprehensive review of proposed code amendments. The participants on the Plumbing Code TAG represent building trades (plumbers), building officials, model code organizations, homebuilders, mechanical contractors, and state agencies. The Economic and Regulatory Assessment Committee consists of council members as specified in SBCC by-laws.

Proposed amendments to WAC 51-56-1500 Storm drainage, have been identified by the TAG and the Economic Committee as having a potential cost impact on businesses required to comply with the rule.

Section 1500 Storm drainage is currently adopted as an appendix chapter, where the local authority having jurisdiction has the option to enforce the requirements. The proposed rule adopts the section for enforcement statewide. The appendix chapter is currently used as a design guide, and design requirements for roof drainage are standard practice. Rainfall rates are given in ranges, with local conditions to be determined by the authority having jurisdiction. Other requirements include place of drainage disposal, left open to the authority having jurisdiction; acceptable materials for rainwater piping; and subsoil drains, with local option to require an electric sump. Further analysis is necessary to determine added costs of compliance with this section.

A copy of the statement may be obtained by writing to Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, phone (360) 725-2964, fax (360) 586-9383.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on September 14, 2001, at 9:00 a.m.; and at the Auburn City Hall, 25 West Main Street, Auburn, WA, on October 12, 2001, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Patti Thorn by September 1, 2000 [2001], at (360) 753-2200, or (360) 725-2966.

Submit Written Comments to: Jim Lewis, Chairman, State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, fax (360) 586-9383, by October 12, 2001.

Date of Intended Adoption: November 9, 2001.

July 13, 2001

Tim Nogler

for James M. Lewis

Council Chair

Chapter 51-56 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE 2000 EDITION OF THE UNIFORM PLUMBING CODE

NEW SECTION

WAC 51-56-001 Authority. These rules are adopted under the authority of chapter 19.27 RCW.

NEW SECTION

WAC 51-56-002 Purpose. The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the state building code council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining the codes, the council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the council.

NEW SECTION

WAC 51-56-003 Uniform plumbing code. The 2000 edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference with the following additions, deletions and exceptions: Provided that Chapters 11 and 12 of this code are not adopted. Provided further, that those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in Chapter 5 and those portions of the code addressing building sewers are not adopted.

NEW SECTION

WAC 51-56-007 Exceptions. The exceptions and amendments to the uniform codes contained in the provisions of chapter 19.27 RCW shall apply in cases of conflict with any of the provisions of these rules.

NEW SECTION

WAC 51-56-008 Implementation. The Uniform Plumbing Code adopted by chapter 51-56 WAC shall become effective in all counties and cities of this state on July 1, 2002, unless local government residential amendments have been approved by the state building code council.

NEW SECTION**WAC 51-56-0100 Chapter 1—Administration.**

101.4.1.4 Conflict Between Codes. Delete paragraph.

102.4 Appeals. All persons shall have the right to appeal a decision of the administrative authority. The jurisdiction shall have a board of appeals to hear and rule on Plumbing Code appeals. Members of the board shall be appointed by

the jurisdiction. Decisions by the board shall be reported to the jurisdiction and administered by the administrative authority.

103.1.3 Certification. State rules and regulations concerning certification shall apply.

NEW SECTION**WAC 51-56-0200 Chapter 2—Definitions.**

205.0 Certified Backflow Assembly Tester - A person certified by the Washington state department of health under chapter 246-292 WAC to inspect (for correct installation and approval status) and test (for proper operation) approved backflow assemblies.

208.0 Flammable Vapor or Fumes is the concentration of flammable constituents in air that exceeds 10 percent of its lower flammability limit (LFL).

218.0 Plumbing System - Includes all potable water building supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipe(s), and all building drains including their respective joints and connection, devices, receptors, and appurtenances within the property lines of the premises and shall include potable water piping, potable water treating or using equipment, medical gas and medical vacuum systems, and water heaters: Provided, That no certification shall be required for the installation of a plumbing system within the property lines and outside a building.

NEW SECTION**WAC 51-56-0300 Chapter 3—General regulations.**

301.1.1 Approvals. Unless otherwise provided for in this code, all materials, fixtures or devices used or entering into the construction of plumbing systems, or parts thereof, shall be submitted to the administrative authority for approval and shall conform to approved nationally recognized standards, and shall be free from defects. All pipe, fittings, traps, fixtures, material and devices used in a plumbing system shall be listed or labeled by a listing agency or shall be approved by the administrative authority.

301.1.3 Standards. Standards listed or referred to in this chapter and Table 14-1 cover materials that conform to the requirements of this code, when used in accordance with the limitations imposed in this or other chapters thereof and their listing. Where a standard covers materials of various grades, weights, quality, or configurations, there may be only a portion of the listed standard which is applicable. Design and materials for special conditions or materials not provided for herein are allowed to be used only by special permission of the administrative authority after the administrative authority has been satisfied as to their adequacy in accordance with Section 301.2.

311.4 Except as hereinafter provided in Sections 908.0, 909.0, 910.0, and Appendix L, Section L 6.0, no vent pipe

shall be used as a soil or waste pipe, nor shall any soil or waste pipe be used as a vent.

313.6 No water, soil, or waste pipe shall be installed or permitted outside of a building or in an exterior wall unless, where necessary, adequate provision is made to protect such pipe from freezing. All hot and cold water pipes installed outside the conditioned space shall be insulated to a minimum R-3.

313.7 All pipe penetrating floor/ceiling assemblies and fire-resistance rated walls or partitions shall be protected in accordance with the requirements of the building code.

316.1.6 Solvent Cement Plastic Pipe Joints. Plastic pipe and fittings designed to be joined by solvent cementing shall comply with this code and the manufacturer's installation instructions.

ABS pipe and fittings shall be cleaned and then joined with listed solvent cement(s).

CPVC and PVC pipe and fittings shall be cleaned and joined with listed primer(s) and solvent cement(s).

NEW SECTION

WAC 51-56-0400 Chapter 4—Plumbing fixtures and fixture fittings.

402.0 Water-Conserving Fixtures and Fittings.

402.1 The purpose of this section shall be to implement water conservation performance standards in accordance with RCW 19.27.170.

402.2 Application. This section shall apply to all new construction and all remodeling involving replacement of plumbing fixtures and fittings in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water. Plumbing fixtures, fittings and appurtenances shall conform to the standards specified in this section and shall be provided with an adequate supply of potable water to flush and keep the fixtures in a clean and sanitary condition without danger of backflow or cross-connection.

402.3 Water Efficiency Standards.

402.3.1 Standards for Vitreous China Plumbing Fixtures.

402.3.1.1 The following standards shall be adopted as plumbing materials, performance standards, and labeling standards for water closets and urinals. Water closets and urinals shall meet either the ANSI/ASME standards or the CSA standard.

ANSI/ASME A112.19.2M-1998	Vitreous China Plumbing Fixtures
ANSI/ASME A112.19.6-1995	Hydraulic Requirements for Water Closets and Urinals
CSA B45	CSA Standards on Plumbing Fixtures

402.3.1.2 The maximum water use allowed in gallons per flush (gpf) or liters per flush (lpf) for any of the following water closets shall be the following:

Tank-type toilets	1.6 gpf/6.0 lpf
Flushometer-valve toilets	1.6 gpf/6.0 lpf
Flushometer-tank toilets	1.6 gpf/6.0 lpf
Electromechanical hydraulic toilets	1.6 gpf/6.0 lpf

EXCEPTIONS:

1. Water closets located in day care centers, intended for use by young children may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
2. Water closets with bed pan washers may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
3. Blow out bowls, as defined in ANSI/ASME A112.19.2M, Section 5.1.2.3 may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.

402.3.1.3 The maximum water use allowed for any urinal shall be 1.0 gallons per flush or 3.78 liters per flush.

402.3.1.4 No urinal or water closet that operates on a continuous flow or continuous flush basis shall be permitted.

402.3.1.5 This section does not apply to fixtures installed before the effective date of this Section, that are removed and relocated to another room or area of the same building after the effective date of this Section.

402.3.2 Standards for Plumbing Fixture Fittings.

402.3.2.1 The following standards are adopted as plumbing material, performance requirements, and labeling standards for plumbing fixture fittings. Faucets, aerators, and shower heads shall meet either the ANSI/ASME standard or the CSA standard.

ANSI/ASME A112.18.1M-1996	Plumbing Fixture Fittings
CSA B125	Plumbing Fittings

402.3.2.2 The maximum water use allowed for any shower head is 2.5 gallons per minute or 9.5 liters per minute.

EXCEPTION: Emergency use showers shall be exempt from the maximum water usage rates.

402.3.2.3 The maximum water use allowed in gallons per minute (gpm) or liters per minute (lpm) for any of the following faucets and replacement aerators is the following:

Lavatory faucets	2.5 gpm/9.5 lpm
Kitchen faucets	2.5 gpm/9.5 lpm
Replacement aerators	2.5 gpm/9.5 lpm
Public lavatory faucets other than metering	0.5 gpm/1.9 lpm

402.4 Metering Valves. Lavatory faucets located in restrooms intended for use by the general public shall be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

EXCEPTIONS: 1. Where designed and installed for use by persons with a disability.

PROPOSED

2. Where installed in day care centers, for use primarily by children under 6 years of age.

402.5 Implementation.

402.5.1 The standards for water efficiency and labeling contained within Section 402.3 shall be in effect as of July 1, 1993, as provided in RCW 19.27.170 and amended July 1, 1998.

402.5.2 No individual, public or private corporation, firm, political subdivision, government agency, or other legal entity, may, for purposes of use in the state of Washington, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures or fittings unless the fixtures or fittings meet the standards as provided for in this Section.

Sections 402.6 through 402.9 are not adopted.

412.2 Location of Floor Drains. Floor drains shall be installed in the following areas:

412.2.1 Toilet rooms containing two (2) or more water closets or a combination of one (1) water closet and one (1) urinal, except in a dwelling unit. The floor shall slope toward the floor drains.

412.2.2 Laundry rooms in commercial buildings and common laundry facilities in multi-family dwelling buildings.

413.0 Minimum Number of Required Fixtures. For minimum number of plumbing fixtures required, see Building Code Chapter 29 and Table 29-A.

Sections 413.1 through 413.7 and Table 4-1 are not adopted.

NEW SECTION

WAC 51-56-0500 Chapter 5—Water heaters.

501.0 General. The regulations of this chapter shall govern the construction, location, and installation of fuel burning and other water heaters heating potable water. The minimum capacity for water heaters shall be in accordance with the first hour rating listed in Table 5-1. See the Mechanical Code for combustion air and installation of all vents and their connectors. All design, construction, and workmanship shall be in conformity with accepted engineering practices, manufacturer's installation instructions, and applicable standards and shall be of such character as to secure the results sought to be obtained by this Code. No water heater shall be hereinafter installed which does not comply in all respects with the type and model of each size thereof approved by the administrative authority. A list of accepted gas equipment standards is included in Table 14-1.

Water heaters used for space heating only are prohibited.

TABLE 5-1^{1,3}

Number of Bathrooms	1 to 1.5			2 to 2.5				3 to 3.5			
	1	2	3	2	3	4	5	3	4	5	6
Number of Bedrooms											
First Hour Rating ² , Gallons	42	54	54	54	67	67	80	67	80	80	80

Notes: ¹The first hour rating is found on the "Energy Guide" label.
²Nonstorage and solar water heaters shall be sized to meet the appropriate first hour rating as shown in the table.
³For replacement water heaters, see Section 101.4.1.1.1.

bear the label of an approved testing agency, certifying and attesting that such equipment has been tested and inspected and meets the requirements of applicable standards.

502.1 Chimney – Delete definition.

502.2 Chimney Connector – Delete definition.

502.5 Direct Vent Appliance – Delete definition.

502.7 Unusually Tight Construction – Delete definition.

502.8 Vent – Delete definition.

502.9 Vent Collar – Delete definition

502.10 Vent Connector – Delete definition.

502.11 Venting System – Delete definition.

502.12 Venting Systems-Types – Delete definition.

504.1 Inspection of Chimneys or Vents. Delete paragraph.

505.0 Gas-Fired Water Heater Approval Requirements.

505.1 Gas fired water heaters shall conform to approved recognized applicable standards or to other standards acceptable to the administrative authority. Each such water heater shall

505.2 Except when reconditioned by the manufacturer or the manufacturer's approved agent in accordance with its original approval requirements and reinstalled at its original location, each reconditioned water heater shall be tested for safety and conformity to approved standards, and shall bear the label of an approved testing agency certifying and attesting that such equipment has been tested and inspected and meets the requirements of applicable standards. Such label shall also state clearly that the water heater has been reconditioned, and shall give the name and address of the reconditioner. Every person applying for a permit to install a used or reconditioned water heater shall clearly state on the application for permit that such equipment is used or reconditioned.

505.3 Gas storage-type water heaters shall be provided with, in addition to the primary temperature controls, an over-temperature safety protection device constructed, listed, and installed in accordance with nationally recognized applicable standards for such devices and a combination temperature and pressure relief valve.

506.2 All storage-type water heaters deriving heat from fuels or types of energy other than gas, shall be provided with, in

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addition to the primary temperature controls, an over-temperature safety protection device constructed, listed, and installed in accordance with nationally recognized applicable standards for such devices and a combination temperature and pressure relief valve.

507.0 Combustion Air. For issues relating to combustion air, see the Mechanical Code.

Sections 507.1 through 507.5 are not adopted.

509.0 Prohibited Locations. Water heaters which depend on the combustion of fuel for heat shall not be installed in a room used or designed to be used for sleeping purposes, bathroom, clothes closets or in a closet or other confined space opening into a bath or bedroom.

EXCEPTIONS:

1. Direct vent water heaters.
2. Water heaters installed in a closet that has a weather-stripped solid door with an approved door closing device, and designed exclusively for the water heater and where all air for combustion and ventilation is supplied from the outdoors.
3. Water heaters of the automatic storage type installed as a replacement in a bathroom, when specifically approved, properly vented and supplied with adequate combustion air.

Where not prohibited by other regulations, water heaters may be located under a stairway or landing.

512.0 Venting of Water Heaters Delete entire section.

513.0 Limitations. Delete entire section.

514.0 Vent Connectors. Delete entire section.

515.0 Location and Support of Venting System. Delete entire section.

516.0 Length Pitch and Clearance. Delete entire section.

517.0 Vent Termination. Delete entire section.

518.0 Area of Venting System. Delete entire section.

519.0 Multiple Appliance Venting. Delete entire section.

520.0 Existing Venting System. Delete entire section.

521.0 Draft Hoods. Delete entire section.

522.0 Gas Venting into Existing Masonry Chimneys. Delete entire section.

523.0 Chimney Connectors. Delete entire section.

524.0 Mechanical Draft Systems. Delete entire section.

525.0 Venting Through Ventilating Hoods and Exhaust Systems. Delete entire section.

NEW SECTION

WAC 51-56-0600 Chapter 6—Water supply and distribution.

603.0 Cross-Connection Control. Cross-connection control shall be provided in accordance with the provisions of this chapter. Devices or assemblies for protection of the public

water system must be models approved by the department of health under WAC 246-290-490. The administrative authority shall coordinate with the local water purveyor where applicable in all matters concerning cross-connection control within the property lines of the premises.

No person shall install any water operated equipment or mechanism, or use any water treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device or assembly.

603.3.3 For devices and assemblies other than those regulated by the Washington department of health in conjunction with the local water purveyor for the protection of public water systems, the administrative authority shall ensure that the premise owner or responsible person shall have the backflow prevention assembly tested by a Washington state department of health certified backflow assembly tester:

- (1) At the time of installation, repair or relocation; and
- (2) At least on an annual schedule thereafter, unless more frequent testing is required by the administrative authority.

603.4.6.1 Potable water supplies to systems having no pumps or connections for pumping equipment, and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following devices:

- (1) Atmospheric vacuum breaker.
- (2) Pressure vacuum breaker.
- (3) Reduced pressure backflow preventer.
- (4) A double check valve may be allowed when approved by the water purveyor and the administrative authority.
- (5) A spill proof pressure vacuum breaker may be allowed when approved by the water purveyor and the administrative authority.

603.4.13 Potable Water Supply to Carbonators shall be protected by a listed reduced pressure principle backflow preventer as approved by the administrative authority for the specific use.

603.4.18.1 Except as provided under Sections 603.4.18.2 and 603.4.18.3, potable water supplies to fire protection systems that are normally under pressure, including but not limited to standpipes and automatic sprinkler systems, except in one or two family residential flow-through or combination sprinkler systems piped in materials approved for potable water distribution systems, shall be protected from back-pressure and back-siphonage by one of the following testable devices:

1. Double check valve assembly.
2. Double check detector assembly.
3. Reduced pressure backflow preventer.
4. Reduced pressure detector assembly.

Potable water supplies to fire protection systems that are not normally under pressure shall be protected from backflow and shall meet the requirements of the appropriate standard(s) referenced in Table 14-1.

604.1 Water distribution pipe, building supply water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel or other approved materials. Except as provided in Section 604.13, asbestos-cement, CPVC, PE, PVC, or PEX water pipe materials manufactured to recognized standards may be used for cold water distribution systems outside a building. CPVC, PEX water pipe, tubing, and fittings, manufactured to recognized standards may be used for hot and cold water distribution systems within a building. Other products not listed in this section are acceptable for their intended use, provided that such materials or distribution systems are listed and approved in accordance with nationally recognized standards. All materials used in the water supply system, except valves and similar devices shall be of like material, except where otherwise approved by the administrative authority.

604.13 Plastic water service piping may terminate within a building, provided the connection to the potable water distribution system shall be made as near as is practical to the point of entry and shall be accessible. Barbed insert fittings with hose clamps are prohibited as a transition fitting within the building.

608.5 Relief valves located inside a building shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard drawn copper piping and fittings, CPVC, or listed relief valve drain tube with fittings which will not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building with the end of the pipe not more than two (2) feet (610 mm) nor less than six (6) inches (152 mm) above the ground or the flood level of the area receiving the discharge and pointing downward. Such drains may terminate at other approved locations. No part of such drain pipe shall be trapped or subject to freezing. The terminal end of the drain pipe shall not be threaded.

EXCEPTION: Replacement water heating equipment shall only be required to provide a drain pointing downward from the relief valve to extend between two feet (610 mm) and six inches (152 mm) from the floor. No additional floor drain need be provided.

610.4 Systems within the range of Table 6-5 may be sized from that table or by the method set forth in Section 610.5.

Listed parallel water distribution systems shall be installed in accordance with their listing.

NEW SECTION

WAC 51-56-0700 Chapter 7—Sanitary drainage.

701.1.2 ABS and PVC DWV piping installations shall be installed in accordance with IS 5, IS 9, and Appendix M "Fir-estop Protection for DWV and Stormwater Application." Except for individual single family dwelling units, materials exposed within ducts or plenums shall have a flame-spread index of not more than 25 and a smoke developed index of not more than 50, when tested in accordance with the Test for Surface-Burning Characteristics of the Building Materials (See the Building Code standards based on ASTM E-84 and ANSI/UL 723).

704.3 Delete entire section.

710.3 The minimum size of any pump or any discharge pipe from a sump having a water closet connected thereto shall be not less than two (2) inches (52 mm).

Sections 710.3.1 through 710.3.3 are not adopted.

CHAPTER 7, PART II—BUILDING SEWERS

Part II Building Sewers. Delete all of Part II (Sections 713 through 723, and Tables 7-7 and 7-8).

NEW SECTION

WAC 51-56-0800 Chapter 8—Indirect wastes.

810.4 Strainers. Every indirect waste interceptor receiving discharge containing particles that would clog the receptor drain shall have a readily removable dome strainer.

NEW SECTION

WAC 51-56-0900 Chapter 9—Vents.

903.1.2 ABS and PVC DWV piping installations shall be installed in accordance with IS 5, IS 9, and Appendix M "Fir-estop Protection for DWV and Stormwater Application." Except for individual single family dwelling units, materials exposed within ducts or plenums shall have a flame-spread index of not more than 25 and a smoke developed index of not more than 50, when tested in accordance with the Test for Surface-Burning Characteristics of the Building Materials (see the Building Code standards based on ASTM E-84 and ANSI/UL 723).

NEW SECTION

WAC 51-56-1300 Chapter 13—Health care facilities and medical gas and vacuum systems.

1302 Medical Gas and Vacuum Piping Systems.

The installation of medical gas and vacuum piping systems shall be in accordance with the requirements of this chapter and/or the appropriate standards adopted by the administrative authority, for additional standards see Table 14-1. The administrative authority shall require evidence of the competency of the installers.

Part II Medical Gas and Vacuum Systems

1309.0 Scope.

1309.1 The provisions herein shall apply to the design, installation, testing, and verification of medical gas, medical vacuum systems, and related permanent equipment for safe use in patient care hospitals, clinics, and other health care facilities.

1309.2 The purpose of this chapter is to provide minimum requirements for the design, installation and verification of medical gas, medical vacuum systems, and related permanent equipment

1310.0 Definitions.

1310.1 Building Supply – The pipe from the source of supply to a building or structure.

1310.2 Critical Care Area – An area in a medical facility where special care is provided, including intensive care units, coronary care units, recovery rooms, and respiratory care units.

1310.3 Installer Performance Testing – Testing conducted by the installer or representative prior to system verification using oil-free, dry nitrogen as stated in Chapter 14.

1310.4 Manifold – A device for connecting outlets of one or more gas cylinders to the central piping system for that specific gas.

1310.5 Medical Air – Compressed air used in a medical facility.

1310.6 Medical Gas – Gases used in a medical facility, including oxygen, nitrous oxide, nitrogen, carbon dioxide, helium, medical air, and mixtures of these gases. Standards of purity apply.

1310.7 Medical Gas System – A system consisting of a central supply system (manifold, bulk, or compressors), including control equipment and piping extending to station outlets in the facility where medical gases may be required.

1310.8 Medical Vacuum System – A system consisting of central vacuum-producing equipment with vacuum switches and operating controls, shutoff valves, alarm warning systems, gauges, and a network of piping extending to and terminating with station inlets at locations where patient suction may be required. Includes surgical vacuum systems, waste anesthesia gas disposal (as scavenging systems), and bedside suction systems.

1310.9 Purge, Flow – The removal of oxygen from a system by oil-free dry nitrogen during brazing.

1310.10 Purge, System – The removal of nitrogen from a system with the medical gas required for that system.

1310.11 SCFM – Standard cubic feet per minute, the unit measure for a volume of gas at standard conditions (68 degrees F (20 degrees C) and 1 atmosphere of pressure).

1310.12 Special Hazard Area – An area, such as a kitchen or electrical switch gear room.

1310.13 Station Inlet – An inlet in a vacuum piping system at which the user makes connections and disconnections.

1310.14 Station Outlet – An outlet point in a medical gas piping system at which the user makes connections and disconnections.

1310.15 System Verification – Testing conducted by a qualified party other than the installer or material vendor after the installer performance testing and prior to the medical gas system being put into service.

1310.16 Use Point – A room or area within a room, where medical gases are dispensed to a patient for medical purposes.

1310.17 User Outlet – See station outlet.

1310.18 Valve, Isolation – A valve which isolates one piece of equipment from another.

1310.19 Valve, Riser – A valve at the base of a vertical riser, which isolates that riser.

1310.20 Valve, Service – A valve serving horizontal piping extending from a riser to a station outlet or inlet.

1310.21 Valve, Source – A single valve at the source which controls a number of units that make up the total source.

1310.22 Valve, Zone – A valve which controls the gas or vacuum to a particular area.

1311.3 The administrative authority shall require evidence of the competency of the installers.

1311.4 Delete paragraph.

1313.0 System Installation and Installer Performance Testing.

1313.1 Medical gas and medical vacuum systems shall be designed and installed in accordance with the requirements of this chapter and the installation requirements of this code, specifically Chapter 14 of this code.

1313.2 A report of completion of the installer performance testing which includes the specific items in Chapter 14 shall be furnished to the administrative authority prior to system verification.

1314.0 System Verification.

1314.1 Prior to any medical gas system being placed in service, each and every system shall be verified as described in Chapter 14. This verification shall be accomplished by an independent third party verification agency which is approved by the administrative authority.

1314.2 A report which includes at least the specific items in Chapter 14 shall be furnished to the administrative authority prior to final acceptance of the system.

Sections 1315 through 1331 are not adopted.

NEW SECTION

WAC 51-56-1400 Chapter 14—Referenced standards.

TABLE 14-1
Standards for Materials, Equipment, Joints and Connections

Where more than one standard has been listed for the same material or method, the relevant portions of all such standards shall apply.

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
AHAM DW-1-92	Household Electric Dishwashers	Appliances	
AHAM DW-2PR-86	Plumbing Requirements for Household Dishwashers	Appliances	
AHAM FWD-1-83	Food Waste Disposers	Appliances	
AHAM HLW-2 PR-86	Plumbing Requirements for Home Laundry Equipment Appliances		
ANSI A13.1-81(R93)	Scheme for the Identification of Piping Systems Piping		
ANSI A21.10-93	Ductile-Iron and Gray-Iron Fittings, 3 in. Through 48 in. (75 mm Through 1200 mm), for Water and Other Liquids (same as AWWA C110)	Piping, Ferrous	
ANSI A21.11-90	Rubber-Gasket Joints for Ductile-Iron Pressure Pipe and Fittings (same as AWWA C111)	Piping, Ferrous	
ANSI A21.51-91	Ductile-Iron Pipe, Centrifugally Cast, for Water (same as AWWA C151)	Piping, Ferrous	
ANSI A21.53-88	Ductile-Iron Compact Fittings, 3 in. Through 24 in. (76 mm Through 610 mm) and 54 in. Through 64 in. (1,400 mm Through 1,600 mm), for Water Service (same as AWWA C153)	Piping, Ferrous	
ANSI A40.3-93	Stainless steel	Piping, Ferrous	
ANSI A106.6-70	Vitrified Clay Pipe (now CSA A60.1M1976(C1992))	Piping, Nonmetallic	
ANSI A106.6-77	Silver brazing joints for wrought and cast bronze solder joint fittings	Joints	
ANSI A112.14.1-75 (R90)	Backwater Valves	Valves	
ANSI A112.19.5-79	Trim for Water-Closet Bowls, Tanks and Urinals	Fixtures	
ANSI A112.21.2M-83	Roof Drains	DWV Components	
ANSI A118.10-93	Load Bearing, Bonded, Waterproof Membranes for Thin-Set Ceramic Tile and Dimension Stone Installations	Fixtures	
ANSI B2.1-90	Pipe Threads (Except Dryseal) (replaced by ASME B1.20.1-98)	Joints	
ANSI B125.1-84	Steel pipe (galvanized)	Piping, Ferrous	
ANSI B125.2-72	Steel pipe (galvanized)	Piping, Ferrous	
ANSI Z21.10.1a-94	Gas Water Heaters - Volume I -Storage Water Heaters with Input Ratings of 75,000 BTU per Hour or Less (22 kW)	Appliances	
ANSI Z21.10.1b-92	Gas Water Heaters - Volume I -Storage Water Heaters with Input Ratings of 75,000 BTU per Hour or Less (22 kW)	Appliances	

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ANSI Z21.10.3-90	Gas Water Heaters - Volume III – Storage, with Input Ratings Above 75,000 Btu per Hour, Circulating and Instantaneous Water Heaters	Appliances	
ANSI Z21.10.3a-94	"	Appliances	
ANSI Z21.10.3b-92	"	Appliances	
ANSI Z21.12-90	Draft Hoods	Appliances	
ANSI Z21.13-91	Gas-Fired Low-Pressure Steam and Hot Water Boilers and Addenda	Appliances	
ANSI Z21.15-92	Manually Operated Gas Valves for Appliances, Appliance Connector Valves and Hose End Valves	Valves	
ANSI Z21.22a-90	Relief Valves and Automatic Gas Shutoff Devices for Hot Water Supply Systems	Valves	
ANSI Z21.24-93	Metal Connectors for Gas Appliances	Appliances	
ANSI Z21.41-89	Quick-Disconnect Devices for Use with Gas Fuel	Joints	
ANSI Z21.56-98	Gas Fired Pool Heaters	Swimming Pools and Spas	
ANSI Z21.69-1997•CSA 6.16-M97	Connectors for Moveable Gas Appliances	Appliances	
ANSI Z21.70-81	Earthquake Actuated Automatic Gas Shutoff Systems (withdrawn from ANSI June, 1992)	Valves	
ANSI Z21.80-1997•CSA 6.22-M97	Line Pressure Regulators	Fuel Gas	
ANSI Z21.81-1997•CSA 6.25-M97	Cylinder Connection Devices	Fuel Gas	
ANSI Z21.86•CSA 2.32-M98	Vented Gas-Fired Space Heating Appliances	Appliances	
ANSI Z34.1-93	Certification - Third Party Certification Programs for Products, Processes, and Services	Certification	
ANSI Z124.1-95	Plastic Bathtub Units	Fixtures	
ANSI Z124.2-95	Plastic Shower Receptors and Shower Stalls	Fixtures	
ANSI Z124.3-95	Plastic Lavatories	Fixtures	
ANSI Z124.4-96	Plastic Water Closet Bowls and Tanks	Fixtures	
ANSI Z124.5-97	Plastic Toilet (Water Closet) Seats	Fixtures	
ANSI Z124.6-97	Plastic Sinks	Fixtures	
ANSI Z124.7-97	Prefabricated Plastic Spa Shells	Fixtures	
ANSI Z124.8-90	Plastic Bathtub Liners	Fixtures	
ANSI Z124.9-94	Plastic Urinal Fixtures (Note 1)	Fixtures	
ANSI Z223.1-99	National Fuel Gas Code	Fuel Gas	
ARI 1010-84	Drinking-Fountains and Self-Contained, Mechanically-Refrigerated Drinking Water Coolers	Appliances	
ASHRAE 90.1-89	Energy Efficient Design of New Buildings Except Low-Rise Residential Buildings	Miscellaneous	
ASME A112.1.2-96	Air Gaps in Plumbing Systems	Piping	
ASME A112.3.1-93	Stainless Steel Drainage Systems for Sanitary Storm and Chemical Application, Above and Below Ground (Note 1)	Piping, Ferrous	X
ASME A112.4.1-93	Water Heater Relief Valve Drain Tubes	Appliances	

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Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ASME A112.6.1M-97	Floor-Affixed Supports for Off-the-Floor Plumbing Fixtures for Public Use	Fixtures	
ASME A112.18.1M-96	Plumbing Fixture Fittings	Valves	
ASME A112.18.6-99	Flexible Water Connectors	Piping	
ASME A112.18.3-96	Performance Requirements for Backflow Protection Devices and Systems in Plumbing Fixture Fittings (Note 8)	Valves	
ASME A112.19.1M-94	Enameled Cast Iron Plumbing Fixtures (Supplement 1-1998)	Fixtures	
ASME A112.19.2M-98	Vitreous China Plumbing Fixtures	Fixtures	
ASME A112.19.3M-87	Stainless Steel Plumbing Fixtures (Designed for Residential Use)	Fixtures	
ASME A112.19.4M-94	Porcelain Enameled Formed Steel Plumbing Fixtures (Supplement 1-1998)	Fixtures	
ASME A112.19.6-95	Hydraulic Performance Requirements for Water Closets and Urinals	Fixtures	
ASME A112.19.7M-95	Whirlpool Bathtub Appliances	Fixtures	
ASME A112.19.8M-87	Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Whirlpool Bathtub Appliances	Swimming Pools and Spas	
ASME A112.19.9M-91	Nonvitreous Ceramic Plumbing Fixtures	Fixtures	
ASME A112.21.1M-91	Floor Drains (Note 1)	DWV Components	
ASME A112.21.3M-85	Hydrants for Utility and Maintenance Use (Note 1)	Valves	
ASME A112.26.1M-84	Water Hammer Arresters	Piping	
ASME A112.36.2M-91	Cleanouts (Note 1)	DWV Components	
ASME B1.20.1-83 (R1992)	Pipe Threads, General Purpose (Inch)	Joints	
ASME B1.20.3-76 (R82/91/98)	Dryseal Pipe Threads, Inch	Joints	
ASME B16.1-89	Cast Iron Pipe Flanges and Flanged Fittings, Class 25, 125, 250, and 800	Piping, Ferrous	
ASME B16.3-92	Malleable-Iron Threaded Fittings	Piping, Ferrous	
ASME B16.4-92	Gray Iron Threaded Fittings (includes Revision Services)	Piping, Ferrous	
ASME B16.5-88	Pipe Flanges and Flanged Fittings	Joints	
ASME B16.12-91	Iron Threaded Drainage Fittings (Note 1)	Piping, Ferrous	
ASME B16.15-85 (R1994)	Cast Bronze Threaded Fittings, Classes 125 and 250	Piping, Copper Alloy	
ASME B16.18-84	Cast Copper Alloy Solder Joint Pressure Fittings (Note 1)	Piping, Copper Alloy	
ASME B16.21-92	Nonmetallic Flat Gaskets for Pipe Flanges	Joints	
ASME B16.22-95	Wrought Copper and Copper Alloy Solder-Joint Pressure Fittings Alloy	Piping, Copper	
ASME B16.23-92	Cast Copper Alloy Solder Joint Drainage Fittings - DWV Alloy	Piping, Copper	
ASME B16.24-91	Cast Copper Alloy Pipe Flanges and Flanged Fittings Alloy	Piping, Copper	

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ASME B16.26-88	Cast copper alloy fittings for flared copper tubes Alloy	Piping, Copper	
ASME B16.29-86	Wrought Copper and Wrought Copper Alloy Solder Joint Drainage Fittings-DWV Alloy (Note 1)	Piping, Copper	
ASME B16.32-92	Cast Copper Alloy Solder Joint Fittings for Solvent Drainage Systems Alloy	Piping, Copper	
ASME B16.33-90	Manually Operated Metallic Gas Valves for Use in Gas Piping Systems up to 125 psig.	Valves	
ASME B16.34-88	Valves – Flanged, Threaded and Welding End	Valves	
ASME B16.38-85	Large Metallic Valves for Gas Distribution (Manually Operated, NPS 2-1/2 to 12, 125 psig Maximum)	Valves	
ASME B16.39-86	Pipe Unions, Malleable Iron Threaded (Includes Revision (R1994) Services)	Piping, Ferrous	
ASME B16.47-90	Large Diameter Steel Flanges	Piping, Ferrous	
ASME B36.10M-85	Welded and Seamless Wrought Steel Pipe	Piping, Ferrous	
ASME Section IX	Welding and Brazing Procedures, Welders, Brazers, and Welding and Brazing Operators	Certification	
ASSE 1001-90	Pipe Applied Atmospheric-Type Vacuum Breakers	Backflow Protection	
ASSE 1002-86	Water Closet Flush Tank Ballcocks	Backflow Protection	
ASSE 1003-95	Water Pressure Reducing Valves for Domestic Water Supply Systems	Valves	
ASSE 1004-90	Backflow Prevention Requirements for Commercial Dishwashing Machines	Backflow Protection	
ASSE 1006-89	Residential Use Dishwashers	Appliances	
ASSE 1007-92	Home Laundry Equipment	Appliances	
ASSE 1008-89	Household Food Waste Disposer Units	Appliances	
ASSE 1009-90	Commercial Food Waste Grinder Units	Appliances	
ASSE 1010-98	Performance Requirements for Water Hammer Arrestors	Piping	
ASSE 1011-95	Hose-Connection Vacuum Breakers	Backflow Protection	
ASSE 1013-93	Reduced Pressure Principle Backflow Preventers	Backflow Protection	
ASSE 1014-90	Hand-Held Showers	Fixtures	
ASSE 1015-93	Double Check Backflow Prevention Assembly	Backflow Protection	
ASSE 1016-96	Individual, Thermostatic Pressure Balancing and Thermostatic Control Valves for Individual Fixtures	Valves	
ASSE 1017-86	Thermostatic Mixing Valves, Self Actuated for Primary Domestic Use	Valves	
ASSE 1018-86	Trap Seal Primer Valves (water supply fed)	Valves	
ASSE 1019-95	Performance Requirements for Vacuum Breaker Wall Hydrant, Freeze Resistant Automatic Draining Type	Backflow Protection	
ASSE 1020-90	Pressure Vacuum Breaker Assembly	Backflow Protection	
ASSE 1021-77	Dishwasher Air Gaps for Domestic Dishwasher Applications	Backflow Protection	

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Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ASSE 1023-79	Hot Water Dispensers Household Storage Type Electrical	Appliances	
ASSE 1025-78	Diverters for Plumbing Faucets with Hose Spray, Anti-Siphon Type, Residential Applications	Valves	
ASSE 1028-81	Automatic Flow Controllers	Valves	
ASSE 1032-80	Dual Check Valve Type Backflow Preventers for Carbonated Beverage Dispensers - Post Mix Types	Backflow Protection	X
ASSE 1034-81	Fixed Flow Restrictors	Piping	
ASSE 1035-95	Laboratory Faucet Backflow Preventer	Backflow Protection	
ASSE 1037-90	Pressurized Flushing Devices (Flushometers) for Plumbing Fixtures	Backflow Protection	
ASSE 1052-94	Hose Connection Backflow Preventers	Backflow Protection	
ASSE 1055-97	Chemical Dispensing Systems	Backflow Protection	
ASSE 1056-95	Back Siphonage Backflow Vacuum Breakers	Backflow Protection	
ASSE 1062-97	Temperature Actuated, Flow Reduction Valves for Individual Fixture Fittings	Valves	
ASSE 1066-97	Individual Pressure Balancing In-Line Valves for Individual Fixture Fittings (Note 9)	Valves	
ASSE 6000-98	Medical Gas Systems Installers, Inspectors and Verifiers	Certification	
ASTM A 47-90 (R95)	Ferritic Malleable Iron Castings	Piping, Ferrous	
ASTM A 53-96 (97)	Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded, and Seamless	Piping, Ferrous	
ASTM A 74-98	Cast Iron Soil Pipe and Fittings (Note 1)	Piping, Ferrous	
ASTM A 120-84 [D]	Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, (Galvanized) Welded, and Seamless for Ordinary Uses (replaced by A 53)	Piping, Ferrous	
ASTM A 126-95	Gray Iron Castings for Valves, Flanges, and Pipe Fittings	Piping, Ferrous	
ASTM A 197-87 (R-92)	Cupola Malleable Iron [Metric]	Piping, Ferrous	
ASTM A 312-93	Seamless and Welded Austenitic Stainless Steel Pipes	Piping, Ferrous	
ASTM A 377-95	Ductile-Iron Pressure Pipe	Piping, Ferrous	
ASTM A 518-92 ^{e1}	Corrosion-Resistant High-Silicon Iron Castings [Metric]	Piping, Ferrous	
ASTM A 536-84(R-93)	Ductile Iron Castings	Piping, Ferrous	
ASTM A 653-96	Steel Sheet, Zinc-Coated (Galvanized) or Zinc-Iron Alloy-Coated (Galvannealed) by the Hot-Dip Process	Piping, Ferrous	
ASTM A 733-93	Welded and Seamless Carbon Steel and Austenitic Stainless Steel Pipe Nipples	Piping, Ferrous	
ASTM A 861-94 ^{e1}	High-Silicon Iron Pipe and Fittings (Note 1)	Piping, Ferrous	
ASTM B 29-92	Pig Lead	Joints	
ASTM B 32-96	Solder Metal (Note 4)	Joints	
ASTM B 42-96	Seamless Copper Pipe, Standards Sizes	Piping, Copper Alloy	

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ASTM B 43-96	Seamless Red Brass Pipe, Standards Sizes	Piping, Copper Alloy	
ASTM B 75-95a	Seamless Copper Tube	Piping, Copper Alloy	
ASTM B 88-96	Seamless Copper Water Tube	Piping, Copper Alloy	
ASTM B 135-96	Seamless Brass Tube	Piping, Copper Alloy	
ASTM B 152-97	Copper Sheet, Strip, Plate, and Rolled Bar	Miscellaneous	
ASTM B 251-97	General Requirements for Wrought Seamless Copper Copper-Alloy Tube	Piping, Copper Alloy	
ASTM B 280-95a	Seamless Copper Tube for Air Conditioning and Refrigeration Field Service	Piping, Copper Alloy	
ASTM B 302-97	Threadless Copper Pipe	Piping, Copper Alloy	
ASTM B 306-96	Copper Drainage Tube (DWV)	Piping, Copper Alloy	
ASTM B 370-92 ^{e1}	Copper Sheet and Strip for Building Construction	Miscellaneous	
ASTM B 447-97	Welded Copper Tube	Piping, Copper Alloy	
ASTM B 584-96	Copper Alloy Sand Casting for General Applications (Note 5)	Piping, Copper Alloy	
ASTM B 587-96	Welded Brass Tube	Piping, Copper Alloy	
ASTM B 641-93	Seamless and Welded Copper Distribution Tube (Type D)	Piping, Copper Alloy	
ASTM B 642-88 [D]	Welded Copper Alloy UNS C21000 Water Tube (discontinued 1994)	Piping, Copper Alloy	
ASTM B 687-96	Brass, Copper, and Chromium-Plated Pipe Nipples	Piping, Copper Alloy	
ASTM B 716-93 [D]	Welded Copper Water Tube (discontinued 1994)	Piping, Copper Alloy	
ASTM B 813-93	Liquid and Paste Fluxes for Soldering Applications of Copper and Copper Alloy Tube	Joints	
ASTM B 819-95	Seamless Copper Tube for Medical Gas Systems	Piping, Copper Alloy	
ASTM B 828-92 ^{e1}	Making Capillary Joints by Soldering of Copper and Copper Alloy Tube and Fittings	Joints	
ASTM C 14-95	Concrete Sewer, Storm Drain and Culvert Pipe	Piping, Nonmetallic	
ASTM C 296-93	Asbestos-Cement Pressure Pipe	Piping, Nonmetallic	
ASTM C 412-94	Concrete Drain Tile	Piping, Nonmetallic	
ASTM C 425-96	Compression Joints for Vitrified Clay Pipe and Fittings	Joints	
ASTM C 428-92	Asbestos-Cement Nonpressure Sewer Pipe (Notes 6 & 7)	Piping, Nonmetallic	
ASTM C 443-94	Joints for Circular Concrete Sewer and Culvert Pipe, Using Rubber Gaskets	Joints	

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Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ASTM C 478-96	Precast Reinforced Concrete Manholes Sections	Miscellaneous	
ASTM C 564-95a	Rubber Gaskets for Cast Iron Soil Pipe and Fittings (Note 1)	Joints	
ASTM C 700-96	Vitrified Clay Pipe, Extra Strength, Standard Strength, and Perforated	Piping, Nonmetallic	
ASTM C 1053-90 (R95)	Borosilicate Glass Pipe and Fittings for Drain, Waste and Vent (DWV) Applications (Note 1)	Piping, Nonmetallic	
ASTM C 1173-95	Flexible Transition Couplings for Underground Piping Systems	Joints	
ASTM C 1277-94	Shielded Couplings Joining Hubless Cast Iron Soil Pipe and Fittings	Piping, Ferrous	
ASTM D 396-97	Specification for Fuel Oil	Miscellaneous	
ASTM D 1527-96a	Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe Sch. 40 and 80	Piping, Plastic	
ASTM D 1785-96a ^{e1}	Poly (Vinyl Chloride) (PVC) Plastic Pipe Sch. 40, 80 and 120	Piping, Plastic	
ASTM D 1869-95	Rubber O-rings for Asbestos-Cement Pipe	Joints	
ASTM D 2104-95	Polyethylene (PE) Plastic Pipe, Sch. 40	Piping, Plastic	
ASTM D 2146-82 [D]	Polypropylene Plastic Molding and Extrusion Materials (replaced by ASTM D 4101)	Piping, Plastic	
ASTM D 2235-96a	Solvent cement for Acrylonitrile-Butadiene-Styrene (ABS) plastic pipe and fittings	Joints	
ASTM D 2239-96a	Polyethylene (PE) Plastic Pipe, (SDR-PR) Based on Controlled Inside Diameter	Piping, Plastic	
ASTM D 2241-96a	Poly(Vinyl Chloride) (PVC) Pressure-Rated pipe (SDR Series)	Piping, Plastic	
ASTM D 2282-96a	Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe (SDR-PR)	Piping, Plastic	
ASTM D 2321-89 (R95)	Underground Installation of Thermoplastic Pipe for Sewers and Other Gravity-Flow Applications	Piping, Plastic	
ASTM D 2447-95	Polyethylene (PE) Plastic Pipe, Sch. 40 and 80 Based on Controlled Outside Diameter	Piping, Plastic	
ASTM D 2464-96a	Threaded Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Sch. 80 (Note 1)	Piping, Plastic	
ASTM D 2465-73[D]	Threaded Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe Fittings, Schedule 80 (discontinued 1986)	Piping, Plastic	
ASTM D 2466-96a	Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Sch. 40 (Note 1)	Piping, Plastic	
ASTM D 2467-96a	Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Sch. 80 (Note 1)	Piping, Plastic	
ASTM D 2468-96a	Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe Fittings (Sch. 40)	Piping, Plastic	
ASTM D 2469-76[D]	Socket-Type Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe Fittings, Schedule 80 (discontinued 1986)	Piping, Plastic	
ASTM D 2513-96a	Thermoplastic Gas Pressure Pipe Tubing, and Fittings (Note 1)	Piping, Plastic	

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Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ASTM D 2564-96a	Solvent Cements for Poly(Vinyl Chloride) (PVC) Plastic Piping Systems	Joints	
ASTM D 2609-96a	Plastic Insert Fittings for Polyethylene (PE) Plastic Pipe (Note 1)	Piping, Plastic	
ASTM D 2657-96	Practice for Heating Fusion Joining of Polyolefin Pipe and Fittings	Joints	
ASTM D 2661-96	Acrylonitrile-Butadiene-Styrene (ABS) Sch. 40 Plastic Drain, Waste and Vent Pipe and Fittings (Note 1)	Piping, Plastic	
ASTM D 2665-97a	Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste and Vent Pipe and Fittings	Piping, Plastic	
ASTM D 2672-96a	Joints for IPS PVC Pipe Using Solvent Cement	Joints	
ASTM D 2680-95a	Acrylonitrile-Butadiene-Styrene (ABS) and Poly(Vinyl Chloride) (PVC) Composite Sewer Piping	Piping, Plastic	
ASTM D 2729-96	Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings (Note 1)	Piping, Plastic	
ASTM D 2737-96a	Polyethylene (PE) Plastic Tubing	Piping, Plastic	
ASTM D 2740-89 e1 [D]	Poly (Vinyl Chloride) (PVC) Plastic Tubing (discontinued 1991)	Piping, Plastic	
ASTM D 2751-96	Acrylonitrile-Butadiene-Styrene (ABS) Sewer Pipe and Fittings (Note 1)	Piping, Plastic	
ASTM D 2846-96a	Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Hot- and Cold-Water Distribution Systems	Piping, Plastic	
ASTM D 2855-96	Making Solvent-Cemented Joints with Poly(Vinyl Chloride) (PVC) Pipe and Fittings	Joints	
ASTM D 2996-95	Filament-Wound Fiberglass (Glass-Fiber-Reinforced Thermosetting Resin) pipe	Piping, Plastic	
ASTM D 3033-85 [D]	Type PSP Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings (discontinued 1989)	Piping, Plastic	
ASTM D 3034-96	Type PSM Poly(Vinyl Chloride) (PVC) Sewer Pipe and Fittings	Piping, Plastic	
ASTM D 3036-73[D]	Poly (Vinyl Chloride) (PVC) Plastic Line Couplings (discontinued 1986)	Piping, Plastic	
ASTM D 3065-94	Rigid Acrylonitrile-Butadiene-Styrene (ABS) Materials for Pipe and Fittings	Piping, Plastic	
ASTM D 3122-95	Solvent Cements for Styrene-Rubber (SR) Plastic Pipe and Fittings	Joints	
ASTM D 3139-96a	Joints for Plastic Pressure Pipes Using Flexible Elastomeric Seals	Joints	
ASTM D 3140-90	Flaring Polyolefin Pipe and Tubing	Joints	
ASTM D 3212-96a	Joints for Drain and Sewer Plastic Pipes Using Flexible Elastomeric Seals	Joints	
ASTM D 3298-81 [D]	Perforated Styrene-Rubber (SR) Plastic Drain Pipe (discontinued 1989)	Piping, Plastic	
ASTM D 3311-94	Drain, Waste, and Vent (DWV) Plastic Fittings Patterns (Note 1)	Piping, Plastic	

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ASTM D 3965-94	Rigid Acrylonitrile-Butadiene-Styrene (ABS) Compounds for Pipe and Fittings	Piping, Plastic	
ASTM D 4068-96 e1	Chlorinated Polyethylene (CPE) Sheeting for Concealed Water-Containment Membrane	Fixtures	
ASTM D 4101-96a	Propylene Plastic Injection and Extrusion Materials	Miscellaneous	
ASTM D 4551-96	Poly(Vinyl Chloride) (PVC) Plastic Flexible Concealed Water-Containment Membrane	Fixtures	
ASTM E 84-97a	Standard Test Method for Surface Burning Characteristics of Building Materials	Miscellaneous	
ASTM E 119-97	Standard Test Method for Fire Tests of Building Construction and Materials	Miscellaneous	
ASTM E 814-94b	Standard Test Method for Fire Tests of Through-Penetration Fire Stops	Miscellaneous	
ASTM F 402-93	Safe Handling of Solvent Cements, Primers, and Cleaners Used for Joining Thermoplastic Pipe and Fittings	Joints	
ASTM F 405-96	Corrugated polyethylene (PE) Tubing and Fittings	Piping, Plastic	
ASTM F 409-96a	Thermoplastic Accessible and Replaceable Plastic Tube and Tubular Fittings (Note 1)	Piping, Plastic	
ASTM F 437-96a	Threaded Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Sch. 80	Piping, Plastic	
ASTM F 438-96a	Socket-Type Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Sch. 40	Piping, Plastic	
ASTM F 439-96b	Socket-Type Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Sch. 80	Piping, Plastic	
ASTM F 441-96b	Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe, Sch. 40 and 80	Piping, Plastic	
ASTM F 442-96b	Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe (SDR-PR)	Piping, Plastic	
ASTM F 443-77 e1 [D]	Bell-End Chlorinated Poly (Vinyl Chloride) (CPVC) Pipe, Schedule 40 (discontinued 1987)	Piping, Plastic	
ASTM F 480-95	Thermoplastic Well Casing Pipe and Couplings Made in Standard Dimension Ratios (SDR) Schedule 40 and Schedule 80	Piping, Plastic	
ASTM F 493-97	Solvent Cements for Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe and Fittings	Joints	
ASTM F 628-96	Acrylonitrile-Butadiene-Styrene (ABS) Sch. 40 Plastic Drain, Waste and Vent Pipe with a Foam Core (Notes 1 & 3)	Piping, Plastic	
ASTM F 656-96a	Primers for Use in Solvent Cement Joints of Poly(Vinyl Chloride) (PVC) Plastic Pipe and Fittings	Joints	
ASTM F 667-95	Large Diameter Corrugated Polyethylene Tubing and Fittings	Piping, Plastic	

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ASTM F 789-95a	Type PS-46 and type PS-115 Poly(Vinyl Chloride) (PVC) Plastic Gravity Flow Sewer Pipe and Fittings (Note 1)	Piping, Plastic	
ASTM F 794-95a	Poly(Vinyl Chloride) (PVC) Profile Gravity Sewer Pipe and Fittings Based on Controlled Inside Diameter	Piping, Plastic	
ASTM F 810-93	Smoothwall Polyethylene (PE) Pipe for Use in Drainage and Waste Disposal Absorption Fields	Piping, Plastic	
ASTM F 845-95	Plastic Insert Fittings For Polybutylene (PB) Tubing	Piping, Plastic	X
ASTM F 876-97	Crosslinked Polyethylene (PEX) Tubing	Piping, Plastic	X
ASTM F 877-96a	Crosslinked Polyethylene (PEX) Plastic Hot- and Cold-Water Distribution Systems	Piping, Plastic	X
ASTM F 891-96	Coextruded Poly(Vinyl Chloride) (PVC) Plastic Pipe with a Cellular Core	Piping, Plastic	
ASTM F 949-96a	Poly(Vinyl Chloride) (PVC) Corrugated Sewer Pipe with a Smooth Interior and Fittings	Piping, Plastic	
ASTM F 1216-93	Rehabilitation of Existing Pipelines and Conduits by the Inversion and Curing of a Resin-Impregnated Tube	Piping, Plastic	
ASTM F 1281-98	Crosslinked Polyethylene/ Aluminum/ Crosslinked Polyethylene (PEX-Al-PEX) Pressure Pipe	Piping, Plastic	X
ASTM F 1282-98	Polyethylene/ Aluminum/ Polyethylene (PE-Al-PE) Composite Pressure Pipe	Piping, Plastic	X
ASTM F 1412-96	Polyolefin Pipe and Fittings for Corrosive Waste Drainage Systems	Piping, Plastic	
ASTM F 1673-95	Polyvinylidene Fluoride (PVDF) Corrosive Waste Drainage Systems	Piping, Plastic	
ASTM F 1743-96	Rehabilitation of Existing Pipelines and Conduits by Pulled-In-Place Installation of Cured-In-Place Thermosetting Resin Pipe (CIPP)	Piping, Plastic	
ASTM F 1807-97	Metal Insert Fittings w/ Copper Crimp Ring for SDR 9 Crosslinked Polyethylene (PEX) tubing	Piping, Plastic	
ASTM F 1866-98	Poly (Vinyl Chloride) PVC Schedule 40 Drainage and DWV Fabricated Fittings	Piping, Plastic	
ASTM F 1960-99	Cold Expansion Fittings with PEX Reinforcing Rings for Use with Cross-linked Polyethylene (PEX) Tubing	Piping, Plastic	
ASTM F 1961-99	Metal Cold Flare Compression Fittings with Disk Springs for Cross Linked Polyethylene (PEX) Tubing	Piping, Plastic	
ASTM F 1974-99	Metal Insert Fittings for Polyethylene/Aluminum/Polyethylene and Crosslinked Polyethylene/Aluminum/Crosslinked Polyethylene Composite Pressure Pipe	Piping, Plastic	

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Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
AWS A5.8-92	Filler Metals for Brazing and Braze Welding Joints	Certification	
AWS B2.2-91	Brazing Procedure and Performance Qualification	Certification	
AWWA C110	Ductile-Iron and Gray-Iron Fittings, 3 in. Through 48 in. (75 mm Through 1200 mm), for Water and Other Liquids (same as ANSI A21.10-93)	Piping, Ferrous	
AWWA C111	Rubber-Gasket Joints for Ductile-Iron Pressure Pipe and Fittings (same as ANSI A21.11-90)	Piping, Ferrous	
AWWA C151	Ductile-Iron Pipe, Centrifugally Cast, for Water (same as ANSI A21.51-91)	Piping, Ferrous	
AWWA C153	Ductile-Iron Compact Fittings, 3 in. Through 24 in. (76 mm Through 610 mm) and 54 in. Through 64 in. (1,400 mm Through 1,600 mm), for Water Service (same as ANSI A21.53-88)	Piping, Ferrous	
AWWA C203-91	Coal-Tar Protective Coatings and Linings for Steel Water Pipelines - Enameled and Tape - Hot Applied Piping	Piping, Ferrous	
AWWA C213-96	Fusion-Bonded Epoxy Coating for the Interior and Exterior of Steel Water Pipelines	Piping, Ferrous	
AWWA C215-94	Extruded Polyolefin Coatings for the Exterior of Steel Water Pipelines	Piping, Ferrous	
AWWA C400-93	Asbestos-Cement Distribution Pipe, 4 in. Through 16 in. (100 mm Through 400 mm) for Water Distribution Systems	Piping, Nonmetallic	
AWWA C500-93	Metal-Seated Gate Valves for Water Supply Service	Valves	
AWWA C504-88	Rubber-Seated Butterfly Valves	Valves	
AWWA C507-91	Ball Valves, 6 in. Through 48 in. (152 mm Through 1200 mm)	Valves	
AWWA C510-92	Double Check Valve Backflow-Prevention Assembly	Backflow Protection	
AWWA C511-92	Reduced-Pressure Principle Backflow-Prevention Assemblies	Backflow Protection	
AWWA C606-87	Grooved and Shouldered Joints	Joints	
AWWA C900-89	Polyvinyl Chloride (PVC) Pressure Pipe, 4 in. Through 12 in., for Water Distribution	Piping, Plastic	
AWWA C901-88	Polyethylene (PE) Pressure Pipe and Tubing, 1/2 in. (13 mm) Through 3 in. (76 mm), for Water	Piping, Plastic	
AWWA C902-88	Polybutylene (PB) Pipe, Tubing, and Fittings, 1/2 in. Through 3 in., for Water	Piping, Plastic	X
CABO A117.1-92	Specifications to Make Buildings and Facilities Accessible and Usable	Miscellaneous	

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
CISPI 301-97	Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications (Note 1)	Piping, Ferrous	
CISPI HSN-85	Neoprene Rubber Gaskets for Hub and Spigot Cast Iron Soil Pipe and Fittings	Joints	
CISPI 310-97	Couplings for Use in Connection with Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications	Joints	
FS A-A-51145C	Flux, Soldering, Nonelectronic, Paste and Liquid	Joints	
FS K65.59-71	Acrylonitrile-Butadiene-Styrene (ABS) sewer pipe and fittings	Piping, Plastic	
FS M265-811	Acrylonitrile-Butadiene-Styrene (ABS) Sch. 40 plastic drain, waste and vent pipe and fittings	Piping, Plastic	
FS O-F-499D-85	Flux brazing	Joints	
FS O-F-506C-72 (D)	Flux, soldering	Joints	
FS OO-L-201 f-70	Shower pans-sheet lead, grade B, 4 lb. min.	Miscellaneous	
FS QQ-R-571C-69 [D]	Copper and nickel alloys (rods)	Miscellaneous	
FS TT-S-1732-71	Seal compound pipe joint and thread	Joints	
FS WW-P 325B-76	Lead pipe and bends	Piping	
FS WW-P-521F-77	Copper alloy (bronze) unions	Piping, Copper Alloy	
FS WW-P-541-E-Gen.1980	Plumbing fixtures, general specification	Fixtures	
FS WW-U-516A-74(b)	Copper alloy (bronze) unions	Piping, Copper Alloy	
FS WW-V-54d	Valve, Gate, Bronze (125, 150 and 200 Pound, Screwed Flange, Solder-End, for Land Use)	Valves	
FS WW-V 58b	Valves, Gate, Cast Iron; 125 and 250-Pound, Screwed and Flanged (for Land Use)	Valves	
IAPMO IS 1-91 e1	Nonmetallic Building Sewers	Piping, Nonmetallic	
IAPMO IS 2-90	Tile-Lined Roman Bathtubs	Fixtures	
IAPMO IS 3-93 e1	Copper Plumbing Tube, Pipe and Fittings	Piping, Copper Alloy	
IAPMO IS 4-96	Tile-Lined Shower Receptors (and Replacements)	Fixtures	
IAPMO IS 5-92 e1	ABS Building Drain, Waste, and Vent Pipe and Fittings	Piping, Plastic	
IAPMO IS 6-95	Hubless Cast Iron Sanitary and Rainwater Systems	Piping, Ferrous	
IAPMO IS 7-90 e1	Polyethylene (PE) cold Water Building Supply	Piping, Plastic	
IAPMO IS 8-95 e1	PVC Cold Water Building Supply and Yard Piping	Piping, Plastic	
IAPMO IS 9-95 e1	PVC Building Drain, Waste and Vent Pipe Fittings	Piping, Plastic	
IAPMO IS 11-87 e1	ABS Sewer Pipe and Fittings	Piping, Plastic	
IAPMO IS 12-93 e1	Polyethylene (PE) for Gas Yard Piping	Piping, Plastic	
IAPMO IS 13-91 e1	Protectively Coated	Pipe Piping	

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Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
IAPMO IS 15-82	Asbestos Cement Pressure Pipe for Water Service and Yard Piping	Piping, Nonmetallic	
IAPMO IS 16-84	Low Pressure Air Test for Building Sewers	Piping	
IAPMO IS 18-85 e1	Extra Strength Vitrified Clay Pipe in Building Drains	Piping, Nonmetallic	
IAPMO IS 20-98	CPVC Solvent Cemented Hot and Cold Water Distribution Systems	Piping, Plastic	
IAPMO IS 21-89 e1	Welded Copper and Copper Alloy Water Tube	Piping, Copper Alloy	
IAPMO IS 26-99	Trenchless Polyethylene (PE) Pipe for Sewer Laterals	Piping, Plastic	
IAPMO PS 1-99	Prefabricated Septic Tanks	DWV Components	
IAPMO PS 2-89	Cast Brass and Tubing P-Traps	Piping, Copper Alloy	
IAPMO PS 4-99	Drains for Prefabricated and Precast Showers	Fixtures	
IAPMO PS 7-84	Tubing Trap Wall Adapters	DWV Components	
IAPMO PS 9-84	Diversion Tees and Twin Waste Elbows	DWV Components	
IAPMO PS 13-89	Testing and Rating Procedure for Grease Traps (Note 2)	DWV Components	
IAPMO PS 14-99	Flexible Metallic Water Connectors	Piping	
IAPMO PS 16-97	Subdrains for Built-Up Shower Pans	Fixtures	
IAPMO PS 23-89	Dishwasher Drain Airgaps	Backflow Protection	
IAPMO PS 25-84	Fittings for Joining Polyethylene Pipe for Water Service and Yard Piping	Joints	
IAPMO PS 31-95	Backflow Prevention Assemblies	Backflow Protection	
IAPMO PS 34-96	Polyethylene Encasement Sleeve for Potable Water Pipe and Tubing	Piping	
IAPMO PS 36-90	Lead-Free Sealing Compounds for Threaded Joints	Joints	
IAPMO PS 37-90	Black Plastic PVC or PE Pressure-Sensitive Corrosion Preventive Tape	Piping	
IAPMO PS 38-99	ABS and PVC Backwater Valves	DWV Components	
IAPMO PS 39-91	Testing Mechanical Fittings Composed of Multiple Components For Various Fitting Configuration For Use With Thermoplastic Gas Pressure Pipe	Fuel Gas	
IAPMO PS 40-91	Anodeless Transition Riser for Use with Polyethylene and PVC Gas Yard Piping	Fuel Gas	
IAPMO PS 41-99	Copper and Other Metallic Roof/Deck/Balcony Drains	DWV Components	
IAPMO PS 42-96	Pipe Alignment and Secondary Support Systems	Piping	
IAPMO PS 43-91	Cushioned Bathtubs And Whirlpool Bathtub Appliances	Fixtures	
IAPMO PS 44-92	Shielded Transition Couplings for Use with Dissimilar DWV Pipe and Fittings Above Ground	Joints	
IAPMO PS 45-91	Bathtub Three-Way Diverter Valves with Backflow Protection	Valves	

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Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
IAPMO PS 47-99	Plastic Roof Drains	DWV Components	
IAPMO PS 48-92	Material Safety Data Verification For Plumbing Products	Miscellaneous	
IAPMO PS 49-92	Backflow Prevention Requirements for Fixture Fittings with Hose Connected Singular Moveable Outlets	Backflow Protection	
IAPMO PS 50-92	Dual Flush Devices For Water Closets	Fixtures	
IAPMO PS 51-98	Plastic and Metallic Expansion Joints	Joints	
IAPMO PS 52-99	Sumps and Sewage Ejector Tanks	DWV Components	
IAPMO PS 53-92	Grooved Mechanical Pipe Couplings and Grooved End Fittings	Joints	
IAPMO PS 54-99	Metallic and Plastic Utility Boxes	Miscellaneous	
IAPMO PS 55-92	Bathwaste Strainer Drains	Fixtures	
IAPMO PS 57-92	PVC Hydraulically Actuated Diaphragm Type Water Control Valves	Valves	
IAPMO PS 58-92	Supports for Off-the-Floor Plumbing Fixtures With or Without Concealed Tanks	Fixtures	
IAPMO PS 59-92	Septic Effluent and Waste Water Diverter Valves	DWV Components	
IAPMO PS 60-96	Sewage Holding Tank Containing Sewage Ejector Pump for Direct Mounted Water Closet	DWV Components	
IAPMO PS 61-92	Fabricated Stainless Steel Security Water Closets	Fixtures	
IAPMO PS 62-93	Enameled Cast Iron Sanitary Floor Sinks	Fixtures	
IAPMO PS 63-99	Plastic Leaching Chambers	DWV Components	
IAPMO PS 64-98	Pipe Flashings	Piping	
IAPMO PS 65-93	Airgap Units for Water Conditioning Equipment Installation	Backflow Protection	
IAPMO PS 66-93	Dielectric Waterway Fittings	Piping	
IAPMO PS 67-93	Early-Closure Replacement Flappers or Early-Closure Replacement Flapper With Mechanical Assemblies	Fixtures	
IAPMO PS 69-98	Plastic Bathwaste and Overflow Assemblies	Piping, Plastic	
IAPMO PS 70-93	Bathtub/Whirlpool Bathtubs with Pressure Sealed Doors	Fixtures	
IAPMO PS 71-93	Electronic Controlled Showers	Fixtures	
IAPMO PS 72-93	Valves with Atmospheric Vacuum Breakers	Valves	
IAPMO PS 73-93	Dental Vacuum Pumps	Miscellaneous	
IAPMO PS 74-99	Reinforced Flexible Water Connectors	Piping	
IAPMO PS 76-95	Ballcock or Flushometer Valve Tailpiece Trap Primers and Trap Primer Receptors/Adapters	DWV Components	
IAPMO PS 77-99	Electrohydraulic Water Closets	Fixtures	
IAPMO PS 78-95	Dual Flush for Electrohydraulic and Gravity 6 Liter (1.6 Gallons) Water Closet	Fixtures	
IAPMO PS 79-95	Multiport Electronic Trap Primer	DWV Components	
IAPMO PS 80-95	Grease Interceptors and Clarifiers	DWV Components	
IAPMO PS 81-95	Precast Concrete Seepage Pit Liners and Covers	DWV Components	
IAPMO PS 82-95	Fiberglass (Glass Fiber Reinforced Thermosetting Resin) Fittings	Piping, Plastic	

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Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
IAPMO PS 83-95	Epoxy Coated Cast Iron Sanitary Floor Sinks	Fixtures	
IAPMO PS 84-95	PVC Plastic Sanitary Floor Sinks	Fixtures	
IAPMO PS 85-95	Tools for Mechanically Formed Tee Connections in Copper Tubing	Piping	
IAPMO PS 86-95	Rainwater Diverter Valve for Nonroofed Area Slabs	DWV Components	
IAPMO PS 87-95	Diverter and Shut-Off Valves for Pool/Spas	Valves	
IAPMO PS 88-95	Pre-Pressurized Potable Water Tanks	Miscellaneous	
IAPMO PS 89-95	Soaking and Hydrotherapy (Whirlpool) Bathtubs with Hydraulic Seatlift	Fixtures	
IAPMO PS 90-95	Elastomeric Test Caps/Cleanout Caps	DWV Components	
IAPMO PS 91-95	Plastic Stabilizers for Use with Plastic Closet Bends	Piping, Plastic	
IAPMO PS 92-95	Heat Exchangers	Miscellaneous	
IAPMO PS 93-99	Water Closet Seats with Spray	Fixtures	
IAPMO PS 94-96	P-Trap, Supply Stop and Riser Insulated Protector	Miscellaneous	
IAPMO PS 95-98	Drain, Waste, and Vent Hangers and Plastic Pipe Support Hooks	Piping	
IAPMO PS 96-96	Passive Direct Solar Water Heaters	Miscellaneous	
IAPMO PS 97-97	Mechanical Cast Iron Closet Flanges	Piping, Ferrous	
IAPMO PS 98-96	Prefabricated Fiberglass Church Baptistries	Fixtures	
IAPMO PS 99-96	Terrazzo Plumbing Fixtures	Fixtures	
IAPMO PS 100-96	Porous Filter Protector for Sub-Drain Weep Holes	DWV Components	
IAPMO PS 101-97	Suction Relief Valves	Valves	
IAPMO PS 102-97	Short Pattern Fixture Trap	DWV Components	
IAPMO PS 103-97	Water Heater Stands With or Without Pans	Appliances	
IAPMO PS 104-97	Pressure Relief Connection for Dispensing Equipment	Valves	
IAPMO PS 105-97	Polyethylene Distribution Boxes	DWV Components	
IAPMO PS 106-98	Pre-Fabricated, Tileable Shower Receptors	Fixtures	
IAPMO PS 107-98	Aramid Reinforced Rubber Hose for Use in Non-potable Water Radiant Heating and Snowmelting	Piping, Plastic	X
IAPMO PS 108-98	Grease Fire Suppression Systems	Appliances	
IAPMO PS 109-96	Rigid Unshielded Mechanical Couplings for Use with Plain End Drain, Waste, and Vent (DWV) Pipe and Plain End Sewer Pipe	Joints	
IAPMO PS 110-99	PVC Cold Water Compression Fittings	Fittings	
IAPMO PS 111-99	PVC Cold Water Gripper Fittings	Fittings	
IAPMO PS 112-99	PVC Plastic Valves for Cold Water Distribution Systems Outside a Building and CPVC Plastic Valves for Hot and Cold Water Distribution Systems	Valves	
IAPMO PS 113-99	Hydraulically Powered Household Food Waster Grinders	Appliances	
IAPMO PS 114-99	Remote, Floor Box Industrial Water Supply, Air Supply, Drainage	Miscellaneous	

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
IAPMO PS 115-99	Hot Water Demand or Automatic Activated Hot Water Pumping Systems	Miscellaneous	
IAPMO PS 116-99	Hot Water Circulating Devices Which Do Not Use a Pump	Miscellaneous	
IAPMO SPS 3-93	Skimmers (Spas, Hot Tubs and Swimming Pools)	Swimming Pools and Spas	
IAPMO SPS 4-89	Special Use Suction Fittings for Swimming Pools, Spas and Hot Tubs (For Suction Side Automatic Swimming Pool Cleaners)	Swimming Pools and Spas	
IAS LC 1-97	Fuel Gas Piping Systems Using Corrugated Stainless Steel Tubing (CSST) (same as CSA 6.26-M97)	Fuel Gas	X
MIL-F-1183 H-83 [D]	Fittings, Pipe, Cast Bronze, Silver-Brazing	Piping, Copper Alloy	
MIL-F-18180C1	Flanges and Flanged Fittings, Pipe, Steel (150, 300, 400, 600, 900, 1500, and 2500 pounds)	Piping, Ferrous	
MIL-P-17552	Pumps, Centrifugal, Water, Horizontal, General Service; and Pumps, Centrifugal Water, Horizontal, Boiler-Feed; Electric Motor or Steam Driven	Pumps	
MIL-P-21214B-92	Vertical sump pumps	Pumps	
SSPMA-85			
MIL-P-21251C	Plumping Units, Sewage, Duplex, Automatic, Wet-Pit-Type	Pumps	
MIL-P-22561-82(D)	Glass (standard cancelled per Department of Defense)	Miscellaneous	
MIL-V-29193-80(D)	Pressurized flushing devices	Fixtures	
MIL-P-52407	Pump, Centrifugal: Electric-Motor-Driven, Shallow (A)-1976 (D) Well (for Water)	Pumps	
MIL-P-62156	Submersible, axial flow, electric motor driven	Pumps	
MIL-P-B-81 (D)	(1)-1983 (D)		
SSPMA-85	Sewage pumps	Pumps	
MSS SP-25-93	Standard Marking System for Valves, Fittings, Flanges and Unions	Piping	
MSS SP-42-90 (R95)	Class 150 Corrosion Resistant Gate, Globe, Angle and Check Valves with Flanged and Butt Weld Ends	Piping, Ferrous	
MSS SP-44-91	Steel Pipeline Flanges	Piping, Ferrous	
MSS SP-58-93	Pipe Hangers And Supports – Materials, Design and Manufacture	Piping	
MSS SP-67-90	Butterfly Valves	Valves	
MSS SP-70-90	Cast Iron Gate Valves, Flanged and Threaded Ends	Valves	
MSS SP-71-90	Cast Iron Swing Check Valves, Flanged and Threaded Ends	Valves	
MSS SP-72-92	Ball Valves with Flanged or Butt-Welding Ends for General Service	Valves	

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Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
MSS SP-73-91	Brazing Joints for Wrought and Cast Copper Alloy Solder Joint Pressure Fittings	Joints	
MSS SP-78-87 (R92)	Cast Iron Plug Valves, Flanged and Threaded Ends	Valves	
MSS SP-80-87	Bronze Gate, Globe, Angle and Check Valves	Valves	
MSS SP-83-87	Steel Pipe Unions Socket-Welding and Threaded	Piping, Ferrous	
MSS SP-84 [D]	Steel Valves – Socket-Welding Ends and Threaded Ends (discontinued)	Valves	
NFPA 13R-1996	Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height	Miscellaneous	
NFPA 13D-1996	Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes	Miscellaneous	
NFPA 31-97	Installation of Oil-Burning Equipment	Miscellaneous	
NFPA 54-96	National Fuel Gas Code	Fuel Gas	
NFPA 58-98	Storage and Handling of Liquefied Petroleum Gases	Fuel Gas	
NFPA 99-99 (Ch. 2 & 4)	Medical Gas Systems	Piping	
NFPA 99-99 (Ch. 2 & 4)	Gas and Vacuum Systems	Piping	
NFPA 211-96	Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances	Miscellaneous	
NFPA 8501-97	Single Burner Boiler Operation	Appliances	
NSF 3-96	Commercial Spray-Type Dishwashing and Glass-washing Machines	Appliances	
NSF 12-93	Automatic Ice Making Equipment	Appliances	
NSF 14-98	Plastic Piping Components and Related Materials	Piping, Plastic	
NSF 18-96	Manual Food and Beverage Dispensing Equipment	Appliances	
NSF 24-96	Plumbing System Components for Manufactured Homes and Recreational Vehicles	Miscellaneous	
NSF 29-93	Chemical Feeders for Commercial Dishwashers	Appliances	
NSF 40-99	Residential Wastewater Treatment Systems	DWV Components	
NSF 41-98	Nonliquid Saturated Treatment Systems	DWV Components	
NSF 42-98	Drinking Water Treatment Units -Aesthetic Effects	Appliances	
NSF 44-98	Cation Exchange Water Softeners	Appliances	
NSF 46-97	Evaluation of Components and Devices Used in Wastewater Treatment Systems	DWV Components	
NSF 53-98	Drinking Water Treatment Units - Health Effects	Appliances	
NSF 58-98	Reverse Osmosis Drinking Water Treatment Systems	Appliances	
NSF 61-98	Drinking Water System Components -Health Effects	Miscellaneous	
NSF 62-97	Water Distillation Systems	Appliances	
NSPI 1-1991	Public Swimming Pools	Swimming Pools and Spas	

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
PDI G-101-85	Testing and Rating Procedure for Grease Interceptors with Appendix of Sizing and Installation Data	DWV Components	
PDI-WH 201-92	Water Hammer Arresters	Piping	
SAE J1670-93	Type "F" Clamps for Plumbing Applications	Joints	
SAMA LF6a	Medical Care Facility Brassware	Miscellaneous	
UL 80-92	Steel Inside Tanks for Oil-Burner Fuel	Miscellaneous	
UL 103-95	Factory-Built Chimneys for Residential Type and Building Heating Appliances	Miscellaneous	
UL 125-93	Valves for Anhydrous Ammonia and LP-Gas (Other than Safety Relief)	Valves	
UL 132-93	Safety Relief Valves for Anhydrous Ammonia and LP-Gas	Valves	
UL 144-85	Pressure Regulating Valves for LP Gas	Valves	
UL 174-89	Household Electric Storage Tank Water Heaters	Appliances	
UL 343-93	Pumps for Oil-Burning Appliances	Pumps	
UL 352-92	Constant-Level Oil Valves	Valves	
UL 378-93	Draft Equipment	Miscellaneous	
UL 399-92	Drinking-Water Coolers	Appliances	
UL 430-86	Waste Disposers	Appliances	
UL 441-91	Gas Vents	Miscellaneous	
UL 443-89	Steel Auxiliary Tanks for Oil-Burner Fuel	Miscellaneous	
UL 499-97	Electrical Heating Appliances	Appliances	
UL 563-91	Ice Makers	Appliances	
UL 569-94	Pigtails and Flexible Hose Connectors for LP-Gas	Fuel Gas	
UL 723-96	Standard Test for Surface Burning Characteristics of Building Materials	Miscellaneous	
UL 726-90	Oil-Fired Boiler Assemblies	Appliances	
UL 732-87	Oil-Fired Storage Tank Water Heaters	Appliances	
UL 749-94	Household Dishwashers	Appliances	
UL 778-91	Motor-Operated Water Pumps	Pumps	
UL 834-91	Heating, Water Supply, and Power Boilers -Electric	Appliances	
UL 921-95	Commercial Electric Dishwashers	Appliances	
UL 1453-94	Electric Booster and Commercial Storage Tank Water Heaters	Appliances	
WAC 246-290-490	Washington State Department of Health Cross Connection Control Requirements	Backflow Protection	
WQA S-100-95	Household, Commercial and Portable Exchange Water Softeners (replaced by NSF 44-98)	Appliances	
WQA S-200-93	Household and Commercial Water Filters	Appliances	
WQA S-300-91	Point-of-Use Low Pressure Reverse Osmosis Drinking Water Systems	Appliances	
3-GP-28	Fuel Oil, Canadian Government Specification Board	Miscellaneous	

PROPOSED

- Footnotes:
1. Although this standard is referenced in Table 14-1, some of the pipe, tubing, fittings, valves, or fixtures included in the standard are not acceptable for use under the provisions of the Uniform Plumbing Code.
 2. PDI Standard G101 by reference.
 3. Additional Requirements for Inner and Outer Layers.
 4. See Section 316.1.3 for restriction.
 5. Alloy C85200 for cleanout plugs.
 6. Limited to domestic sewage.
 7. Type II only.
 8. Fixture fittings with hose connected singular moveable outlets shall have two check valves and an atmospheric vacuum breaker.
 9. ASSE 1066 is not intended to limit the maximum outlet temperature at point of use.
 10. See section 315.0 for Trenching, Excavation, and Backfilling requirements when installing building drains and sewers. Engineers may wish to consult ASTM D2321 when preparing plans and specifications for sewer mains or specific projects.

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

NEW SECTION

WAC 51-56-1500 Chapter 15—Storm drainage.

1501.0 General.

1501.1 Where Required. All roofs, paved areas, yards, courts, and courtyards shall be drained into a separate storm sewer system, or into a combined sewer system where a separate storm sewer system is not available, or to some other place of disposal satisfactory to the administrative authority. In the case of one- and two-family dwellings, storm water may be discharged on flat areas such as streets or lawns so long as the storm water shall flow away from the building and away from adjoining property, and shall not create a nuisance.

1501.2 Storm Water Drainage to Sanitary Sewer Prohibited. Storm water shall not be drained into sewers intended for sanitary drainage only.

1501.3 Material Uses. Rainwater piping placed within the interior of a building or run within a vent or shaft shall be of cast iron, galvanized steel, wrought iron, brass, copper, lead, Schedule 40 ABS DWV, Schedule 40 PVC DWV, or other approved materials, and changes in direction shall conform to the requirements of Section 706.0.

1501.4 Expansion Joints Required. Expansion joints or sleeves shall be provided where warranted by temperature variations or physical conditions.

1501.5 Subsoil Drains.

1501.5.1 Subsoil drains shall be provided around the perimeter of buildings having basements, cellars, or crawl spaces or floors below grade. Such subsoil drains may be positioned inside or outside of the footing, shall be of perforated, or open-jointed approved drain tile or pipe not less than three (3) inches (76 mm) in diameter, and shall be laid in gravel, slag, crushed rock, approved three-quarter (3/4) inch (19.1 mm) crushed recycled glass aggregate, or other approved porous

material with a minimum of four (4) inches (102 mm) surrounding the pipe on all sides. Filter media shall be provided for exterior subsoil piping.

1501.5.2 Subsoil drains shall be piped to a storm drain, to an approved water course, to the front street curb or gutter, or to an alley; or the discharge from the subsoil drains shall be conveyed to the alley by a concrete gutter. Where a continuously flowing spring or groundwater is encountered, subsoil drains shall be piped to a storm drain or an approved water course.

1501.5.3 Where it is not possible to convey the drainage by gravity, subsoil drains shall discharge to an accessible sump pit provided with an approved automatic electric pump. A sump pit shall be at least fifteen (15) inches (381 mm) in diameter, eighteen (18) inches (457 mm) in depth, and provided with a fitted cover. The sump pump shall have an adequate capacity to discharge all water coming into the sump as it accumulates to the required discharge point, and the capacity of the pump shall not be less than fifteen (15) gpm (1.0 L/s). The discharge piping from the sump pump shall be a minimum of one and one-half (1-1/2) inches (38 mm) in diameter and have a union to make the pump accessible for servicing.

1501.5.4 For separate dwellings not serving continuously flowing springs or ground water, the sump discharge pipe may discharge onto a concrete splash block with a minimum length of twenty-four (24) inches (610 mm). This pipe shall be within four (4) inches (102 mm) of the splash block and positioned to direct the flow parallel to the recessed line of the splash block.

1501.5.5 Subsoil drains subject to backflow when discharging into a storm drain shall be provided with a backwater valve in the drain line so located as to be accessible for inspection and maintenance.

1501.5.6 Nothing in Section 1501.5 shall prevent drains that serve either subsoil drains or areaways of a detached building from discharging to a properly graded open area, provided that:

- (1) They do not serve continuously flowing springs or ground water;
- (2) The point of discharge is at least ten (10) feet (3048 mm) from any property line; and
- (3) It is impracticable to discharge such drains to a storm drain, to an approved water course, to the front street curb or gutter, or to an alley.

1501.6 Building Subdrains. Building subdrains located below the public sewer level shall discharge into a sump or receiving tank, the contents of which shall be automatically lifted and discharged into the drainage system as required for building sumps.

1501.7 Areaway Drains. All open subsurface space adjacent to a building, serving as an entrance to the basement or cellar of a building, shall be provided with a drain or drains. Such areaway drains shall be two (2) inches (51 mm) minimum diameter for areaways not exceeding one hundred (100) square feet (9.3 m²) in area, and shall be discharged in the

manner provided for subsoil drains not serving continuously flowing springs or ground water (see Section 1501.5.2). Areaways in excess of one hundred (100) square feet (9.3 m²) shall not drain into subsoil. Areaway drains for areaways exceeding one hundred (100) square feet (9.3 m²) shall be sized according to Table 15-2.

1501.8 Window Areaway Drains. Window areaways not exceeding ten (10) square feet (0.9 m²) in area may discharge to the subsoil drains through a two (2) inch (51 mm) pipe. However, window areaways exceeding ten (10) square feet (0.9 m²) in area shall be handled in the manner provided for entrance areaways (see Section 1501.7).

1501.9 Filling Stations and Motor Vehicle Washing Establishments. Public filling stations and motor vehicle washing establishments shall have the paved area sloped toward sumps or gratings within the property lines. Curbs not less than six (6) inches (152 mm) high shall be placed where required to direct water to gratings or sumps.

1501.10 Paved Areas. Where the occupant creates surface water drainage, the sumps, gratings or floor drains shall be piped to a storm drain or an approved water course.

1501.11 Roof Drainage.

1501.11.1 Primary Roof Drainage. Roof areas of a building shall be drained by roof drains or gutters. The location and sizing of drains and gutters shall be coordinated with the structural design and pitch of the roof. Unless otherwise required by the administrative authority, roof drains, gutters, vertical conductors or leaders, and horizontal storm drains for primary drainage shall be sized based on a storm of sixty (60) minutes duration and 100-year return period (see Appendix D).

1501.11.2 Secondary Roof Drainage.

1501.11.2.1 Where parapet walls or other construction extend above the roof and create areas where storm water would become trapped if the primary roof drainage system failed to provide sufficient drainage, an independent secondary roof drainage system consisting of scuppers, standpipes, or roof drains shall be provided. Secondary roof drainage systems shall be sized in accordance with Section 1501.11.1 of this code. Overflow drains shall be the same size as the roof drains with the inlet flow line two (2) inches (51 mm) above the low point of the roof and shall be installed independent from the roof drains.

1501.11.2.2 Where secondary roof drainage is provided by means of roof drains or standpipes, the secondary system shall be separate from the primary system and shall discharge independently at grade or other approved point of discharge.

1501.11.2.3 Where secondary roof drainage is provided, the overflow level(s) into the secondary system shall be determined by the structural design of the roof, including roof deflection, at a level not less than two (2) inches (51 mm) above the level of the primary drain. An allowance shall be made to account for the required overflow head of water above the secondary inlets. The elevation of the secondary

inlet plus the required overflow head shall not exceed the maximum allowable water level on the roof.

1501.11.2.4 Scuppers shall be sized as rectangular weirs, using hydraulic principles to determine the required length and resulting overflow head (see Appendix D). Secondary roof drains and standpipes shall be sized according to Table 15-1. Where standpipes are used, the head allowance required under Section 1501.11.2.3 shall be not less than one and one-half (1-1/2) inches (38 mm).

1501.11.3 Equivalent Systems. When approved by the administrative authority, the requirements of Sections 1501.11.1 and 1501.11.2 shall not preclude the installation of an engineered roof drainage system that has sufficient capacity to prevent water from ponding on the roof in excess of that allowed in the roof structural design with a rainfall rate of at least twice that for a 100-year, 60-minute storm and with a blockage in any single point in the storm drainage system.

1501.12 Cleanouts.

1501.12.1 Cleanouts for building storm drains shall comply with the requirements of this section. Rain leaders and conductors connected to a building storm sewer shall have a cleanout installed at the base of the outside leader or outside conductor before it connects to the horizontal drain. Cleanouts shall be placed inside the building near the connection between the building drain and the building sewer or installed outside the building at the lower end of the building drain and extended to grade.

1501.12.2 Each cleanout shall be installed so that it opens to allow cleaning in the direction of flow of the soil or waste or at right angles thereto, and except in the case of wye branch and end-of-line cleanouts, shall be installed vertically above the flow line of the pipe.

1501.12.3 Cleanouts installed under concrete or asphalt paving shall be made accessible by yard boxes, or extending flush with paving with approved materials and be adequately protected.

1501.12.4 Approved manholes may be installed in lieu of cleanouts when first approved by the administrative authority. The maximum distance between manholes shall not exceed three hundred (300) feet (91.4 m).

The inlet and outlet connections shall be made by the use of a flexible compression joint no closer than twelve (12) inches (305 mm) to, and not farther than three (3) feet (914 mm) from the manhole. No flexible compression joints shall be embedded in the manhole base.

1501.13 All rainwater sumps serving "public use" occupancy buildings shall be provided with dual pumps arranged to function alternately in case of overload of mechanical failure.

1502.0 Materials.

1502.1 Conductors.

1502.1.1 Conductors installed aboveground in buildings shall be constructed of materials specified in Table 14-1.

1502.1.2 The inside of conductors installed above ground level shall be of seamless copper water tube, Type K, L or M; Schedule 40 copper pipe or Schedule 40 copper alloy pipe; Type DWV copper drainage tube; service weight cast iron soil pipe or hubless cast iron soil pipe; standard weight galvanized steel pipe; or Schedule 40 ABS or Schedule 40 PVC plastic pipe.

1502.2 Leaders.

1502.2.1 Leaders shall be constructed of materials specified in Table 14-1.

1502.2.2 Leaders shall be of seamless copper water tube, Type K, L or M; Schedule 40 copper pipe; Schedule 40 copper alloy pipe; type DWV copper drainage tube; service weight cast iron soil pipe or hubless cast iron soil pipe; galvanized steel sheet metal or copper sheet metal; standard weight galvanized steel pipe; Class DL or XL lead pipe; or Schedule 40 ABS or Schedule 40 PVC plastic pipe.

1502.3 Underground Building Storm Drains. All underground building storm drains shall be constructed of materials specified in Table 14-1.

1502.4 Building Storm Sewers. Building storm sewers shall be constructed of materials specified in Table 14-1.

1502.5 Subsoil Drains.

1502.5.1 Subsoil drains shall be constructed of materials specified in Table 14-1.

1502.5.2 Subsoil drains shall be open-jointed or of perforated pipe, vitrified clay, plastic, cast iron, or porous concrete.

1503.0 Traps on Storm Drains and Leaders.

1503.1 Where Required. Leaders and storm drains, when connected to a combined sewer, shall be trapped. Floor and area drains connected to a storm drain shall be trapped.

EXCEPTION: Traps shall not be required where roof drains, rain leaders and other inlets are at locations allowed under Section 906.0, Vent Terminals.

1503.2 Where Not Required. No trap shall be required for a leader(s) or conductor(s) which is connected to a sewer carrying storm water exclusively.

1503.3 Trap Size. Traps, when installed for individual conductors, shall be the same size as the horizontal drain to which they are connected.

1503.4 Method of Installation of Combined Sewer. Individual storm-water traps shall be installed on the storm-water drain branch serving each storm-water inlet, or a single trap shall be installed in the main storm drain just before its connection with the combined building sewer. Such traps shall be provided with an accessible cleanout on the outlet side of the trap.

1504.0 Leaders, Conductors, and Connections.

1504.1 Improper Use. Leaders or conductors shall not be used as soil, waste, or vent pipes, nor shall soil, waste, or vent pipes be used as leaders or conductors.

1504.2 Protection of Leaders. Leaders installed along alleyways, driveways, or other locations where they may be exposed to damage shall be protected by metal guards, recessed into the wall, or constructed from ferrous pipe.

1504.3 Combining Storm with Sanitary Drainage. The sanitary and storm drainage system of a building shall be entirely separate, except where a combined sewer is used, in which case the building storm drain shall be connected in the same horizontal plane through single wye fittings to the combined building sewer at least ten (10) feet (3048 mm) downstream from any soil stack.

1505.0 Roof Drains.

1505.1 Material.

1505.1.1 Roof drains shall be constructed of materials specified in Table 14-1.

1505.1.2 Roof drains shall be of cast iron, copper or copper alloy, lead or plastic.

1505.2 Dome or Strainer for General Use. All roof drains and overflow drains, except those draining to hanging gutters, shall be equipped with strainers extending not less than four (4) inches (102 mm) above the surface of the roof immediately adjacent to the drain. Strainers shall have a minimum inlet area above the roof level of not less than one and one-half (1-1/2) times the area of the conductor or leader to which the drain is connected.

1505.3 Strainers for Flat Decks. Roof drain strainers for use on sun decks, parking decks, and similar areas which are normally serviced and maintained may be of the flat surface-type. Such roof drain strainers shall be level with the deck and shall have an available inlet area of no less than two (2) times the area of the conductor or leader to which the drain is connected.

1505.4 Roof Drain Flashings. Connection between the roof and roof drains which pass through the roof and into the interior of the building shall be made watertight by the use of proper flashing material.

1505.4.1 Where lead flashing material is used, it shall be a minimum of four (4) pounds per square foot (19.5 kg/m²).

1505.4.2 Where copper flashing material is used, it shall be a minimum of twelve (12) ounces per square foot (3.7 kg/m²).

1506.0 Size of Leaders, Conductors, and Storm Drains.

1506.1 Vertical Conductors and Leaders. Vertical conductors and leaders shall be sized on the basis of the maximum projected roof area and Table 15-1.

1506.2 Size of Horizontal Storm Drains and Sewers. The size of building storm drains or building storm sewers or any

of their horizontal branches shall be based upon the maximum projected roof or paved area to be handled and Table 15-2.

1506.3 Size of Roof Gutters. The size of semicircular gutters shall be based on the maximum projected roof area and Table 15-3.

1506.4 Side Walls Draining onto a Roof. Where vertical walls project above a roof so as to permit storm water to drain to the roof area below the adjacent roof area may be computed from Table 15-1 as follows:

1. For one (1) wall – add fifty (50) percent of the wall area to the roof area figures.
2. For two (2) adjacent walls – add thirty-five (35) percent of the total wall areas.
3. Two (2) walls opposite of same height – add no additional area.
4. Two (2) walls opposite of differing heights – add fifty (50) percent of wall area above top of lower wall.
5. Walls on three (3) sides – add fifty (50) percent of area of the inner wall below the top of the lowest wall, plus allowance for the area of wall above top of lowest wall, per (2) and (4) above.
6. Walls on four (4) sides – no allowance for wall areas below top of lowest wall – add for areas above the top of the lowest wall per (1), (2), (4) and (5) above.

1507.0 Values for Continuous Flow.

Where there is a continuous or semi-continuous discharge into the building storm drain or building storm sewer, as from a pump, ejector, air-conditioning plant, or similar device, one (1) gpm (3.8 L/min.) of such discharge shall be computed as being equivalent to twenty-four (24) square feet (2.2 m²) of roof area, based upon a rate of rainfall of four (4) inches (102 mm) per hour.

1508.0 Testing.

1508.1 Testing Required. New building storm drainage systems and parts of existing systems that have been altered, extended or repaired shall be tested as described in Section 1508.2.1 to disclose leaks and defects.

1508.2 Methods of Testing Storm Drainage Systems. Except for outside leaders and perforated or open jointed

drain tile, the piping of storm drain systems shall be tested upon completion of the rough piping installation by water or air, and proved tight. The administrative authority may require the removal of any cleanout plugs to ascertain if the pressure has reached all parts of the system. Either of the following test methods shall be used:

1508.2.1 Water Test. After piping has been installed, the water test shall be applied to the drainage system, either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed except for the highest opening, and the system shall be filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except for the highest opening of the section under test, and each section shall be filled with water, but no section shall be tested with less than a ten (10) foot (3048 mm) head of water. In testing successive sections, at least the upper ten (10) foot (3048 mm) of the next preceding section shall be tested so that no joint of pipe in the building (except the uppermost ten (10) foot (3048 mm) of a roof drainage system, which shall be filled with water to the flood level of the uppermost roof drain) shall have been submitted to a test of less than a ten (10) foot (3048 mm) head of water. The water shall be kept in the system or in the portion under test for at least fifteen (15) minutes before inspection starts; the system shall then be tight at all points.

1508.2.2 Air Test. The air test shall be made by attaching an air compressor testing apparatus to any suitable opening after closing all other inlets and outlets to the system, forcing air into the system until there is a uniform gage pressure of five (5) psi (34.5 kPa) or sufficient to balance a column of mercury ten (10) inches (254 mm) in height. This pressure shall be held without introduction of additional air for a period of at least fifteen (15) minutes.

1508.2.3 Exceptions. When circumstances exist that make air and water tests, described in Sections 1508.2.1 and 1508.2.2 above, impractical, and for minor maintenance, repairs and installations, the administrative authority may perform the inspection as considered advisable by said authority to assure that the work has been in accordance with provisions of this code.

TABLE 15-1
Sizing Roof Drains, Leaders, and Vertical Rainwater Piping

Size of Drain, Leader or Pipe, Inches	Flow, gpm	Maximum Allowable Horizontal Projected Roof Areas Square feet at Various Rainfall Rates					
		1"/Hr	2"/Hr	3"/Hr	4"/Hr	5"/Hr	6"/Hr
2	23	2176	1088	725	544	435	363
3	67	6440	3220	2147	1610	1288	1073
4	144	13,840	6920	4613	3460	2768	2307
5	261	25,120	12,560	8373	6280	5024	4187
6	424	40,800	20,400	13,600	10,200	8160	6800
8	913	88,000	44,000	29,333	22,000	17,600	14,667

TABLE 15-1 (Metric)
Sizing Roof Drains, Leaders, and Vertical Rainwater Piping

Size of Drain, Leader or Pipe, mm	Flow, L/s	Maximum Allowable Horizontal Projected Roof Areas Square meters at Various Rainfall Rates					
		25mm/Hr	50mm/Hr	75mm/Hr	100mm/Hr	125mm/Hr	150mm/Hr
50	1.5	202	101	67	51	40	34
75	4.2	600	300	200	150	120	100
100	9.1	1286	643	429	321	257	214
125	16.5	2334	1117	778	583	467	389
150	26.8	3790	1895	1263	948	758	632
200	57.6	8175	4088	2725	2044	1635	1363

- Notes:
1. The sizing data for vertical conductors, leaders, and drains is based on the pipes flowing 7/24 full.
 2. For rainfall rates other than those listed, determine the allowable roof area by dividing the area given in the 1 inch/hour (25 mm/hr) column by the desired rainfall rate.
 3. Vertical piping may be round, square, or rectangular. Square pipe shall be sized to enclose its equivalent round pipe. Rectangular pipe shall have at least the same cross-sectional area as its equivalent round pipe, except that the ratio of its side dimensions shall not exceed 3 to 1.

TABLE 15-2
Sizing of Horizontal Rainwater Piping

Size of Pipe, inches	Flow at 1/8"/ft slope, gpm	Maximum Allowable Horizontal Projected Roof Areas Square Feet at Various Rainfall Rates					
		1"/Hr	2"/Hr	3"/Hr	4"/Hr	5"/Hr	6"/Hr
3	34	3288	1644	1096	822	657	548
4	78	7520	3760	2506	1880	1504	1253
5	139	13,360	6680	4453	3340	2672	2227
6	222	21,400	10,700	7133	5350	4280	3566
8	478	46,000	23,000	15,330	11,500	9200	7670
10	860	82,800	41,400	27,600	20,700	16,580	13,800
12	1384	133,200	66,600	44,400	33,300	26,650	22,200
15	2473	238,000	119,000	79,333	59,500	47,600	39,650

Size of Pipe, inches	Flow at 1/4"/ft slope, gpm	Maximum Allowable Horizontal Projected Roof Areas Square Feet at Various Rainfall Rates					
		1"/Hr	2"/Hr	3"/Hr	4"/Hr	5"/Hr	6"/Hr
3	48	4640	2320	1546	1160	928	773
4	110	10,600	5300	3533	2650	2120	1766
5	196	18,880	9440	6293	4720	3776	3146
6	314	30,200	15,100	10,066	7550	6040	5033
8	677	65,200	32,600	21,733	16,300	13,040	10,866
10	1214	116,800	58,400	38,950	29,200	23,350	19,450
12	1953	188,000	94,000	62,600	47,000	37,600	31,350
15	3491	336,000	168,000	112,000	84,000	67,250	56,000

Size of Pipe, inches	Flow at 1/2"/ft slope, gpm	Maximum Allowable Horizontal Projected Roof Areas Square Feet at Various Rainfall Rates					
		1"/Hr	2"/Hr	3"/Hr	4"/Hr	5"/Hr	6"/Hr
3	68	6576	3288	2192	1644	1310	1096
4	156	15,040	7520	5010	3760	3010	2500
5	278	26,720	13,360	8900	6680	5320	4450
6	445	42,800	21,400	14,267	10,700	8580	7140

PROPOSED

8	956	92,000	46,000	30,650	23,000	18,400	15,320
10	1721	165,600	82,800	55,200	41,400	33,150	27,600
12	2768	266,400	133,200	88,800	66,600	53,200	44,400
15	4946	476,000	238,000	158,700	119,000	95,200	79,300

- Notes:
1. The sizing data for horizontal piping is based on the pipes flowing full.
 2. For rainfall rates other than those listed, determine the allowable roof area by dividing the area given in the 1 inch/hr (25mm/hr) column by the desired rainfall rate.

TABLE 15-2 (Metric)
Sizing of Horizontal Rainwater Piping

Size of Pipe, mm	Flow at 10mm/m slope, L/s	Maximum Allowable Horizontal Projected Roof Areas Square Meters at Various Rainfall Rates					
		25mm/Hr	50mm/Hr	75mm/Hr	100mm/Hr	125mm/Hr	150mm/Hr
75	2.1	305	153	102	76	61	51
100	4.9	700	350	233	175	140	116
125	8.8	1241	621	414	310	248	207
150	14.0	1988	994	663	497	398	331
200	30.2	4273	2137	1424	1068	855	713
250	54.3	7692	3846	2564	1923	1540	1282
300	87.3	12,375	6187	4125	3094	2476	2062
375	156.0	22,110	11,055	7370	5528	4422	3683

Size of Pipe, mm	Flow at 20mm/m slope, L/s	Maximum Allowable Horizontal Projected Roof Areas Square Meters at Various Rainfall Rates					
		25mm/Hr	50mm/Hr	75mm/Hr	100mm/Hr	125mm/Hr	150mm/Hr
75	3.0	431	216	144	108	86	72
100	6.9	985	492	328	246	197	164
125	12.4	1754	877	585	438	351	292
150	19.8	2806	1403	935	701	561	468
200	42.7	6057	3029	2019	1514	1211	1009
250	76.6	10,851	5425	3618	2713	2169	1807
300	123.2	17,465	8733	5816	4366	3493	2912
375	220.2	31,214	15,607	10,405	7804	6248	5202

Size of Pipe, mm	Flow at 40mm/m slope, L/s	Maximum Allowable Horizontal Projected Roof Areas Square Meters at Various Rainfall Rates					
		25mm/Hr	50mm/Hr	75mm/Hr	100mm/Hr	125mm/Hr	150mm/Hr
75	4.3	611	305	204	153	122	102
100	9.8	1400	700	465	350	280	232
125	17.5	2482	1241	827	621	494	413
150	28.1	3976	1988	1325	994	797	663
200	60.3	8547	4273	2847	2137	1709	1423
250	108.6	15,390	7695	5128	3846	3080	2564
300	174.6	24,749	12,374	8250	6187	4942	4125
375	312.0	44,220	22,110	14,753	11,055	8853	7367

- Notes:
1. The sizing data for horizontal piping is based on the pipes flowing full.
 2. For rainfall rates other than those listed, determine the allowable roof area by dividing the area given in the 1 inch/hr (25mm/hr) column by the desired rainfall rate.

PROPOSED

TABLE 15-3
Size of Gutters

PROPOSED

Diameter of Gutter in Inches	Maximum Rainfall in Inches per Hour				
	2	3	4	5	6
1/16" per ft slope					
3	340	226	170	136	113
4	720	480	360	288	240
5	1250	834	625	500	416
6	1920	1280	960	768	640
7	2760	1840	1380	1100	918
8	3980	2655	1990	1590	1325
10	7200	4800	3600	2880	2400

Diameter of Gutter in Inches	Maximum Rainfall in Inches per Hour				
	2	3	4	5	6
1/8" per ft slope					
3	480	320	240	192	160
4	1020	681	510	408	340
5	1760	1172	880	704	587
6	2720	1815	1360	1085	905
7	3900	2600	1950	1560	1300
8	5600	3740	2800	2240	1870
10	10200	6800	5100	4080	3400

Diameter of Gutter in Inches	Maximum Rainfall in Inches per Hour				
	2	3	4	5	6
1/4" per ft slope					
3	680	454	340	272	226
4	1440	960	720	576	480
5	2500	1668	1250	1000	834
6	3840	2560	1920	1536	1280
7	5520	3680	2760	2205	1840
8	7960	5310	3980	3180	2655
10	14,400	9600	7200	5750	4800

Diameter of Gutter in Inches	Maximum Rainfall in Inches per Hour				
	2	3	4	5	6
1/2" per ft slope					
3	960	640	480	384	320
4	2040	1360	1020	816	680
5	3540	2360	1770	1415	1180
6	5540	3695	2770	2220	1850
7	7800	5200	3900	3120	2600
8	11,200	7460	5600	4480	3730
10	20,000	13,300	10,000	8000	6660

**TABLE 15-3 (Metric)
Size of Gutters**

Diameter of Gutter in mm	Maximum Rainfall in Millimeters per Hour				
	50.8	76.2	101.6	127.0	152.4
5.2mm/m slope					
76.2	31.6	21.0	15.8	12.6	10.5
101.6	66.9	44.6	33.4	26.8	22.3
127.0	116.1	77.5	58.1	46.5	38.7
152.4	178.4	119.1	89.2	71.4	59.5
177.8	256.4	170.9	128.2	102.2	85.3
203.2	369.7	246.7	184.9	147.7	123.1
254.0	668.9	445.9	334.4	267.6	223.0

Diameter of Gutter in mm	Maximum Rainfall in Millimeters per Hour				
	50.8	76.2	101.6	127.0	152.4
10.4mm/m slope					
76.2	44.6	29.7	22.3	17.8	14.9
101.6	94.8	63.3	47.4	37.9	31.6
127.0	163.5	108.9	81.8	65.4	54.5
152.4	252.7	168.6	126.3	100.8	84.1
177.8	362.3	241.5	181.2	144.9	120.8
203.2	520.2	347.5	260.1	208.1	173.7
254.0	947.6	631.7	473.8	379.0	315.9

Diameter of Gutter in mm	Maximum Rainfall in Millimeters per Hour				
	50.8	76.2	101.6	127.0	152.4
20.9mm/m slope					
76.2	63.2	42.2	31.6	25.3	21.0
101.6	133.8	89.2	66.9	53.5	44.6
127.0	232.3	155.0	116.1	92.9	77.5
152.4	356.7	237.8	178.4	142.7	118.9
177.8	512.8	341.9	256.4	204.9	170.9
203.2	739.5	493.3	369.7	295.4	246.7
254.0	133.8	891.8	668.9	534.2	445.9

Diameter of Gutter in mm	Maximum Rainfall in Millimeters per Hour				
	50.8	76.2	101.6	127.0	152.4
41.7mm/m slope					
76.2	89.2	59.5	44.6	35.7	29.7
101.6	189.5	126.3	94.8	75.8	63.2
127.0	328.9	219.2	164.4	131.5	109.6
152.4	514.7	343.3	257.3	206.2	171.9
177.8	724.6	483.1	362.3	289.9	241.4
203.2	1040.5	693.0	520.2	416.2	346.5
254.0	1858.0	1238.4	929.0	743.2	618.7

PROPOSED

NEW SECTION**WAC 51-56-201300 Appendix M—Firestop protection for DWV and stormwater applications.****M 1.0 General Requirements.**

M 1.1 Applicability. All DWV and stormwater piping penetrations of fire-resistance rated walls, partitions, floors, floor/ceiling assemblies, roof/ceiling assemblies or shaft enclosures shall be protected in accordance with the requirements of the building code and this chapter.

M 2.0 Plans and Specifications.

M 2.1 Plans and specifications shall indicate with sufficient detail how penetrations of fire resistance rated assemblies shall be firestopped prior to obtaining design approval by the administrative authority.

M 3.0 Installation.

M 3.1 Firestop materials shall be installed in accordance with this chapter, the building code and the manufacturer's instructions.

M 4.0 Definitions.

M 4.1 F Rating. The time period that the penetration firestop system limits the spread of fire through the penetration when tested in accordance with ASTM E 814.

M 4.2 T Rating. The time period that the penetration firestop system, including the penetrating item, limits the maximum temperature rise of 325 degrees F above its initial temperature through the penetration on the nonfire side, when tested in accordance with ASTM E 814.

M 5.0 ABS and PVC DWV (Combustible) Installations.

M 5.1 ABS and PVC DWV Piping installations shall be protected in accordance with the appropriate fire resistance rating requirements in the building code that list the acceptable area, height and type of construction for use in specific occupancies to assure compliance and integrity of the fire resistance rating prescribed.

M 5.2 When penetrating a fire resistance rated wall, partition, floor, floor-ceiling assembly, roof-ceiling assembly, or shaft enclosure, the fire resistance rating of the assembly shall be restored to its original rating with a material or product tested to standard(s) referenced in Chapter 14 and at an independent testing agency acceptable to the administrative authority.

M 5.3 Penetrations shall be protected by an approved penetration firestop system installed as tested in accordance with ASTM E 119 or ASTM E 814, with a minimum positive pressure differential of 0.01 inch of water. Systems shall have an F rating of at least 1 hour but not less than the required fire resistance rating of the assembly being penetrated. Systems protecting floor penetrations shall have a T rating of at least 1 hour but not less than the required fire resistance rating of the floor being penetrated. Floor penetrations contained within the cavity of a wall at the location of the floor penetration do not require a T rating. No T rating shall be required for floor

penetrations by piping that is not in direct contact with combustible material.

M 5.4 The penetration must meet any additional requirements for protection of the penetration in the building code adopted by the administrative authority. When no building code has been adopted by the local administrative authority the penetration requirements shall be as required in NFPA 101, Life Safety Code.

M 5.5 Prior to being concealed, piping penetrations shall be inspected to verify compliance with the fire resistance rating prescribed in the building code or, in the absence of a building code NFPA 101, Life Safety Code.

M 5.6 When piping penetrates a rated assembly, noncombustible piping shall not connect to combustible piping unless it can be demonstrated that the transition complies with the requirements of M 5.3.

M 6.0 Copper, Cast Iron or Steel DWV (Noncombustible) Installations.

M 6.1 Metallic DWV piping installations shall be protected in accordance with the appropriate fire resistance rating requirements in the building code that list the acceptable area, height and type of construction for use in specific occupancies to assure compliance and integrity of the fire resistance rating prescribed.

M 6.2 When penetrating a fire resistance rated wall, partition, floor, floor-ceiling assembly, roof-ceiling assembly, or shaft enclosure, the fire resistance rating of the assembly shall be restored to its original rating with a material or product tested to standard(s) referenced in Section M 6.3 and at an independent testing agency acceptable to the administrative authority.

EXCEPTIONS:

1. Concrete, mortar, or grout may be used to fill the annular spaces around cast iron, copper, or steel piping that penetrates concrete or masonry fire resistant rated assemblies. The nominal diameter of the penetrating item should not exceed 6 inches (15.2 cm) and the opening size should not exceed 144 sq. in. (929 sq. cm). The thickness of concrete, mortar, or grout should be the full thickness of the assembly or the thickness necessary to provide a fire resistance rating not less than the required fire resistance rating of the assembly penetrated, or
2. The material used to fill the annular space shall prevent the passage of flame and hot gases sufficient to ignite cotton waste for the time period equivalent to the fire resistance rating of the assembly when tested to standard(s) referenced in Section M 6.3.

M 6.3 Penetrations shall be protected by an approved penetration firestop system installed as tested in accordance with ASTM E 119 or ASTM E 814, with a minimum positive pressure differential of 0.01 inch of water. Systems shall have an F rating of at least 1 hour but not less than the required fire resistance rating of the assembly being penetrated. Systems protecting floor penetrations shall have a T rating of at least 1 hour but not less than the required fire resistance rating of the floor being penetrated. Floor penetrations contained within the cavity of a wall at the location of the floor penetration do not require a T rating. No T rating shall be required for floor

penetrations by piping that is not in direct contact with combustible material.

M 6.4 The penetration must meet any additional requirements for protection of the penetration in the building code adopted by the administrative authority. When no building code has been adopted by the local administrative authority the penetration requirements shall be as required in NFPA 101, Life Safety Code.

M 6.5 Prior to being concealed, piping penetrations shall be inspected to verify compliance with the fire resistance rating prescribed in the building code or, in the absence of a building code NFPA 101, Life Safety Code.

M 6.6 When piping penetrates a rated assembly, combustible piping shall not connect to noncombustible piping unless it can be demonstrated that the transition complies with the requirements of M 6.3.

M 6.7 Unshielded couplings shall not be used to connect noncombustible piping unless it can be demonstrated that the fire resistive integrity of the penetration is maintained.

M 7.0 Model Code References.

M 7.1 ICBO Uniform Building Code (1997 edition), Chapters 5 and 6 for heights and areas and occupancies, Chapter 7 for fire resistance ratings and firestop systems.

M 7.2 BOCA National Building Code (1999 edition), Chapters 5 and 6 for heights and areas and occupancies, Chapter 7 for fire resistance ratings and firestop systems.

M 7.3 SBCCI Standard Building Code (1997 edition), Chapters 5 and 6 for heights and areas and occupancies, Chapter 7 for fire resistance ratings and firestop systems.

M 7.4 NFPA 101, Life Safety Code (1997 edition), Chapter 6 for fire resistance ratings and firestop systems.

M 8.0 Inspection Checklist.

M 8.1 General. The administrative authority shall obtain verification of compliance with this chapter through the application of this checklist, the appropriate installation standards, construction documents, specifications and manufacturers product information (if applicable) to determine required details.

M 8.2 The administrative authority having jurisdiction shall determine the type, size and quantity of penetrations to be inspected.

M 8.3 The administrative authority having jurisdiction shall determine the required F ratings (1, 2, 3, or 4 hour) and T ratings (0, 1, 2, 3, or 4 hour) for the assembly being penetrated.

M 8.4 The administrative authority having jurisdiction shall require documentation (drawings) of systems installed by the contractor. This could be a tested system or a manufacturer's engineered system judgment. Ask for product data sheets of products used for identification.

M 8.5 Examination.

M 8.5.1 External Examination. The assembly type, insulation type and thickness, type and size of any sleeve, type and size of penetrant, size of opening, orientation of penetrant, annular space and rating shall be inspected for compliance with the approved drawing submitted.

M 8.5.2 Internal Examination. With contractor present and prepared to make repairs, the contractor shall be directed to cut into the firestop sufficiently to reveal the type and backing materials and the type and amount of the material. The contractor shall repair the firestop and the administrative authority having jurisdiction shall reexamine the installation.

M 8.5.3 The administrative authority having jurisdiction after examining the firestop, both externally and internally, shall compare the values with the design submitted. The administrative authority having jurisdiction will verify that all values fall within the design parameters of the tested or engineered system submitted and approved.

M 8.5.4 The administrative authority having jurisdiction shall continue inspection approving or rejecting applications as required. If sufficient noncompliant installations are found, the entire project may need to be redone. Reexamination after corrections shall be made.

Chapter 51-57 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF APPENDIX A AND APPENDIX I OF THE 2000 EDITION OF THE UNIFORM PLUMBING CODE

NEW SECTION

WAC 51-57-001 Authority. These rules are adopted under the authority of chapter 19.27 RCW.

NEW SECTION

WAC 51-57-002 Purpose. The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the state building code council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining the codes, the council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the council.

NEW SECTION

WAC 51-57-003 Uniform Plumbing Code standards. The 2000 edition of the Uniform Plumbing Code Standards (Appendixes A and I), published by the International Association of Plumbing and Mechanical Officials are hereby adopted by reference.

PROPOSED

NEW SECTION

WAC 51-57-007 Exceptions. The exceptions and amendments to the Uniform Codes contained in the provisions of chapter 19.27 RCW shall apply in cases of conflict with any of the provisions of these rules.

NEW SECTION

WAC 51-57-008 Implementation. The Uniform Plumbing Code Standards adopted by chapter 19.27 RCW shall become effective in all counties and cities of this state on July 1, 2002, unless local government residential amendments have been approved by the state building code council.

NEW SECTION

WAC 51-57-79000 Installation Standard 7-90—Polyethylene cold water building supply and yard piping.

604.1 Location. Polyethylene piping may terminate within a building or structure. The connection to the potable water distribution system shall be accessible, except that it may be buried underground outside of the building or structure in an accessible location. Barbed insert fittings with hose clamps are prohibited within a building.

NEW SECTION

WAC 51-57-895000 Installation Standard 8-95—PVC cold water building supply and yard piping.

604.1 Location. PVC piping may terminate within a building or structure. The connection to the potable water distribution system shall be accessible, except that it may be buried underground outside of the building or structure in an accessible location.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 51-46-001	Authority.
WAC 51-46-002	Purpose.
WAC 51-46-003	Uniform Plumbing Code.
WAC 51-46-007	Exceptions.
WAC 51-46-008	Implementation.
WAC 51-46-0100	Chapter 1—Administration.
WAC 51-46-0101	Section 101 Title, scope and general.
WAC 51-46-0102	Organization and enforcement.
WAC 51-46-0103	Section 103 Permits and inspections.
WAC 51-46-0200	Chapter 2—Definitions.

WAC 51-46-0205	Section 205.0 - C.
WAC 51-46-0215	Section 215.0 - M.
WAC 51-46-0218	Section 218.0 - P.
WAC 51-46-0300	Chapter 3—General regulations.
WAC 51-46-0301	Materials—Standards and alterations.
WAC 51-46-0310	Workmanship.
WAC 51-46-0311	Prohibited fittings and practices.
WAC 51-46-0313	Protection of piping, materials, and structures.
WAC 51-46-0314	Hangers and supports.
WAC 51-46-0316	Joints and connections.
WAC 51-46-0392	Table 3-2 Hangers and supports.
WAC 51-46-0400	Chapter 4—Plumbing fixtures and fixture fittings.
WAC 51-46-0402	Water-conserving fixtures and fittings.
WAC 51-46-0412	Floor drains and shower stalls.
WAC 51-46-0413	Minimum number of required fixtures.
WAC 51-46-0500	Chapter 5—Water heaters.
WAC 51-46-0501	General.
WAC 51-46-0502	Definitions.
WAC 51-46-0505	Gas-fired water heater approval requirements.
WAC 51-46-0507	Combustion air.
WAC 51-46-0509	Prohibited locations.
WAC 51-46-0512	Venting of water heaters.
WAC 51-46-0513	Limitations.
WAC 51-46-0514	Vent connectors.
WAC 51-46-0515	Location and support of venting system.
WAC 51-46-0516	Length pitch and clearance.
WAC 51-46-0517	Vent termination.
WAC 51-46-0518	Area of venting system.
WAC 51-46-0519	Multiple appliance venting.
WAC 51-46-0520	Existing venting system.
WAC 51-46-0521	Draft hoods.
WAC 51-46-0522	Gas venting into existing masonry chimneys.

WAC 51-46-0523	Installation.	WAC 51-46-1401	Referenced standards.
WAC 51-46-0524	Mechanical draft systems.	WAC 51-46-1491	Table 14-1 Standards for materials, equipment, joints and connections.
WAC 51-46-0525	Venting through ventilating hoods and exhaust systems.	WAC 51-46-97120	Appendix M—Storm drainage.
WAC 51-46-0600	Water supply and distribution.	WAC 51-46-97121	General.
WAC 51-46-0603	Cross-connection control.	WAC 51-46-97122	Materials.
WAC 51-46-0604	Materials.	WAC 51-46-97123	Traps on storm drains and leaders.
WAC 51-46-0608	Water pressure, pressure regulators, pressure relief valves, and vacuum relief valves.	WAC 51-46-97124	Leaders, conductors, and connections.
WAC 51-46-0609	Installation, testing, unions, and location.	WAC 51-46-97125	Roof drains.
WAC 51-46-0610	Size of potable water piping.	WAC 51-46-97126	Size of leaders, conductors, and storm drains.
WAC 51-46-0700	Sanitary drainage.	WAC 51-46-97127	Values for continuous flow.
WAC 51-46-0701	Materials.	WAC 51-46-97128	Testing.
WAC 51-46-0704	Fixture connections (drainage).	WAC 51-46-97129	Tables M-1 through M-3.
WAC 51-46-0710	Drainage of fixtures located below the next upstream manhole or below the main sewer level.		
WAC 51-46-0713	Building sewers.		
WAC 51-46-0793	Table 7-3 Drainage fixture unit values.		
WAC 51-46-0800	Indirect wastes.		
WAC 51-46-0810	Steam and hot water drainage condensers and sumps.		
WAC 51-46-0814	Refrigeration wastes.		
WAC 51-46-0815	Air-conditioning equipment.		
WAC 51-46-0900	Vents.		
WAC 51-46-0903	Materials.		
WAC 51-46-1000	Traps and interceptors.		
WAC 51-46-1003	Traps—Described.		
WAC 51-46-1012	Laundries.		
WAC 51-46-1300	Medical gas systems.		
WAC 51-46-1301	Scope.		
WAC 51-46-1302	Definitions.		
WAC 51-46-1303	Plan review.		
WAC 51-46-1304	System installation and performance testing.		
WAC 51-46-1305	System verification.		
WAC 51-46-1400	Referenced standards.		

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 51-47-001	Authority.
WAC 51-47-002	Purpose.
WAC 51-47-003	Uniform Plumbing Code Standards.
WAC 51-47-007	Exceptions.
WAC 51-47-008	Implementation.

**WSR 01-16-123
PROPOSED RULES
HORSE RACING COMMISSION**

[Filed July 31, 2001, 9:37 a.m.]

Original Notice.
Preproposal statement of inquiry was filed as WSR 01-12-059.
Title of Rule: WAC 260-75-010 Satellite locations daily fee.
Purpose: Repeal this rule in its entirety.
Statutory Authority for Adoption: RCW 67.16.040.
Summary: Remove this section from Title 260 WAC.
Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (360) 459-6462.
Name of Proponent: Washington Horse Racing Commission, governmental.
Rule is not necessitated by federal law, federal or state court decision.

PROPOSED

PROPOSED

Explanation of Rule, its Purpose, and Anticipated Effects: This rule pertains to the institution of a daily fee per satellite location to be paid by the association under certain circumstances wherein the daily handle should drop below a certain level.

Proposal Changes the Following Existing Rules: Repealing of this section of chapter 260-75 WAC, specifically WAC 260-75-010.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes will not affect more than 20% or less than 10% of the population. A small business economic impact statement was not prepared.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on September 4, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Bruce Batson by August 31, 2001.

Submit Written Comments to: Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98516, fax (360) 459-6461, by October 16, 2001.

Date of Intended Adoption: October 18, 2001.

July 30, 2001
Bruce Batson
Executive Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 260-75-010 Satellite locations daily fee.

**WSR 01-16-124
PROPOSED RULES
HORSE RACING COMMISSION**

[Filed July 31, 2001, 9:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-12-060.

Title of Rule: WAC 260-48-930, rebates.

Purpose: New section relating to rebating by associations to lure patrons to their establishments. This rule would create regulation and enforcement if necessary.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: Allow the Washington Horse Racing Commission to regulate and possible enforcement action regarding establishments relating to the practice of giving patronage incentives.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (360) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Adding a new rule relating to the practice of rebating by association to lure certain individuals to their establishments. Rules would aid in the regulation and possible enforcement.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes will not affect more than 20% or less than 10% of the population. A small business economic impact statement was not prepared.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on September 4, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Bruce Batson by August 31, 2001.

Submit Written Comments to: Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98516, fax (360) 459-6461, by October 16, 2001.

Date of Intended Adoption: October 18, 2001.

July 30, 2001
Bruce Batson
Executive Secretary

NEW SECTION

WAC 260-48-930 Rebating. Any association intending to offer to give cash rebates to patrons shall first notify the commission as to the specific details of such rebate plan and shall not implement such a plan until the commission approves the plan as being in the best interests of racing in this state.

**WSR 01-16-130
PROPOSED RULES
PERSONNEL RESOURCES BOARD**

[Filed July 31, 2001, 3:41 p.m.]

Original Notice.

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

Title of Rule: WAC 356-05-415 Temporary employment, 356-30-025 Nonpermanent appointments—Duration, 356-30-065 Temporary appointments—From outside state service, 356-30-067 Temporary appointments from within classified service, 356-18-112 Shared leave, and 356-30-140 Intermittent employment—Rules—Regulations.

Purpose: The purpose of these rules is to address nonpermanent appointments within state government and shared leave for state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: These modifications change the standard for the amount of time an employee can work in a nonpermanent appointment. With these changes a temporary appointment can last not more than 1560 nonovertime hours.

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: Currently these rules allow nonpermanent appointments to last nine months or 1560 nonovertime hours within a twelve month period. These changes will eliminate the "nine months" and the "within a twelve month period" for temporary appointments and set the allowance to not more than 1560 nonovertime hours only. The standard for intermittent appointments shall remain 1560 nonovertime hours within a twelve month period. All nonovertime hours spent in nonpermanent appointments will be counted in the 1560 hour limit. These modifications will simplify the process for agencies when calculating the length of time a person can remain in a nonpermanent appointment.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 13, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 6, 2001, 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 September 10, 2001.

Date of Intended Adoption: September 13, 2001.

July 31, 2001

Eugene C. Matt
Secretary

AMENDATORY SECTION (Amending WSR 88-18-096 (Order 308), filed 9/7/88, effective 11/1/88)

WAC 356-05-415 Temporary employment. Single or multiple periods of employment during the absence of a permanent employee or during a workload peak when there is a need to fill a position for not more than ~~((nine months or))~~ 1560 nonovertime hours or while recruitment is being conducted to establish a complete register.

REPEALER

WAC 356-30-025

Nonpermanent appointments—Duration.

AMENDATORY SECTION (Amending WSR 97-19-044, filed 9/11/97, effective 11/1/97)

WAC 356-30-065 Temporary appointments—From outside state service. (1) Temporary appointments may be

made to classified positions during the absence of a permanent employee, to reduce the effects of an impending or actual reduction in force, or during a workload peak when there is a need to fill a position for not more than ~~((nine months or))~~ 1560 nonovertime hours or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) Temporary appointments shall be approved by the director of personnel, or designee. Single or multiple temporary appointments shall last no more than ~~((nine months or))~~ 1560 nonovertime hours ~~((within a twelve month period. Time spent in emergency appointments will be counted in the 1560 hours.))~~ All nonovertime hours spent in nonpermanent appointments will be counted in the 1560 hour limit.

(4) No temporary appointment of an employee who has worked for the agency for ~~((nine months or))~~ 1560 nonovertime hours ~~((within the last twelve months))~~ may be made without a three-month break in service. Consecutive nonpermanent appointments of the same person in the same agency which would cause the employee to work more than 1560 nonovertime hours ~~((in a twelve month period))~~ can only be made with the approval of the director of personnel. Extensions of temporary appointments of persons from outside classified service may be granted when a permanent employee's leave extends beyond ~~((nine months or))~~ 1560 nonovertime hours or as otherwise approved by the director of personnel. Such extensions must be approved by the director of personnel.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel determines that program needs demand otherwise. Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee given a temporary appointment following certification from the register to fill a position in the absence of a permanent employee may enter a probationary period when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary period.

(6) Compensation of temporary employees shall be consistent with the rules unless exempted by RCW 41.06.070 and WAC 356-06-020.

(7) Merit system rules governing all forms of leave will apply to temporary employees unless exempted by RCW 41.06.070 and WAC 356-06-020.

(8) An employee's temporary appointment may be ended by stipulating a termination date in the appointment letter or by giving one full working day's notice prior to the effective date. The employee receiving such notice shall not have the right of appeal or hearing.

(9) The appointing authority shall advise the temporary employee of the temporary status of the appointment. Temporary employees not appointed from within the classified service have no appeal rights.

(10) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

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

AMENDATORY SECTION (Amending WSR 97-19-044, filed 9/11/97, effective 11/1/97)

WAC 356-30-067 Temporary appointments from within classified service. (1) Temporary appointments may be made with the approval of the director of personnel or designee to classified positions during the absence of a permanent employee, to reduce the effects of an impending or actual reduction in force, or during a workload peak when there is a need to fill a position for not more than ~~((nine months or))~~ 1560 nonovertime hours or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) All temporary appointments to supervisory or managerial positions must be made from within state service unless the director determines that such action is not practicable.

(4) Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee certified from the register to fill a position in the absence of a permanent employee may enter a probationary or trial service period and subsequently gain permanent status when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director of personnel must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary or trial service period.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel determines that program needs demand otherwise. Upon termination of such temporary appointment, permanent or probationary employees shall have the right to resume a permanent position within their permanent agency at their former status except as provided in (6) below. The employee's salary upon return will be determined as if the employee had remained in the permanent position.

(6) An employee who accepts a temporary appointment to a higher class in the same series in the same work unit shall continue the probationary or trial service period for the lower class.

(7) Temporary appointments made from within classified service will normally last no more than ~~((nine months or))~~ 1560 nonovertime hours for single or multiple appointments. An extension may be approved by the director when a temporary appointment is made to replace a permanent employee who has been granted a leave of absence, when temporarily filling a supervisory or managerial position when there is reorganization pending, or as otherwise approved by the director. Temporary appointments may extend to thirty

days after the date the permanent employee returns or the position is filled permanently. ~~((Time spent in emergency appointments will be counted in the 1560 hours.))~~ All non-overtime hours spent in nonpermanent appointments will be counted in the 1560 hour limit.

(8) Compensation for temporary appointees shall be made in accordance with the rules governing promotions, demotions, or transfers.

(9) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

AMENDATORY SECTION (Amending WSR 96-21-037, filed 10/10/96, effective 11/10/96)

WAC 356-18-112 Shared leave. (1) The purpose of the state leave sharing program is to permit state employees to donate vacation leave, sick leave, or personal holidays to a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. An employee is eligible to request participation in the shared leave program when the employee is able to use accrued vacation leave, sick leave, or a personal holiday. For purposes of the Washington state leave sharing program, the following definitions apply:

(a) "Employee" means any employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

(b) "Employee's relative" normally shall be limited to the employee's spouse, child, stepchild, grandchild, grandparent, or parent.

(c) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

(d) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(2) An employee may be eligible to receive shared leave under the following conditions:

(a) The employee's agency head determines that the employee meets the criteria described in this section.

(b) For work related illness or injury, the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW.

(c) The employee has abided by agency policies regarding the use of sick leave.

(d) Donated leave is transferable between employees in different state agencies with the agreement of both agency heads.

(3) An employee may donate vacation leave, sick leave, or personal holiday to another employee only under the following conditions:

(a)(i) The receiving employee has exhausted, or will exhaust, his or her vacation leave, and sick leave due to an ill-

ness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature, and involves the employee, the employee's relative or household member; and

(ii) The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate state employment; and

(iii) The agency head permits the leave to be shared with an eligible employee.

(b) The donating employee may donate any amount of vacation leave provided the donation does not cause the employee's vacation leave balance to fall below eighty hours. For part-time employees, requirements for annual leave balances will be prorated.

(c) Employees may not donate excess vacation leave that the donor would not be able to take due to an approaching anniversary date.

(d) The donating employee may donate any specified amount of sick leave provided the donation does not cause the employee's sick leave balance to fall below four hundred eighty hours after the transfer. In no event will the donating employee transfer more than six days of sick leave during any 12-month period. For purposes of sick leave donation, a day equals the donor's monthly sick leave accrual.

(e) The donating employee may donate all or part of a personal holiday in accordance with WAC 356-18-025. Any portion of a personal holiday that is not used shall be returned to the donating employee.

(4) The agency head shall determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of two hundred sixty one days of shared leave during total state employment, except that a nonpermanent employee who is eligible to use accrued leave or personal holiday may not use shared leave beyond the earlier date of:

(a) The termination date specified in the nonpermanent employee's appointment letter, or

(b) ~~((Nine months or))~~ 1560 nonovertime hours from date of appointment to the nonpermanent position; unless extended by the director per WAC 356-30-065(4), 356-30-067~~((6))~~(7), and 356-30-140(6).

(5) The agency head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

(6) Any donated leave may only be used by the recipient for the purposes specified in this section.

(7) The receiving employee shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary. The calculation of the recipient's leave value shall be in accordance with office of financial management policies, regulations, and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received will be coded as shared leave and be maintained separately from all other leave balances.

(8) All forms of paid leave available for use by the recipient must be used prior to using shared leave.

(9) Any shared leave not used by the recipient during each incident/occurrence as determined by the agency director shall be returned to the donor(s). The shared leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to each donor's appropriate leave balance. The return shall be prorated back based on the donor's original donation.

(10) All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave for purposes of this program.

(11) Agencies shall maintain records which contain sufficient information to provide for legislative review.

(12) An employee who uses leave that is transferred under this section will not be required to repay the value of the leave that he or she used.

AMENDATORY SECTION (Amending WSR 89-14-026 (Order 320), filed 6/26/89, effective 8/1/89)

WAC 356-30-140 Intermittent employment—Rules—Regulations. (1) Intermittent appointments may be made with the approval of the director of personnel or designee. An intermittent appointment shall be approved when the nature of the work is intermittent in character fitting no particular pattern. An employee may not work more than 1560 nonovertime hours within any twelve-month period in an intermittent appointment. A position which is filled beyond the 1560 nonovertime hours within a twelve-month period shall be vacated for a minimum of three months. ~~((Time spent in emergency appointments will be counted in the 1560 hours.))~~ All nonovertime hours spent in nonpermanent appointments will be counted in the 1560 hour limit.

(2) Intermittent appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) Intermittent appointees must meet the minimum qualifications for the class in which they are hired unless the director of personnel determines that program needs demand otherwise. Established registers may be used when making intermittent appointments.

(4) Consecutive appointments of the same person in the same agency may be made as long as the employee does not work more than 1560 nonovertime hours in a twelve-month period.

(5) No person can become a permanent employee because of time served as an intermittent employee.

(6) Intermittent employees who accept temporary appointments may return to intermittent employment and resume intermittent status without approval of the director of personnel if they have not exceeded 1560 nonovertime hours in all nonpermanent appointments within the last twelve months. If the employee reaches 1560 nonovertime hours in the last twelve months, a mandatory three-month break must be made, unless the director of personnel determines otherwise.

(7) Agencies must review intermittent appointments on a quarterly basis to ensure that intermittent employees are employed in accordance with these rules.

(8) The director of personnel shall monitor intermittent appointments made pursuant to this section and may revoke delegated authority where abuse is found.

PROPOSED

WSR 01-16-131
PROPOSED RULES
DEPARTMENT OF ECOLOGY

[Order 00-01—Filed July 31, 2001, 3:57 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-06-057.

Title of Rule: Requirements for measuring and reporting water use.

Purpose: Adopt new rule, chapter 173-173 WAC, establishing requirements for the measurement and reporting of water diversions and withdrawals. Repeal existing rule, chapter 508-64 WAC, regarding measuring devices for water diversion and withdrawal facilities.

Statutory Authority for Adoption: RCW 43.21A.080, 90.03.360, 90.44.050, [90.44.]250, [90.44.]450.

Statute Being Implemented: RCW 90.03.360, 90.44.-050, [90.44.]250, [90.44.]450.

Summary: The proposed rule establishes requirements for measuring and reporting water use. The proposed rule describes standards of acceptability for devices and methods used to determine the rate and volume of water diversions and withdrawals; the proposed rule also establishes requirements for reporting the volume and rate of diversions and withdrawals.

Reasons Supporting Proposal: Because of legislative changes in 1993 to RCW 90.03.360, chapter 508-64 WAC, originally adopted in 1969, no longer conforms to the statute. As the result of litigation, the department has been ordered by Thurston County Superior Court to promulgate a revised rule implementing RCW 90.03.360.

Name of Agency Personnel Responsible for Drafting: Jeff Marti and Lynn Coleman, Olympia, (360) 407-6636/407-6738; **Implementation:** Joe Stohr, Olympia, (360) 407-6602; and **Enforcement:** Region Supervisors, Statewide, (360) 407-6000.

Name of Proponent: Washington Department of Ecology, Water Resources Program, governmental.

Rule is necessary because of state court decision, *American Rivers, et al., v. Washington State Department of Ecology*, Thurston County Superior Court, Civ. No. 99-2-00480-6.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes standards of acceptability for the measuring devices and methods used to determine the rate and volume of water diverted or withdrawn from the surface and groundwater of the state. It also contains requirements for the reporting of water use to be met if the department requires a water right owner to report the rate and volume of water diverted or withdrawn. This rule will replace an existing rule, chapter 508-64 WAC, which contains requirements for measuring devices for diversion and withdrawal facilities. As described in the small business economic

impact statement below, this rule will require owners of water diversion and withdrawal facilities to incur costs as a result of designing, installing, maintaining and operating measurement devices and reporting water use data to the department. Water use data will improve the department's ability to make informed water management decisions, including determining whether water is available for appropriation and whether water users are in compliance with their water rights.

Proposal Changes the Following Existing Rules: This rule will replace chapter 508-64 WAC, Measuring devices for water diversion and withdrawal facilities, with proposed rule chapter 173-173 WAC, Requirements for measuring and reporting water use. The proposed rule is substantially changed from the existing rule: (1) It adds requirements for the measurement of open-channel diversions; (2) it adds requirements for the reporting of water use; (3) it removes language allowing the department to use discretion in determining who should be required to measure their water use; (4) it removes language requiring the department to notify water users when they must measure their water use; (5) it removes certain prescriptive language regarding measurement devices; and (6) it relaxes the accuracy requirements of measuring devices.

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

Small Business Economic Impact Statement

Introduction: The Regulatory Fairness Act (chapter 19.85 RCW) requires that proposed rules be evaluated for disproportionate impacts on small versus large business. If such exist, the act requires that mitigation be provided to the extent feasible and legal under the statute being implemented. The analysis conducted for this proposal indicates that, although estimated compliance costs are borne disproportionately by small businesses, the costs imposed on both small and large businesses are minor. This document describes the process by which these results are derived as well as the mitigative provisions that have been included.

Background: This proposed rule arises out [of] two events. First, the Washington state legislature amended RCW 93.03.360 [90.03.360] in 1993 to mandate ecology to require metering or measuring of new surface water diversion rights with reporting of amounts diverted to ecology as appropriate. Ecology was also directed to require the measurement of existing diversion rights affecting waters in which salmonid stocks have been designated as depressed or critical, or where the diversion is greater than one cubic foot per second (cfs).

Second, a recent court decision (*American Rivers v. Department of Ecology*) and various findings and agreements subsequent to that decision have resulted in the following conclusions (among others):

(a) The existing rule (chapter 508-64 WAC) relating to measuring diversions and withdrawals is no longer adequate to implement the statutes to which it applies;

(b) Ecology must give implementation of the requirements of the 1993 legislation greater emphasis than has been the case in the past; and

(c) Groundwater withdrawals are subject to metering and reporting in cases where surface waters supporting depressed or critical fish stocks may be affected.

Given the above, ecology is undertaking the adoption of the proposed rule by December 31, 2001 and implementation of the court's additional directives, through an agreed upon implementation plan, in the sixteen basins deemed "salmon critical" by December 31, 2002.

Affected Industries: The proposed rule is not directed at a specific industry or industries. Rather, it affects all water users (present and future) who fall within the regulated population. Many of these are public sector entities (municipal water utilities, nonprofit water districts and companies, irrigation districts, etc.), and are beyond the scope of this analysis. The following list provides an illustrative, but not exhaustive, sample of the private sector business entities and individuals potentially regulated under this proposal.

<u>SIC Group</u>	<u>Industry</u>
01-02	Agriculture (irrigation, stock watering, etc.)
15	Construction and property development (especially operative builders)
20	Food processing
24	Lumber and wood products
26	Pulp, paper and paper products
28	Chemicals
32	Stone, clay, and glass, and concrete products

Information available in summary program files did not allow for consistent identification of regulated industries at the four-digit level. The above listing was used as the basis for the quantitative estimates displayed below. It is judged that the results displayed here will be generally representative of those industries or activities not included on this listing.

Small versus Large Business Impacts: The information underlying the results displayed below includes the following:

- Water resources program staff compiled cost estimates for metering and measuring both open channel and pipeflow diversions and withdrawals at various levels. These included both installed capital costs and annual operation and maintenance (including recording and reporting) costs for two common types of measuring devices.
- Installed capital costs were amortized over the design life of each technology or system examined in order to provide comparability and combined with the operation and maintenance costs. A real discount rate of 3.6 percent was used for the analysis.¹
- Information provided by the Washington State Department of Employment Security was used to allocate Washington firms in the industry groups listed above to small versus large business groupings. Data published in the 2001 edition of the *Almanac of Business and Industrial Financial*

Ratios was used to estimate average revenues for small and large business.

- The impacts of the amortized costs of the metering and measuring devices and systems were calculated per \$100 of revenue as shown in the table below.² The estimated impacts are generally disproportionate with respect to small businesses, but are not large relative to revenues in either case.

COSTS PER \$100 OF REVENUE (2001 DOLLARS)

<u>OPEN CHANNEL</u>			
<u>SIC Group</u>	<u>Small Businesses</u>	<u>Large Businesses</u>	
01-02	\$0.07	\$0.005	
15	0.06	0.0002	
20	0.02	0.0005	
24	0.10	0.004	
26	0.11	0.0004	
28	0.07	0.0003	
32	0.02	0.002	
<u>PIPEFLOW</u>			
<u>SIC Group</u>	<u>Small Businesses</u>	<u>Large Businesses</u>	
01-02	\$0.06	\$0.003	
15	0.05	0.0001	
20	0.01	0.0002	
24	0.08	0.002	
26	0.08	0.0002	
28	0.06	0.0001	
32	0.02	0.0009	

Mitigation: The cost estimates displayed above are assumed to be generally representative of impacts upon the regulated community. However, it is possible that cases may exist in which these estimates are in error on the low side. In order to provide for this, and to allow additional flexibility to regulated entities, the following mitigation measures are included in the proposal.

1. **Performance Standards** - The proposed rule includes standards for the accuracy of metering/measuring devices or systems (WAC 173-173-100 and 173-173-130), but does not require specific technologies or systems. Thus, each regulated entity is free to choose devices or systems on the basis of efficiency and/or cost.

2. **Frequency and Timing of Recording and Reporting** - Entities diverting or withdrawing smaller volumes of water are required to record and report their data less frequently than those utilizing larger quantities of water. Their reporting deadline is also delayed compared with larger entities (WAC 173-173-060). This analysis assumes that the quantity of water diverted or withdrawn is directly correlated with the size of business entities.

3. **Indirect and Alternative Measurement** - Subject to approval by ecology, regulated entities may use measuring methods not requiring meters or other physical devices. One such method, estimation based on power consumption, is specified in section 16. Others may be available and used if approved by ecology (WAC 173-173-170).

PROPOSED

4. **Alternative Recording and Reporting** - The proposed rule requires reporting using an ecology-specified format. However, provision is also made for alternative reporting formats and recording/reporting requirements based on existing water rights, alternatives proposed by regulated entities, and case-by-case considerations, subject to ecology approval (WAC 173-173-060, 173-173-070, and 173-173-080).

5. **Financial Assistance** - The Washington state legislature appropriated \$3.4 million for water measuring devices and gauges during the 2002-2003 biennium. Discussion is currently ongoing as to the legality of use of these monies to assist in funding water measuring devices and the appropriate financial split between measuring devices and stream gauges. Priority is to be given to areas participating in the Washington State Department of Fish and Wildlife fish screens and cooperative compliance programs. At this writing, only one area in the state has a cooperative compliance program in place. However, participation in additional areas is anticipated in the near future.

Impacts on Revenues or Sales: Since compliance cost impacts are measured on the basis of sales, this topic has already been addressed. Based on the estimates developed for this analysis, it does not appear that significant revenue/sales impacts are likely to occur. However, in the event that such impacts do occur in specific cases, opportunities for mitigation have been provided as described above.

Involvement of Small Businesses: Opportunities for involvement of small businesses in the rule development process have been and will be afforded in the following ways:

- A technical advisory committee, including representatives from businesses and organizations representing businesses was formed and met from June through December 2001.
- An informal review draft of the proposed rule was released via the Internet for review and comment by interested parties in May 2001.
- Presentations regarding the rule as well as meetings with water user groups were offered throughout the process.

Looking forward, small businesses (and other interested parties) will be provided with opportunities for further input during the public review and comment process following formal proposal of the rule. In addition, further public input and involvement will be sought in the process of examining the rule for further implementation subsequent to initial compliance with court orders by December 2002.

¹ This is a fair representation of the interest rates on medium and long-term inflation-indexed United States Treasury securities as of July 9, 2001.

² It was assumed that the size of the diversion or withdrawal, and, hence the costs of metering or measuring it, is correlated with the size of business.

A copy of the statement may be obtained by writing to Bill Bafus, Department of Ecology, mailing address P.O. Box 47600, Olympia, WA 98504-7600, physical address 300 Desmond Drive, Lacey, WA 98503, phone (360) 407-6939, fax (360) 407-6989.

RCW 34.05.328 applies to this rule adoption. A "significant legislative rule" is a rule other than a procedural or interpretive rule that (a) adopts substantive provisions of law

pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction; (b) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (c) adopts a new, or makes significant amendments to, a policy or regulatory program. Because the proposal rule includes provisions of the kind identified in (a) through (c) above, it constitutes a significant legislative rule.

Hearing Location: Tacoma Public Utilities, Auditorium, 3628 South 35th Street, Tacoma, on September 4, at 7:00 p.m.; at the Whatcom County Council Chambers, County Courthouse, 311 Grand Avenue, Bellingham, on September 5, at 7:00 p.m.; at the Walla Walla Region Airport, Community Meeting Room, Exit off Highway 12, Walla Walla, on September 11, at 7:00 p.m.; at the Davis High School, Kiva, 212 6th Avenue, Yakima, on September 12, at 7:00 p.m.; at the Chelan County PUD Auditorium, 327 North Wenatchee Avenue, Wenatchee, on September 13, at 7:00 p.m.; and at the Guy Cole Convention Center, Carrie Blake Park, Sequim, on September 17, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Christine Corrigan, (360) 407-6607, by August 15, 2001, TDD (360) 407-6066.

Submit Written Comments to: Department of Ecology, Water Resources Program, Attn: Jeff Marti, P.O. Box 47600, Olympia, WA 98504-7600, or e-mail comments to metering@ecy.wa.gov, fax (360) 407-6574. All comments must be received by 5:00 p.m. on September 24, 2001.

Date of Intended Adoption: December 3, 2001.

July 27, 2001

Linda Hoffman
Deputy Director

Chapter 173-173 WAC

REQUIREMENTS FOR MEASURING AND REPORTING WATER USE

NEW SECTION

WAC 173-173-010 What is the purpose of this rule?

(1) This rule establishes standards of acceptability for measuring devices and methods, and requirements for recording and reporting water use data.

(2) All measuring devices or measuring methods required to be installed under this chapter must conform to requirements for measuring devices and methods described in this chapter, or other method(s) approved by the department.

NEW SECTION

WAC 173-173-020 What is the authority for this rule?

(1) RCW 90.03.360 directs the department of ecology to require that diversions allowed by all new surface water permits be either metered or measured by other approved methods.

(2) RCW 90.03.360 also directs the department to require metering or measurement by other approved methods

as a condition for all previously existing water rights or claims if:

- (a) The diversion or withdrawal is from waters in which the salmonid stock status is depressed or critical, as determined by the Washington department of fish and wildlife; or
- (b) The volume of the surface water diversion exceeds one cubic foot per second.
- (3) RCW 90.44.050, 90.44.250 and 90.44.450 give the department authority to require that ground water withdrawals are measured, and to require that information about the amount of water being withdrawn be reported to the department.

NEW SECTION

WAC 173-173-030 Definitions. (1) "Approved measuring device" means an instrument or facility constructed and operated in conformance with the requirements of this chapter and that measures the volume or flow rate of water which is diverted, withdrawn, delivered, received, transported, conveyed, pumped, recharged, stored, recovered, or used.

(2) "Approved measuring method" means a procedure approved by the department, which, when used with an approved measuring device (if applicable), will allow for an accurate computation of flow rate.

(3) "Control" means a feature that determines the stage-discharge relation. This feature may be a natural constriction of the channel, an artificial structure, or a uniform cross section over a long reach of the channel.

(4) "Cfs" means cubic feet per second.

(5) "Controlling work" means a device or structure used for diverting, withdrawing, pumping, impounding, storing, measuring, piping, conserving, conveying, confining or using water.

(6) "Department" means the department of ecology.

(7) "Flow rate" means the volume of water that passes through a specific cross section of a pipe or open channel in a specified period of time.

(8) "Gpm" means gallons per minute.

(9) "Open channel flow" means water moving through a canal, flume, ditch, or other unenclosed conduit, and may include flow in a pipe if the pipe is not full and is not under pressure.

(10) "Pipeflow" means water moving through a closed conduit under pressure.

(11) "Rated section" means a cross-section of a stream, river or ditch where a unique relationship between the stage and flow has been determined.

(12) "Rating curve" means the relationship between stage and flow in a rated stream section.

(13) "Responsible party" means an owner, manager, person or other entity required by RCW 90.03.360, 90.44.050, 90.44.250 and 90.44.450, or by a permit, rule, or order issued pursuant to these laws, to use a measuring device or method approved by the department.

(14) "Stage" means the elevation of a water surface in relation to a datum or reference point.

NEW SECTION

WAC 173-173-040 To whom does this rule apply?

The requirements of this chapter apply to the owner or owners of any water diversion and to the department.

(1) Any owner or owners of any water diversion are required by state law (RCW 90.06.360) to measure and regulate their water use.

(2) The department must enforce the requirement to measure water use for the following types of water use:

(a) All new surface water permits;

(b) New and existing water rights where the diversion or withdrawal of any volume of water is from waters containing depressed or critical fish stock; and

(c) Existing surface water rights where the diversion volume exceeds one cubic foot per second.

NEW SECTION

WAC 173-173-050 Am I required to report information regarding my water use?

(1) The department may require any responsible party to report data describing the volume of water diverted or withdrawn, and other related information.

(2) If a responsible party is required to report information regarding water use, the report must be submitted on a form or in a format prescribed by the department and must include such information as requested by the department. The department may require that the information be submitted in writing or electronically. This information may include, but is not limited to, the following:

(a) The name, address and telephone number of the responsible party;

(b) The location of the point(s) of diversion or withdrawal, the place(s) of use and metering site(s);

(c) The county parcel identification number for the point(s) of diversion or withdrawal, and place(s) of use or area served by the diversion or withdrawal, except that municipalities, public water supply systems and irrigation districts shall not be required to provide parcel identification numbers for their customers, members and secondary users.

(d) The water right number(s) or claim number(s) that indicate the legal basis for the diversion or withdrawal;

(e) The volume or rate of waters diverted or withdrawn, preferably as measured in cubic feet per second, gallons per minute or acre-feet per year.

(f) The maximum instantaneous quantity of water diverted or withdrawn for the reporting period as provided for in WAC 173-173-060;

(g) The make, model and serial number of the measuring device(s) and any separable counting units;

(h) The date the device was last calibrated;

(i) Any date(s) during which the meter or measuring device was not functioning properly;

(j) For flow data based upon power consumption, electrical records, pump test data, or other data necessary to verify flow estimates;

(k) Whether the intake structure for the diversion has a screen or screens installed to prevent the entry of fish into the diversion works or pump facilities;

PROPOSED

PROPOSED

- (l) The water source name;
- (m) For public water systems, the public water system identification number assigned by the department of health.
- (3) All responsible parties must notify the department of a change in address or change in ownership of water rights.
- (4) All responsible parties must attest that the information provided is true and correct to the best of their knowledge.

NEW SECTION

WAC 173-173-060 If I must report data regarding my water use, how shall I report it? (1) Every responsible party shall report the maximum instantaneous discharge of water diverted or withdrawn over the reporting period, except that for responsible parties who already measure or report according to the terms of a water right, such parties will remain bound by such terms until directed to modify the manner in which they report their water use by the department.

(2) The following requirements to measure and report water use, when the department so requires, shall apply to users who divert or withdraw water.

Recording and Reporting Requirements				
Average diversion rate in gallons per minute	<10 gpm	10-50 gpm	>50-200	>200 gpm
Recording frequency	Monthly	Weekly	Weekly	Daily
Volume or rate to report	Maximum instantaneous flow Annual total volume	Maximum instantaneous flow Annual total volume	Maximum instantaneous flow Annual total volume Mean daily flow for each month	Maximum instantaneous flow Annual total volume Mean daily flow for each month
Date data must be reported to department	By Mar 31 of the following calendar year	By Feb 28 of the following calendar year	By Jan 31 of the following calendar year	By Jan 31 of the following calendar year
Monthly = Calendar month				
Weekly = Monday 12:01 a.m. to Sunday 12:00 p.m.				
Daily = 12:01 a.m. to 12:00 p.m.				
1 gallon per minute is equivalent to .002 cubic feet per second				

NEW SECTION

WAC 173-173-070 Can I report my water use data in a different format than the one prescribed by the department? If approved in writing in advance by the department, responsible parties can substitute equivalent information for the information required on the reporting form, use reporting formats different from those specified in the reporting requirements or submit the information on a different date than specified in the reporting requirements described in WAC 173-173-060.

NEW SECTION

WAC 173-173-080 Can the department modify the reporting requirements on a case-by-case basis? (1) The department may modify the reporting requirements in WAC 173-173-060 of this chapter if it concludes that different reporting requirements are necessary to:

- (a) Verify water rights compliance;
- (b) Determine the availability of water for further appropriation;
- (c) Conduct hydrologic studies;

(d) Implement the recommendation of a watershed planning group.

(2) The department shall not modify the reporting requirements on a case-by-base basis unless it has provided a written justification and notification to the responsible party.

NEW SECTION

WAC 173-173-090 What are the general requirements for measuring devices? (1) No withdrawal or diversion of water shall be made unless the measuring devices and facilities are in proper operating condition, except when:

(a) A measuring device or facility is being repaired according to the requirements of subsection (2) or (3) of this section; and

(b) The responsible party uses a substitute measuring device or other method to measure the diversion or withdrawal or to provide a reasonable estimate thereof.

(2) Upon discovery of a malfunctioning measuring device or facility, the responsible party shall repair the device or facility and make them operable as soon as possible.

(3) The department may order that a measuring device or facility be repaired or replaced within a specified time period.

(4) Measuring devices and facilities must register and be calibrated for the full range of discharge from the diversion for which they are to be used.

(5) On an open channel diversion, all flow diverted shall be measured as close to the point of diversion as possible.

(6) There shall be no turnouts or diversions between the source of water and the measuring devices and facilities, except for faucets or other similar small outlets that have a *de minimis* effect on the diversion or withdrawal.

(7) In those cases where wells are authorized for the purpose of supplementing surface waters with water from combined sources, both sources of water shall be metered.

(8) In the case of intermittent artesian wells, the meter shall be installed in a manner that will measure both pumped and flowing discharge.

(9) Authorized employees of the department shall have access to the measuring devices and facilities if the department has given reasonable notice to the property owner.

(10) The department may modify the required degree of measurement accuracies provided for in WAC 173-173-100(2) or 173-173-130(1) when it determines that a different degree of measurement accuracy is appropriate for the purpose for which the data is being collected. A responsible party may request a change in the default accuracies listed in WAC 173-173-100(2) or 173-173-130(1) and the department shall determine if the change is appropriate. All such requests or any department determinations concerning a change to the default accuracy shall be in writing.

NEW SECTION

WAC 173-173-100 What are the specific requirements for meters for pressure systems? (1) At any rate of flow measured by the meter, the meter itself shall be rated by the manufacturer to register not less than ninety-five percent, nor more than one hundred five percent, of the water actually passing through the meter.

(2) At any rate of flow measured by the measuring system; i.e., meter plus any secondary equipment such as data recorders; the system shall register not less than ninety percent, nor more than one hundred ten percent, of the water actually passing through the system.

(3) The department may modify the required degree of measurement precision when it determines that a different degree of measurement precision is appropriate for the purpose for which the data is being collected. A responsible party may request a change in the default accuracy listed in subsections (1) and (2) of this section and the department shall make a determination if the change is appropriate. All such requests or any department determinations concerning a change to the default accuracy shall be in writing.

(4) The meter shall have a visual, mechanical, or digital totalizer or the facility should be capable of totalizing flow. The totalizer shall contain sufficient recording digits to ensure that "roll over" to zero does not occur within one year.

(5) The department may require that the measuring device be capable of indicating instantaneous discharge.

(6) For other conditions necessary to ensure accurate and precise measurement data, the selection, installation and

maintenance of measuring devices by water users shall be guided by generally accepted industry standards, such as the American Water Works Association standards and information from the manufacturer. These standards also shall be used by the department in making decisions as to the appropriate selection, installation, operation and maintenance of measuring devices acceptable under this rule.

NEW SECTION

WAC 173-173-110 What are the installation requirements for meters on pressure systems? Meters required under this rule shall meet the following installation requirements:

(1) The meter shall be installed in accordance with manufacturer specifications.

(2) There shall be a full pipe of water at all times when water is being withdrawn.

(3) The meter shall not be installed in a manner that creates an uneven velocity profile. Straight sections of pipe before and after the meter, straightening vanes or other flow conditioning devices shall be used to provide even flow through the meter as necessary.

(4) Meters shall be installed in such a manner as to allow for easy removal and testing of the meter in accordance with the manufacturer's specifications.

NEW SECTION

WAC 173-173-120 What are the operation and maintenance requirements for meters on pressure systems? (1) Meters shall be inspected and maintained as specified by the manufacturer.

(2) Meters shall be field or shop calibrated, as specified by the manufacturer. Meters also shall be field or shop calibrated if they are obviously over or under registering. For certain nonmechanical meters, system diagnostics may substitute for physical calibration of the meter.

NEW SECTION

WAC 173-173-130 What are the specific requirements for measuring systems on open channels? The following requirements apply to weirs, flumes, ramps and orifices. For other devices, the department will determine specific requirements on a case-by-case basis.

(1) At any rate of flow measured by the measuring system; i.e., the measuring device plus any secondary equipment such as data recorders; the system shall register not less than ninety percent, nor more than one hundred ten percent, of the water actually passing through the system.

(2) In determining a stage-discharge relation for these devices, the distribution of open channel flow measurements shall be sufficient to establish a full range of values for the entire stage-discharge relation.

(3) For other conditions necessary to ensure accurate and precise data, generally accepted industry standards, such as those in the U.S. Bureau of Reclamation "Water Measurement Manual, Third Edition" and information from the man-

ufacturer or designer, shall guide the selection, installation, and maintenance of measuring devices and facilities by water users. The department also shall use these standards in evaluating the selection, installation, operation and maintenance of a measuring system.

NEW SECTION

WAC 173-173-140 What are the installation requirements for open channel measuring systems? The measuring facility shall be installed or constructed in accordance with the manufacturer's and/or designer's specifications. Particular care in constructing open channel measuring facilities (for example, in ensuring exact elevations) is required to ensure accurate measurements.

NEW SECTION

WAC 173-173-150 What are the operation and maintenance requirements for open channel measuring facilities? (1) Rating curves shall be recalculated when there is a change in channel conditions that significantly alters flow across the control or once a year, whichever is more frequent.

(2) The department may modify the required frequency for the recalculation of rating curves when it determines an alternative frequency would be adequate for the purposes of data collection. A responsible party may request a change in the default frequency listed in WAC 173-173-150(1) and the department shall make a determination if the change is appropriate. All such requests or any department determinations concerning a change to the default frequency shall be in writing.

(3) If the measuring system has no continuous stage recorder, an observer shall read the staff gage and record the reading as close in time as is practical before and after changes in regulation of flow occur.

(4) Measuring facilities shall be operated and maintained to ensure that discharge can be measured reliably and accurately.

NEW SECTION

WAC 173-173-160 Under what conditions are indirect measurements of flow allowed? Use of power consumption data may be substituted for more direct flow measurement methods when it is impractical to install a meter and the conditions below are met:

- (1) Use of the method is approved in writing by the department;
- (2) A power meter is dedicated to one pump only;
- (3) The ratio between power consumption and flow is evaluated at some time during the first year of use and every three years subsequent using a field pump test; and
- (4) The pump test shall be conducted for a minimum duration of two hours and shall be conducted under normal operating conditions.
- (5) This method shall not be used for flowing artesian wells.

(6) For the first year, the following equation may be used to estimate water volume diverted. This equation may also be used to estimate flow during short periods of meter repair or maintenance:

$$Q = \frac{(KWH)(1.34HP/KW)(Pumpeff.)(Motoreff.)(3960)}{TDH}$$

Where: Q = Flow in gallons per minute (gpm);
 KWH = kilowatt hours used (from power records);
 Pumpeff. = efficiency of pump (40-85%);
 Motoreff. = motor efficiency (75-92%);
 3960 = conversion factor, horsepower for lifting water (1 HP = 33,000 ft-lb/sec and a gallon of water weighs approximately 8.3 lb, therefore 33,000 divided by 8.3 = 3960); and
 TDH = Total dynamic head = total elevation gain from water source level to pump to place of use plus discharge pressure of pump (in feet) plus friction losses.

NEW SECTION

WAC 173-173-170 What alternative water measuring devices and methods can I use? Any responsible party may use an alternative water measuring device or method that differs from those described in this chapter, if:

- (1) The method is approved in writing in advance by the department; and
- (2) The device(s) and installation are certified by a registered professional engineer to:
 - (a) Measure all flow diverted or withdrawn in accordance with the pipeflow or open channel accuracy requirements in WAC 173-173-100(2) and 173-173-130(1);
 - (b) Measure the appropriate volumes and rates in WAC 173-173-060;
 - (c) Be installed according to the manufacturer's or designer's instructions.

NEW SECTION

WAC 173-173-180 What recordkeeping responsibilities do I have? All measurement notes, rating curves, calculations, and data logs shall be retained, and copies made available to the department when requested.

NEW SECTION

WAC 173-173-190 Will the department notify the Washington department of fish and wildlife about the status of my fish screens? Yes. The department will notify the department of fish and wildlife regarding the status of fish screens associated with diversions and withdrawal facilities subject to this rule.

NEW SECTION

WAC 173-173-200 Does the department have authority to enforce this rule? Yes. In enforcing this chapter the department can impose such sanctions as are appropriate under the authorities vested in it, including, but not lim-

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ited to, issuing regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

NEW SECTION

WAC 173-173-210 Can I appeal the department's order to measure my water use? Yes. Appeals may be filed with the pollution control hearings board in accordance with RCW 43.21B.230.

NEW SECTION

WAC 173-173-220 Will the department review this rule in the future to determine if changes are necessary? Yes. The department will initiate a review of the rules established in this chapter if new information, changing conditions, or statutory modifications make it prudent or necessary to consider revisions to the chapter.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 508-64-010	Background and purpose of regulation.
WAC 508-64-020	Meter specifications.
WAC 508-64-030	Meter installation requirements.
WAC 508-64-040	Meter operation and maintenance.
WAC 508-64-050	Meter—When required.
WAC 508-64-060	Unauthorized diversion or withdrawals—Enforcement agent.
WAC 508-64-070	Appeals.
WAC 508-64-080	Regulation review.

**WSR 01-16-137
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed July 31, 2001, 4:21 p.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-11-050.

Title of Rule: WAC 388-474-0010 How does SSI affect eligibility for other programs?

Purpose: To clarify when persons eligible for TANF/SFA are not eligible for the SSI state supplement as an ineligible spouse. The intent is that the parent's needs be included in the TANF/SFA grant, and be ineligible for the SSI state supplement when there is eligibility for TANF/

SFA. This revision will also clarify an ineligible spouse as being ineligible for general assistance.

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

Statute Being Implemented: Chapters 74.04, 74.08 RCW.

Summary: We are clarifying how SSI affects a person's eligibility for other programs, specifically TANF/SFA and general assistance.

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 will clarify how SSI eligibility affects eligibility for other programs.

Proposal Changes the Following Existing Rules: Amends WAC 388-474-0010 to clarify how SSI affects a person's eligibility for TANF/SFA and general assistance.

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: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 4, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by August 29, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopeKD@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 September 4, 2001.

Date of Intended Adoption: No sooner than September 5, 2001.

July 26, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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

WAC 388-474-0010 How does SSI affect eligibility for ~~((other))~~ cash assistance programs((?))? A person who is married to an SSI recipient but cannot get SSI in their own right is an "ineligible spouse."

(1) ~~((The))~~ If you are an ineligible spouse ((of an)), you cannot get the SSI ((recipient is not eligible for the)) state supplement ((for an ineligible spouse when they are authorized for TANF)) (see WAC 388-478-0055) if you are:

PROPOSED

(a) The caretaker relative of a child who receives TANF or SFA; and

(b) Required to be included in the TANF or SFA assistance unit with the child under WAC 388-408-0015.

(2) ~~((The)) If you are an ineligible spouse ((of an)) and are eligible for the SSI ((recipient qualifies for inclusion in the SSI grant and is)) state supplement, you are not eligible for general assistance benefits.~~

WSR 01-16-138

PROPOSED RULES

**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed July 31, 2001, 4:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-01-006.

Title of Rule: WAC 388-545-900 Neurodevelopmental centers.

Purpose: The department is proposing rules to reflect long-standing operational policy regarding the services covered by DSHS/MAA and delivered in neurodevelopmental centers. Client eligibility, provider requirements and service limitations are being proposed in rule.

Statutory Authority for Adoption: RCW 74.09.080.

Statute Being Implemented: RCW 74.09.520 and 74.09.530.

Summary: Proposed rule describes client eligibility, provider requirements and billing limitations for neurodevelopmental centers participating in the programs of the DSHS/MAA.

Reasons Supporting Proposal: Required by chapter 34.05 RCW. Long-standing operating policy is being promulgated as required by the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Mike Freeman, Regulatory Improvement Manager, P.O. Box 45533, Olympia, WA, (360) 725-1350; Implementation and Enforcement: Beverly Atteridge, RN, Program Manager, P.O. Box 45506, Olympia, WA, (360) 725-1575.

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 department is proposing rules to reflect long-standing operational policy regarding the services covered by DSHS/MAA and delivered in neurodevelopmental centers. Client eligibility, provider requirements and service limitations are being proposed in rule.

Proposal Changes the Following Existing Rules: The proposed rules promulgate long-standing operational policy. They propose a new section of rules (the change) for a program that has been in existence for several years. The need for rules to cover this program was determined as a result of the governor's regulatory improvement initiative.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules promulgate long-standing operational policy. They add no requirements to operations and therefore they do not impose costs or have an economic impact on small businesses.

RCW 34.05.328 applies to this rule adoption. This rule meets the definition of a significant legislative rule. However, the rule imposes no additional costs to businesses or local governments. A cost benefit analysis was completed and is available upon request.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 4, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by August 29, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopeKD@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 September 4, 2001.

Date of Intended Adoption: Not sooner than September 5, 2001.

July 27, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-545-900 Neurodevelopmental centers. (1)

This section describes:

(a) Neurodevelopmental centers that may be reimbursed as such by the medical assistance administration (MAA);

(b) Clients who may receive covered services at a neurodevelopmental center; and

(c) Covered services that may be provided at and reimbursed to a neurodevelopmental center.

(2) In order to provide and be reimbursed for the services listed in subsection (4) of this section, MAA requires a neurodevelopmental center provider to do all of the following:

(a) Be contracted with the department of health (DOH) as a neurodevelopmental center;

(b) Provide documentation of the DOH contract to MAA;

(c) Sign a core provider agreement with MAA; and

(d) Receive a neurodevelopmental center provider number from MAA.

(3) Clients who are twenty years of age or younger and who meet the following eligibility criteria may receive covered services from neurodevelopmental centers:

(a) For occupational therapy, refer to WAC 388-545-300(2);

(b) For physical therapy, refer to WAC 388-545-500(2);

(c) For speech therapy and audiology services, refer to WAC 388-545-700(2); and

(d) For early and periodic screening, diagnosis and treatment (EPSDT) screening by physicians, refer to WAC 388-529-0200.

(4) MAA reimburses neurodevelopmental centers for providing the following services to clients who meet the requirements in subsection (3) of this section:

(a) Occupational therapy services as described in WAC 388-545-300;

(b) Physical therapy services as described in WAC 388-545-500;

(c) Speech therapy and audiology services as described in WAC 388-545-700; and

(d) Specific pediatric evaluations and team conferences that are:

(i) Attended by the center's medical director; and

(ii) Identified as payable in MAA's billing instructions.

(5) In order to be reimbursed, neurodevelopmental centers must meet MAA's billing requirements in WAC 388-502-0020, 388-502-0100 and 388-502-0150.

WSR 01-16-139
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed July 31, 2001, 4:23 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-13-025 on June 12, 2001.

Title of Rule: WAC 388-422-0005 Do I have to give (assign) my right to child, spousal, or medical support to the department to get assistance?

Purpose: To change rule to correct when a support assignment is made and to clarify that clients can keep a support payment up to the date cash or medical assistance is approved.

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

Statute Being Implemented: RCW 74.08.090.

Summary: See Purpose above.

Reasons Supporting Proposal: This change is needed to comply with federal regulations, to better inform clients about child support assign, and to correct an inadvertent error in the current WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carole McRae, Division of Employment and Assistance Programs, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3074.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-422-0005 Do I have to give (assign) my right to child, spousal, or medical support to the department to get assistance? The change to this rule will correct when a support assignment is made and clarify that clients can keep a support payment up to the date cash or medical assistance is approved.

Proposal Changes the Following Existing Rules: The rule now states that they assign their rights to support the date assistance is approved.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes as a result of these rules do not affect small businesses.

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

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 4, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact DSHS Rules Coordinator by August 29, 2001, phone (360) 664-6094, TTY (360) 664-6178.

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 September 4, 2001.

Date of Intended Adoption: No earlier than September 5, 2001.

July 30, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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

WAC 388-422-0005 (~~Assignment of~~) Do I have to give (assign) my rights to child, spousal, and medical support ((rights)) to the department to get assistance? ((+)) ~~To receive cash assistance under TANF, SFA, or GA-H, each client must assign to the state of Washington all rights to support for each person for whom the client is applying. This includes the rights to any support which has accrued before assignment is made. If a client fails to assign support rights for each person for whom assistance is requested, then cash assistance will be denied to the entire assistance unit.~~

~~(2) To receive medical assistance, each client must assign to the state of Washington all rights to medical support for each person for whom the client is applying. This includes the rights to any medical support which has accrued before assignment is made.~~

~~(3) Assignment is made when a client signs the application or accepts the cash or medical assistance.~~

~~(4) After assignment is made, a client must send any direct support they receive to the division of child support (DCS)) (1) For all sections of this chapter:~~

(a) The department means: The department of social and health services.

(b) Assignment of support rights means: When you apply for cash or medical assistance, you agree that we can keep your child support, spousal support, and medical support in exchange for the assistance paid to you and all of the people in your assistance unit (AU). This is called assigning your rights to support.

(c) Support means: Money or medical payments given to you by court or administrative order for yourself and others.

PROPOSED

(2) You must give your rights to child and spousal support for you and everyone in your AU when you get TANF or SFA cash assistance.

(3) You must give your right to medical support for you and everyone in your AU when you get medical assistance.

(4) You do not have to give your right to medical support when you get assistance from the following programs:

- (a) Pregnancy medical;
- (b) Newborn medical; or
- (c) Children's medical for undocumented aliens.

(5) You give your support rights to the department when you sign the application for assistance, and the department approves cash or medical assistance.

(6) When you apply for assistance you must give the state all unpaid support owed to you. There are two kinds of unpaid support that can be owed to you:

- (a) WAC 388-14A-2037 tells you about permanently assigned arrears; and
- (b) WAC 388-14A-2038 tells you about temporarily assigned arrears.

(7) The state and federal government cannot keep more of your support than we pay to you in assistance.

(8) Once we approve your cash or medical assistance, you must give the division of child support (DCS) all support paid directly to you.

WSR 01-16-140
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed July 31, 2001, 4:24 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-11-091.

Title of Rule: Amending WAC 388-450-0080 What is self-employment income? and 388-450-0085 How we count your self-employment income; and repealing WAC 388-450-0090 Self-employment expenses that are not allowed as income deductions. Rules relating to the treatment of self-employment income.

Purpose: These rules explain what self-employment is, how the department treats self-employment income, and what business expense can be used as a deduction.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: These rules are being amended to clarify the treatment of self-employment income and to create a standard deduction.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Veronica Barnes, Division of Employment and Assistance Programs, Lacey, Washington, (360) 413-3071.

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

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

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

Proposal Changes the Following Existing Rules: WAC 388-450-0080 explains what the department considers self-employment and how self-employment income is treated.

WAC 388-450-0085 explains how the department calculates self-employment income. This includes allowing a standard self-employment deduction of \$100.

WAC 388-450-0090 is repealed.

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

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

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on September 4, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by August 29, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coo-keKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Kelly Cooper, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by September 4, 2001.

Date of Intended Adoption: No sooner than September 5, 2001.

July 26, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-450-0080 What is self-employment income~~((General rules.))~~ This section applies to TANF/SFA, GA, RCA, ~~((GA, TANF/SFA related))~~ food assistance, and medical ~~((and food assistance))~~ programs for children, pregnant women and families.

~~(1) Self-employment ((earned)) income is ((used to reduce a client's need for assistance. The income is treated as earned income as provided in WAC 388-450-0030.~~

~~(2) Self-employment earned income is defined as gross business income minus total allowable business expenses as defined in WAC 388-450-0085.~~

~~(3) In order to establish eligibility for assistance, a self-employed client must maintain and make available to the department a record clearly documenting all business expenses and income.~~

~~(4) Income from the following is treated as self-employment income:~~

- ~~(a) Adult family home;~~
- ~~(b) Farming;~~
- ~~(c) Roomers and boarders;~~

(d) Rental and lease of personal property or real estate owned by the client is counted as unearned income unless the following conditions are met:

- (i) For TANF/SFA clients, the use of the property is part of an approved individual responsibility plan;
- (ii) For food assistance clients, the client spends at least twenty hours per week managing the property; or
- (iii) For RCA or GA clients, there are no specific requirements of a self-sufficiency plan or a set number of hours managing the property.

(e) Self-produced or supplied items:

(5) For food assistance, when two or more assistance units share a residence, the money paid from one assistance unit to the other assistance unit for shelter costs is roomer income when:

(a) One assistance unit owns or is buying the residence; or

(b) One assistance unit is renting a residence and charges the other assistance unit an amount that is in excess of the total cost of renting the residence)) income you earn from a business you own or operate rather than income from an employer. It does not have to be a licensed business to qualify as self-employment. Some examples of self-employment include:

- (a) Childcare;
- (b) Operating an adult family home;
- (c) Farming/fishing;
- (d) Driving a taxi cab;
- (e) Selling self-produced or supplied items;
- (f) Working as a subcontractor; and
- (g) Operating a lodging for roomers and/or boarders.

Roomer income includes money paid to you for shelter costs by someone who lives with you if you:

- (i) Own your residence; or
- (ii) Rent your residence and charge the other people more than the total rent.

(2) Most self-employment income is considered earned income as described in WAC 388-450-0030.

(3) For TANF/SFA and food assistance there are special rules about renting or leasing out property or real estate that you own.

(a) We count the income you get as unearned income unless you spend at least twenty hours per week managing the property.

(b) For TANF/SFA, we count the income as unearned income unless the use of the property is a part of your approved individual responsibility plan.

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-450-0085 How we count your self-employment income (— Allowable expenses.)? ((The following self-employment expenses are allowed as deductions from gross self-employment income for)) This section applies to TANF/SFA, ((RCA,)) GA, RCA, food assistance, and medical ((and food assistance)) programs ((unless otherwise specified:

- (1) Rent or lease of business equipment or property;
- (2) Utilities;

- (3) Postage;
- (4) Telephone;
- (5) Office supplies;
- (6) Advertising;
- (7) Business related insurance, taxes, licenses and permits;
- (8) Legal, accounting, and other professional fees;
- (9) For TANF/SFA, RCA, and GA assistance programs only, the cost of goods sold, including wages paid to employees producing salable goods, raw materials, stock, and replacement or reasonable accumulation of inventory, provided inventory has been declared exempt on the basis of the individual responsibility plan or other plan approved by the department;
- (10) Repairs to business equipment and property, excluding vehicles;
- (11) Interest on business loans used to purchase income-producing property or equipment;
- (12) Gross wages and salaries paid to employees who are not:
 - (a) Producing salable goods; or
 - (b) A member of the assistance unit
- (13) Commissions paid to agents and independent contractors;
- (14) Seed, fertilizer, and feed grain for a self-employed farmer;
- (15) Other reasonable and necessary costs of doing business;
- (16) The cost of the place of business:
 - (a) For TANF/SFA, RCA, GA, and medical assistance, if any portion of the client's home is used as the place of business, it must be used exclusively for business to be an allowable business expense. The percentage of the home used for business can be an allowable business expense;
 - (b) For food assistance, there is no requirement for a portion of the home to be used exclusively for business. The percentage of the home used for business can be an allowable business expense
- (17) The following transportation expenses are allowed as a deduction from gross self-employment income:
 - (a) Actual, documented costs for:
 - (i) Gas, oil, and fluids;
 - (ii) Replacing worn items such as tires;
 - (iii) Registration and licensing fees;
 - (iv) Auto loan interest; and
 - (v) Business related parking and tolls; or
 - (b) A cost per mile established by the department)) for children, pregnant women and families.

(1) We decide how much of your self-employment income to count by:

(a) Adding together your gross self-employment income and your capital gains (all of the income you receive from the sale of your business property or equipment);

(b) Subtracting your business expenses as described in subsection (2) below; and

(c) Dividing the remaining amount of self-employment income by the number of months over which the income will be averaged.

(2) We automatically subtract one hundred dollars as a business expense. If you want to claim more than one hun-

Small Business Economic Impact Statement

ded dollars, you must itemize and provide proof of your expenses in order for us to count them. We never allow the following expenses:

- (a) Federal, state, and local income taxes;
 (b) Money set aside for retirement purposes;
 (c) Personal work-related expenses (such as travel to and from work);
 (d) Net losses from previous periods;
 (e) Depreciation; or
 (f) Any amount that exceeds the payment you get from a boarder for lodging and meals.
- (3) If you have worked at your business for less than a year, we figure your gross self-employment income by averaging:
- (a) The income over the period of time the business has been in operation; and
 (b) The monthly amount estimated for the coming year.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-450-0090 Self-employment expenses that are not allowed as income deductions.

WSR 01-16-145
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 1, 2001, 9:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-21-060.

Purpose: 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 01-17 issue of the Register.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Statute Being Implemented: Chapter 49.17 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 necessary because of federal law, 29 C.F.R. 1910.

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

Proposal Changes the Following Existing Rules: See Purpose above.

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

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 01-17 issue of the Register.

A copy of the statement may be obtained by writing to Greg Nothstein, Economic Analyst, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, phone (360) 902-6805, fax (360) 902-4202.

RCW 34.05.328 applies to this rule adoption. Significant rule-making criteria does apply to these rule amendments because they increase requirements and it does not meet the exempt criteria outlined in RCW 34.05.328(5).

Hearing Location: Department of Labor and Industries Building, 7273 Linderson Way S.W., Tumwater, WA 98501, on September 25, 2001, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by September 5, 2001, at (360) 902-5484.

Submit Written Comments to: Sally Elliott, Project Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, by 5:00 p.m. on October 2, 2001.

In addition to written comments, the department will accept comments submitted to fax (360) 902-5529 and e-mail yous235@lni.wa.gov. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: November 7, 2001.

August 1, 2001

Gary Moore

Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 01-17 issue of the Register.

WSR 01-16-146
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed August 1, 2001, 9:46 a.m.]

Original Notice.

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

Title of Rule: Amend Sections 3.11 and 6.11 of Regulation I, and Sections 2.01 and 2.02 of Regulation III. Adopt Sections 3.25 of Regulation I.

Purpose: To adjust maximum civil penalty amount for inflation; to update delegation for federal NSPS (New Source Performance Standards) and NESHAP (National Emission Standards for Hazardous Air Pollutants); to adopt a new section that will allow us to annually update all reference dates in one section rather than in each section individually; and to exempt shipyard coating operations that comply with the NESHAP coatings rule from an additional toxic review during Notice of Construction application.

Other Identifying Information: 3.11 - Civil Penalties; 3.25 - Federal Regulation Reference Date; 6.11 - New Source Performance Standards; 2.01 - Applicability to Toxic Air

Contaminant Sources; and 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; updates the delegation for federal NSPS and NESHAP; provides a single place to update reference dates efficiently; and exempts from an additional toxic review during Notice of Construction application any shipyard coating operation that complies with the NESHAP coatings rule.

Reasons Supporting Proposal: The maximum civil penalty amount needs to be adjusted for inflation; the delegation for federal NSPS and NESHAP needs to be updated; it is more efficient to update reference dates in one section in our regulations rather than in each section individually; and shipyards that comply with the NESHAP coatings rule should be exempt from an additional toxic review.

Name of Agency Personnel Responsible for Drafting: Larry Vaughn, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4035; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4053.

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; would update the delegation for federal NSPS and NESHAP; will provide a single place to update reference dates efficiently; and will exempt from an additional toxic review during Notice of Construction application, any shipyard coating operation that complies with the NESHAP coatings rule.

Proposal Changes the Following Existing Rules: The maximum civil penalty amount would increase for inflation and the delegation for federal NSPS and NESHAP will be updated. Also, this proposal will provide a single place to update reference dates efficiently and will exempt from an additional toxic review during Notice of Construction application, any shipyard coating operation that complies with the NESHAP coatings rule.

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, 110 Union Street, Suite 500, Seattle, WA 98101, on September 13, 2001, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010 by September 6, 2001, TDD (800) 833-6388, or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, fax (206) 343-7522, by September 4, 2001.

Date of Intended Adoption: September 13, 2001.

July 31, 2001

Larry Vaughn

Air Pollution Engineer

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 (~~(\$13,125.00)~~) \$13,663.00 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 (~~(\$13,125.00)~~) \$13,663.00 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.

(4) Perchloroethylene Dry Cleaners subject to Section 3.03 of Regulation III

(5) Gasoline Storage and Dispensing Operations subject to Article 2 of Regulation II

(6) Graphic Arts Systems subject to Section 3.05 of Regulation II

(7) Can and Paper Coating Operations subject to Section 3.03 of Regulation II

(8) Motor Vehicle and Mobile Equipment Coating Operations subject to Section 3.04 of Regulation II

(9) Polyester/Vinylester/Gelcoat/Resin Operations subject to Section 3.08 of Regulation II

(10) Coatings and Ink Manufacturing subject to Section 3.11 of Regulation II

(11) Ethylene Oxide Sterilizers and Aerators subject to Section 3.07 of Regulation III

(12) Shipyard Coating Operations where all the coatings employed comply with the requirements in Table 2 in Subpart II 40 CFR Part 63 (NESHAP Shipbuilding and Ship Repair [Surface Coating] Operations)

(b) Any demonstration required by this Article shall be conducted in accordance with Section 2.07 of this Regulation.

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

AMENDATORY SECTION

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 as of the federal regulation reference date listed in Section 3.25 of Regulation I ((July 1, 2000)) herein incorporated by reference.

**WSR 01-16-147
PROPOSED RULES
PARKS AND RECREATION
COMMISSION**

[Filed August 1, 2001, 10:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-12-077.

Title of Rule: New section WAC 352-32-340 Approval of community-based park improvements—Policies.

Purpose: RCW 79A.05.140 establishes the commission's authority to grant permits to parties interested in making improvements to any state park or parkway. The commission is undertaking rule-making action to implement this statute and intends to delegate the authority for issuing permits for park improvements to the agency director or designee. The commission believes this action will provide interested parties with the appropriate means to donate funds,

PROPOSED

NEW SECTION

REGULATION I SECTION 3.25 FEDERAL REGULATION REFERENCE DATE

Whenever federal regulations are referenced in Regulation I, II, or III, the effective date shall be July 1, 2001.

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 as of the federal regulation reference date listed in Section 3.25 of this regulation ((July 1, 2000)) herein incorporated by reference.

AMENDATORY SECTION

REGULATION III SECTION 2.01 APPLICABILITY TO TOXIC AIR CONTAMINANT SOURCES

(a) Article 2 of this Regulation III shall apply to all sources of toxic air contaminants except that Section 2.05 shall not apply to the following:

(1) Asbestos Removal Operations subject to Article 4 of Regulation III

(2) Hard and Decorative Chromium Electroplating and Chromium Anodizing subject to Section 3.01 of Regulation III

(3) Solvent Metal Cleaners subject to Section 3.05 of Regulation III

materials and labor to create safe, cost effective park improvements and to increase outdoor recreation opportunities for the benefit of state park visitors and resources in the state park system.

Statutory Authority for Adoption: RCW 79A.05.030, 79A.05.070, and 79A.05.075.

Statute Being Implemented: RCW 79A.05.140, 79A.05.145, 79A.05.150, and 79A.05.155.

Summary: Many organizations outside the agency approach state parks with proposals to construct or improve facilities in state parks. The commission has statutory authority to accept such assistance. At this time the commission intends to establish a process in administrative rule for issuing permits for park improvements and thereby define the agency's method and authority for issuing permits to organizations requesting approval to construct park improvements. The new administrative rule will be further defined in agency policies.

Reasons Supporting Proposal: The commission intends to adopt this new administrative rule under chapter 352-32 WAC to establish the requirements and to delegate the administrative authority for issuing permits to parties interested in making improvements to any state park or parkway as provided for in RCW 79A.05.140. The proposed rule further explains the commission's procedure for providing public access to any interpretive or administrative policy governing such permits.

Name of Agency Personnel Responsible for Drafting and Implementation: Kathy Randall, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98512-2650, (360) 902-8528; and Enforcement: Brian Hovis, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98512-2650, (360) 902-8635.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule would delegate authority from the commission to the director to grant permits to those outside the agency to donate funding, materials, and labor to build or improve facilities on state park lands. The rule will initiate policies for park improvements, as well as procedures for organizations and park staff to follow to ensure quality products. It will benefit the agency by increasing partnerships between the agency and community groups and by providing increased resources for state parks.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This chapter of administrative rule does not regulate or have economic impact through regulations on small business. There are no compliance costs to small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Significant legislative rule-making requirements are not imposed on the State Parks and Recreation Commission, nor has the commission voluntarily applied those requirements.

Hearing Location: Regularly scheduled Washington State Parks Commission meeting at Orcas Center, Madronna

Room, 917 Mount Baker Road, East Sound, WA 98245, located on Orcas Island, on September 20, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Renee Pacana by September 6, 2001, TDD (360) 664-3133, or (360) 902-8505.

Submit Written Comments to: Washington State Parks, Attention: Kathy Randall, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98512-2650.

Date of Intended Adoption: September 20, 2001.

August 1, 2001

Jim French

Senior Policy Advisor

NEW SECTION

WAC 352-32-340 Approval of community-based park improvements—Policies. The director, or the director's designee, shall approve or disapprove all permits for community-based park improvements. Specific policies concerning community-based park improvements are available upon request.

A community-based park improvement is a construction project, proposed to be accomplished by individuals, groups, churches, charities, organizations, agencies, clubs, or associations using donated labor and/or materials, that results in a permanent change to state park lands or structures, or that creates an additional structure on state park lands.

WSR 01-16-148

PROPOSED RULES

DEPARTMENT OF FISH AND WILDLIFE

[Filed August 1, 2001, 10:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-12-080.

Title of Rule: Commercial fishing rules.

Purpose: Provide for crab pot limit increase because of extenuating circumstances.

Statutory Authority for Adoption: Chapter 228, Laws of 2001, RCW 77.12.047.

Statute Being Implemented: Chapter 228, Laws of 2001.

Summary: The department is redefining "extenuating circumstances" and providing an opportunity for coastal crab fishers to appeal the crab pot limit assignment.

Reasons Supporting Proposal: Chapter 228, Laws of 2001, directs the department to consider extenuating circumstances in assigning pot limits.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 600 Capitol Way North, Olympia, 902-2930; Implementation: Jim Lux, 600 Capitol Way North, Olympia, 902-2444; and Enforcement: Bruce Bjork, 600 Capitol Way North, Olympia, 902-2373.

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: Following the assignment of crab pot limits, the 2001 legislature acted to require the department to consider "the provisions of RCW 77.70.390" with respect to the consideration of "extenuating circumstances." In the years since the original adoption of the definition of extenuating circumstances in 1990, both administrative law decisions and case law have modified the definition. The department is proposing to amend the definition of extenuating circumstances, using the case law and administrative law, and then apply the definition to persons who appeal the crab pot limit assignment. By providing a thirty day appeal period, it is hoped that some finality can occur before the beginning of the 2001-2002 winter coastal crab fishery.

Proposal Changes the Following Existing Rules: Changes definition of extenuating circumstances. Also changes appeal period to thirty days from when the amended coastal crab pot limit rules take effect.

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

Small Business Economic Impact Statement

Background: In August 2000 the Washington Department of Fish and Wildlife Commission approved changes to regulations affecting coastal Dungeness crab commercial fishers. WAC 220-52-040(14) established a maximum pot assignment for all coastal Dungeness crab license holders that fish in the coastal waters (0-200 miles) of Washington state. The pot limit assigned to each license is based on the highest landings made for one season during the qualifying period, which is from December 1996 through September 1999. Licenses with the highest landings during one of the qualifying seasons of less than 36,000 pounds are assigned a maximum of three hundred pots; vessels that landed 36,000 pounds or more during one of the qualifying seasons are assigned a maximum of five hundred pots. WAC 220-52-040(15) allows a coastal Dungeness crab license holder to appeal the pot limit assigned to their license. Although the original rule did not contain a provision for extenuating circumstances, the 2001 legislature mandated that such circumstances be considered in imposing a pot limit. These proposals implement this requirement.

Proposed Regulatory Amendments: The Department of Fish and Wildlife is proposing amendments to WAC 220-16-410 Definition—Extenuating circumstances, and to WAC 220-52-040 Commercial crab fishery.

The department is proposing to amend the general definition and apply that definition to coastal crab fisher's appeals.

Economic Impact of the Proposed Amendments to WAC 220-16-410: The Department of Fish and Wildlife used the following process in evaluating the economic impact of the proposed amendments to WAC 220-16-410:

1. Determine the categories of business that must comply with the proposed regulations.
2. Determine the employment profile of businesses affected by the proposed regulation.

3. Determine the "more than minor" cost threshold for each category of business.

4. Determine whether the estimated cost exceeds the "more than minor" cost threshold for each category of business.

5. Determine whether the proposed regulations impose a disproportionate cost burden on small businesses.

6. Miscellaneous SBEIS requirements.

1. Which businesses must comply with the proposed regulation? An appeal based on extenuating circumstances is voluntary. There is no compliance requirement.

2. What is the employment profile of businesses affected by the proposed regulation? To the Department of Fish and Wildlife's knowledge, all coastal Dungeness crab commercial fishing operations are businesses with fewer than fifty employees and are "small businesses" as that term is defined in the Regulatory Fairness Act (RFA), RCW 19.85.02091).

3. What are the "more than minor" cost thresholds for businesses affected by the proposed regulation? An SBEIS is required if a proposed regulation will impose "more than minor" costs on businesses in an industry. An industry is defined as all of the businesses in this state in any one four-digit standard industrial classification as published by the United States Department of Commerce. The "more than minor" threshold ranges from \$50 to \$300 depending on what standard industrial code category the business falls into. This SBEIS uses \$50.00 as the benchmark between minor and "more than minor" costs.

4. Do the costs imposed by the proposed rule exceed the "more than minor" cost threshold? There are no mandatory costs. If a fisher successfully appeals, the fisher may elect to increase the number of pots fished. If the fisher does so, there will be a cost for pots and pot tags. However, since the increase in gear is a voluntary act by the fisher, the rule imposes no costs.

A complete discussion of the number of pots fished and the impact to the crab industry is outlined in the SBEIS for WAC 220-52-040.

5. Does the proposed regulation impose a disproportionate cost burden on small businesses? Since all coastal Dungeness crab fishers are by definition small businesses there are no large businesses within this industry required to comply with the proposed amendments to this rule. Consequently, small businesses are not disproportionately impacted by the proposed amendments to the rules.

6. Miscellaneous SBEIS requirements:

a. How did the Department of Fish and Wildlife involve affected businesses and other interested parties in the development of this rule? The adding of extenuating circumstances to the pot limit regulations is at the direction of the legislature, which held hearings on the legislation that imposes this requirement.

b. What are the reporting, record-keeping, and other compliance requirements, and what professional services is a small business likely to need in order to comply with the requirements of the proposed rule? Compliance requirements would be the same if a fisher were assigned

three hundred or five hundred pots. There would be a cost associated with the purchase of additional pots and pot tags (if the fisher did not already own them) to fish the maximum number of pots. A small business should not need any additional professional services to comply with the requirements of the proposed rule.

c. Will the proposed rule cause businesses to lose sales or revenue? Revenue for a crab fisher is based on many different factors, the number of pots fished may affect the revenue of one fisher while at the same time have no affect on another. These issues are discussed in detail in the SBEIS completed for changes to WAC 220-52-040 which describes the assessment of the potential economic impact of pot assignments on the coastal Dungeness crab fleet.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street, Olympia, on September 14, 2001, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by September 1, 2001, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by September 13, 2001.

Date of Intended Adoption: September 14, 2001.

August 1, 2001
Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 90-05, filed 1/19/90, effective 2/19/90)

WAC 220-16-410 Definition—Extenuating circumstances. "Extenuating circumstances" for purposes of this title mean unforeseeable circumstances ((~~that lessen the seriousness or magnitude of an act, and which are to be considered in determining if an individual is to be granted extraordinary relief. Such personal characteristics as age, education, fishing experience, and physical capability, as well as other personal characteristics, and such physical circumstances as weather, age of vessel, and vessel propulsion mechanism, as well as other physical circumstances, may be considered when reviewing a set of facts for extenuating circumstances~~)) beyond the control of a person that are proximate to a result requiring extraordinary relief.

(2) Elective decisions are not extenuating circumstances, and include, but are not limited to:

(a) Participation or nonparticipation in an enterprise or venture;

(b) Hiring and personnel decisions;

(c) Business considerations, including allocation of financial resources, except as otherwise provided in Title 77, RCW;

(d) All matters dealing with catch effort, including gear, species, area, timing, deliveries; and

(e) Any other circumstance resulting from choice or free-will.

(3) Equipment failure is not an extenuating circumstance if the failure was objectively foreseeable when the equipment was acquired.

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

AMENDATORY SECTION (Amending Order 01-74, filed 5/3/01, effective 6/3/01)

WAC 220-52-040 Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts. (1) **Net fishing boats shall not have crab aboard.** It is unlawful for any vessel geared or equipped with commercial net fishing gear to have aboard any quantity of crab while it is fishing with the net gear or when it has other food fish or shellfish aboard for commercial purposes.

(2) **Area must be open to commercial crabbing.** Unless otherwise provided, it is unlawful to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crabs for commercial purposes in any area or at any time when the location is not opened for taking crabs for commercial purposes by permanent rule or emergency rule of the department: Provided, That following the close of a commercial crab season, permission may be granted by the director or his or her designee on a case-by-case basis for crab fishers to recover shellfish pots that were irretrievable due to extreme weather conditions at the end of the lawful opening. Crab fishers must notify and apply to department enforcement for such permission within twenty-four hours prior to the close of season.

(3) **Crabs must be male and 6-1/4 inches.** It is unlawful for any person acting for commercial purposes to take, possess, deliver, or otherwise control:

(a) Any female Dungeness crabs; or

(b) Any male Dungeness crabs measuring less than 6-1/4 inches, caliper measurement, across the back immediately in front of the tips.

(4) **Each person and each Puget Sound license limited to 100 pots.** It is unlawful for any person to take or fish for crab for commercial purposes in the Puget Sound licensing district using, operating, or controlling any more than an aggregate total of 100 shellfish pots or ring nets. This limit shall apply to each license. However, this shall not preclude a person holding two Puget Sound crab licenses from designating and using the licenses from one vessel as authorized by RCW 75.28.048(4).

(5) **Additional area gear limits.** The following Marine Fish-Shellfish Management and Catch Reporting Areas are restricted in the number of pots fished, operated, or used by a person or vessel and it is unlawful for any person to use, maintain, operate, or control pots in excess of the following limits:

(a) 10 pots in Marine Fish-Shellfish Management and Catch Reporting Area 25E.

(b) 10 pots in all waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A south of a line projected true west from Travis Spit on Miller Peninsula.

(c) 20 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line projected from the new Dungeness Light to the mouth of Cooper Creek and east of a line projected from the new Dungeness Light to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay.

(d) 10 pots in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the I77 Rayonier Dock.

(6) **Groundline gear is unlawful.** No crab pot or ring net may be attached or connected to other crab pot or ring net by a common groundline or any other means that connects crab pots together.

(7) **Puget Sound crab pots must be tagged.** In Puget Sound it is unlawful to place in the water, pull from the water, possess on the water, or transport on the water any crab pot without a pot tag that meets the requirements of WAC 220-52-043.

(8) **Puget Sound - No person can possess or use gear with other person's tag.** In Puget Sound no person may possess, use, control, or operate any crab pot not bearing a tag identifying the pot as that person's, except that an alternate operator designated on a primary license may possess and operate a crab pot bearing the tag of the license holder.

(9) **Cannot tamper with pot tags.** No person shall remove, damage, or otherwise tamper with crab pot tags except when lawfully applying or removing tags on the person's own pots.

(10) **Thirty-day period when it is unlawful to buy or land crab from ocean without crab vessel inspection.** It is unlawful for any fisher or wholesale dealer or buyer to land or purchase Dungeness crab taken from Grays Harbor, Willapa Bay, Columbia River, Washington coastal or adjacent waters of the Pacific Ocean during the first thirty days following the opening of a coastal crab season from any vessel which has not been issued a Washington crab vessel inspection certificate. The certificate will be issued to vessels made available for inspection in a Washington coastal port and properly licensed for commercial crab fishing if no Dungeness crabs are aboard. Inspections will be performed by authorized department personnel not earlier than twelve hours prior to the opening of the coastal crab season and during the following thirty-day period.

(11) **Grays Harbor pot limit of 200.** It is unlawful for any person to take or fish for crab for commercial purposes in Grays Harbor (catch area 60B) with more than 200 shellfish pots in the aggregate. It shall be unlawful for any group of persons using the same vessel to take or fish for crab for commercial purposes in Grays Harbor with more than 200 shellfish pots.

(12) **Coastal crab pot limit.**

(a) It is unlawful for a person to take or fish for Dungeness crab for commercial purposes in Grays Harbor, Willapa Bay, the Columbia River, or waters of the Pacific Ocean adjacent to the state of Washington unless a shellfish pot limit has

been assigned to the Dungeness crab-coastal fishery license held by the person, or to the equivalent Oregon or California Dungeness crab fishery license held by the person.

(b) It is unlawful for a person to deploy or fish more shellfish pots than the number of shellfish pots assigned to the license held by that person, and it is unlawful to use any vessel other than the vessel designated on a license to operate or possess shellfish pots assigned to that license.

(c) It is unlawful for a person to take or fish for Dungeness crab or to deploy shellfish pots unless the person is in possession of valid documentation issued by the department that specifies the shellfish pot limit assigned to the license.

(13) **Determination of coastal crab pot limits.**

(a) The number of shellfish pots assigned to a Washington Dungeness crab-coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license will be based on documented landings of Dungeness crab taken from waters of the Pacific Ocean south of the United States/Canada border and west of the Bonilla-Tatoosh line, and from coastal estuaries in the states of Washington, Oregon and California. Documented landings may be evidenced only by valid Washington state shellfish receiving tickets, or equivalent valid documents from the states of Oregon and California, that show Dungeness crab were taken between December 1, 1996, and September 16, 1999. Such documents must have been received by the respective states no later than October 15, 1999.

(b) The following criteria shall be used to determine and assign a shellfish pot limit to a Dungeness crab-coastal fishery license, or to an equivalent Oregon or California Dungeness crab fishery license:

(i) The three "qualifying coastal Dungeness crab seasons" are from December 1, 1996, through September 15, 1997, from December 1, 1997, through September 15, 1998, and from December 1, 1998, through September 15, 1999. Of the three qualifying seasons, the one with the most poundage of Dungeness crab landed on a license shall determine the crab pot limit for that license. A crab pot limit of 300 shall be assigned to a license with landings that total from zero to 35,999 pounds and a crab pot limit of 500 shall be assigned to a license with landings that total 36,000 pounds or more.

(ii) Landings of Dungeness crab made in the states of Oregon or California on valid Dungeness crab fisheries licenses during a qualifying season may be used for purposes of assigning a shellfish pot limit to a Dungeness crab fishery license, provided that documentation of the landings is provided to the department by the Oregon Department of Fish and Wildlife and/or the California Department of Fish and Game. Landings of Dungeness crab made in Washington, Oregon, and California on valid Dungeness crab fishery licenses during a qualifying season may be combined for purposes of assigning a shellfish pot limit, provided that the same vessel was named on the licenses, and the same person held the licenses. A shellfish pot limit assigned as a result of combined landings is invalidated by any subsequent split in ownership of the licenses. No vessel named on a Dungeness crab fishery license shall be assigned more than one shellfish pot limit.

(iii) A license on which less than 36,000 pounds of crab had been landed during any of the three qualifying coastal Dungeness crab seasons may be granted a crab pot limit of 500 pots upon a showing that extenuating circumstances prevented the licensee from landing 36,000 pounds during each of the three qualifying coastal Dungeness crab seasons.

(14) **Appeals of coastal crab pot limits.** An appeal of a shellfish pot limit by a coastal commercial license holder shall be filed with the department on or before the 30th day following the ~~((department's assignment of a shellfish pot limit under subsection (13)))~~ effective date of this section. The shellfish pot limit assigned to a license by the department shall remain in effect until such time as the appeal process is concluded.

(15) **Coastal - Barging of crab pots by undesignated vessels.** It is lawful for a vessel not designated on a Dungeness crab-coastal fishery license to be used to deploy shellfish pot gear provided that:

(a) Such a vessel may not carry aboard more than 150 shellfish pots at any one time.

(b) Such a vessel may deploy shellfish pot gear only during the 64-hour period immediately preceding the season opening date and during the 48-hour period immediately following the season opening date.

(c) The lawful owner of the shellfish pot gear must be aboard the vessel when the gear is being deployed.

(16) **Coastal shellfish pot tags.** It is unlawful for a person to use a shellfish pot in the coastal Dungeness crab fishery unless the pot bears a tag that identifies either the name of the vessel being used to operate the pot or the Dungeness crab fishery license number of the owner of the pot, and the telephone number of a contact person. No person may operate or possess a pot that bears another person's tag, except that a person who is licensed as an alternate operator may operate or possess a pot that bears the tag of the primary license holder. It is unlawful for any person who is not the owner of Dungeness crab pot gear to remove, damage, or otherwise tamper with pot gear tags.

(17) **Coastal - Registration and use of buoy brands and colors.**

(a) It is unlawful for any coastal Dungeness crab fishery license holder to fish for crab unless the license holder has registered the buoy brand and buoy color(s) to be used with the license. A license holder shall be allowed to register with the department only one, unique buoy brand and one buoy color scheme per license. Persons holding more than one license state shall register buoy color(s) for each license that are distinctly different. The buoy color(s) shall be shown in a color photograph.

(b) It is unlawful for a coastal Dungeness crab fishery license holder to fish for crab using any other buoy brand or color(s) than those registered with and assigned to the license by the department.

WSR 01-16-149
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 1, 2001, 11:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-12-081.

Title of Rule: Commercial fish licensing rules.

Purpose: Provide for renewal of licenses upon death of license holder.

Statutory Authority for Adoption: Chapter 244, Laws of 2001, RCW 77.12.047.

Statute Being Implemented: Chapter 244, Laws of 2001.

Summary: The department is proposing to allow a decedent's representatives to renew a license year following the licensee's death. This will constitute the "reasonable opportunity" in chapter 244, Laws of 2001.

Reasons Supporting Proposal: Chapter 244, Laws of 2001, provided for a reasonable period for a decedent's representatives to renew a license without defining a reasonable period. This provides clarification.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 600 Capitol Way North, Olympia, 902-2930; Implementation: Jim Lux, 600 Capitol Way North, Olympia, 902-2444; and Enforcement: Bruce Bjork, 600 Capitol Way North, Olympia, 902-2373.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The legislature did not identify the "reasonable opportunity" for a decedent's representative to renew a license which would otherwise not be renewable because the license must be renewed each year. The department is proposing the following licensing year as the period when the license could be renewed. This means the personal representative, surviving spouse, estate or estate beneficiary would have a minimum of a full year to renew. The proposal clarifies that renewal requires payment of both the license year fees that were missed as well as the current license fees.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The small business at issue and that is impacted is the decedent as a licensee. This rule has no effect on the decedent, it has an effect on a subsequent licensee, who is unknown to the department at the time the license is not renewed by year's end.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street, Olympia, on September 14, 2001, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by September 1, 2001, TDD (360) 902-2207, or (360) 902-2267.

PROPOSED

Submit Written Comments to: Evan Jacoby; 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by September 13, 2001.

Date of Intended Adoption: September 14, 2001.

August 1, 2001

Evan Jacoby
Rules Coordinator

NEW SECTION

WAC 220-20-056 Commercial fishing license renewal upon the death of the holder. Upon the death of a commercial fishing license holder or commercial fishing permit holder, any license or permit that requires annual renewal in order to be renewed in a subsequent year, and which was not renewed in the licensing year of the license or permit holder's death, may be renewed by the license or permit holder's personal representative, surviving spouse, estate, or estate beneficiary during the next licensing year after the licensing year in which the death occurred, by payment of the license fees for both the year in which the death occurred and the current licensing year. If the license is not renewed in the licensing year after the licensing year in which the death occurred, the license may not be renewed thereafter.

WSR 01-16-150

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed August 1, 2001, 11:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-124.

Title of Rule: WAC 246-320-990 Acute care hospital licensing fees.

Purpose: WAC 246-320-990 establishes the per bed license fee for acute care hospitals.

Statutory Authority for Adoption: RCW 70.41.100, 43.20B.110 and 43.70.250.

Statute Being Implemented: RCW 70.41.100.

Summary: The proposed amendments increase the license fees for acute care hospitals from \$63.50 per bed to \$81.65 per bed.

Reasons Supporting Proposal: ESSB 6153, section 220 permits the department to increase fees over the I-601 limit.

Name of Agency Personnel Responsible for Drafting and Implementation: Byron Plan, Olympia, Washington, (360) 705-6780; Enforcement: Gary Bennett, Olympia, Washington, (360) 705-6652.

Name of Proponent: Washington State Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-320-990 establishes licensing fees for acute care hospitals. The proposed amendment increases fees from \$63.50 per bed to \$81.65 per bed. The proposed rule assists the department in meeting the mandate to set the fees

for each program at a sufficient level to defray the costs of administering that program.

Proposal Changes the Following Existing Rules: Proposed change increases fees from \$63.50 per bed to \$81.65 per bed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is exempt under RCW 34.05.310(4), and therefore does not require a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995 do not apply to rules that set or adjust fees or rates pursuant to legislative standards according to RCW 34.05.328 (5)(b)(vi).

Hearing Location: Department of Health, 1101 Eastside Street, Olympia, WA, on September 6, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Denise Mino by August 27, 2001, TDD (800) 833-6388, or (360) 705-6652.

Submit Written Comments to: FSL Rules Coordinator, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, e-mail FSLregmail@doh.wa.gov, fax (360) 705-6654, by September 3, 2001.

Date of Intended Adoption: September 7, 2001.

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 99-24-096, filed 11/30/99, effective 12/31/99)

WAC 246-320-990 Fees. Hospitals licensed under chapter 70.41 RCW shall:

(1) Submit an annual license fee of (~~sixty-three~~) eighty-one dollars and (~~fifty~~) sixty-five cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include neonatal intensive care bassinet spaces;

(4) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The hospital currently possesses the required movable equipment and certifies this fact to the department;

(5) Exclude all normal infant bassinets;

(6) Limit licensed bed spaces as required under chapter 70.38 RCW;

(7) Submit an application for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the hospital licensed bed capacity; and

(8) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

WSR 01-16-151
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed August 1, 2001, 11:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-125.

Title of Rule: WAC 246-327-990 Home health agency license fees, 246-331-990 Hospice agency license fees, and 246-336-990 Home care agency license fees.

Purpose: WAC 246-327-990, 246-331-990, and 246-336-990 establish the license fees for home health, hospice and home care agency operation.

Statutory Authority for Adoption: RCW 70.127.090, 43.20B.110, and 43.70.250.

Statute Being Implemented: RCW 70.127.090.

Summary: The proposed amendments increase the license fees for home health, hospice and home care agencies.

Reasons Supporting Proposal: ESSB 6153, section 220 permits the department to increase fees over the I-601 limit.

Name of Agency Personnel Responsible for Drafting and Implementation: Byron Plan, Olympia, Washington, (360) 705-6780; Enforcement: Gary Bennett, Olympia, Washington, (360) 705-6652.

Name of Proponent: Washington State Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-327-990, 246-331-990, and 246-336-990 establish the license fees for home health, hospice and home care agencies. The proposed amendment increases fees in all categories. The proposed rule assists the department in meeting the mandate to set the fees for each program at a sufficient level to defray the costs of administering that program.

Proposal Changes the Following Existing Rules: The existing fees are increased for renewal fees and initial fees. A fee percentage is established for additional licenses (more than one agency service).

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is exempt under RCW 34.05.310(4), and therefore does not require a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, do not apply to rules that set or adjust fees or rates pursuant to legislative standards according to RCW 34.05.328 (5)(b)(vi).

Hearing Location: Department of Health, Eastside Building, 1101 Eastside Street, Olympia, WA, on September 6, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Denise Mino by August 27, 2001, TDD (800) 833-6388, or (360) 705-6652.

Submit Written Comments to: FSL Rules Coordinator, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, e-mail FSLregmail@doh.wa.gov, fax (360) 705-6654, by September 3, 2001.

Date of Intended Adoption: September 7, 2001.

M. C. Selecky
 Secretary

AMENDATORY SECTION (Amending WSR 98-13-036, filed 6/8/98, effective 7/9/98)

WAC 246-327-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) A ~~((biennial))~~ renewal fee based on the number of full-time equivalents (FTEs) ~~((which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors,))~~ as follows:

(i) ~~((A base fee of five hundred two dollars and sixty cents; and))~~ For five or less FTEs, one thousand five hundred dollars;

(ii) ~~((For agencies with: (A) Fifteen or less FTEs, one thousand forty eight dollars;~~

~~(B) Sixteen through fifty FTEs, one thousand two hundred sixty one dollars and fifty cents; or~~

~~(C) Fifty one or more FTEs, one thousand seven hundred twenty one dollars and forty cents;))~~ For six to fifteen FTEs, two thousand one hundred ten dollars;

(iii) For sixteen to fifty FTEs, two thousand four hundred dollars;

(iv) For fifty-one to one hundred FTEs, three thousand twenty-five dollars; and

(v) For one hundred one or more FTEs, three thousand one hundred fifteen dollars;

(b) An initial ~~((twelve-month))~~ license fee of one thousand five hundred dollars for new firms, businesses not currently licensed to provide home health care in Washington state, or currently licensed businesses which have had statement of charges filed against them ~~((as follows:~~

~~(i) A base fee of two hundred fifty one dollars and thirty cents; and~~

~~(ii) For agencies with:~~

~~(A) Fifteen or less FTEs, five hundred twenty three dollars and forty cents;~~

~~(B) Sixteen through fifty FTEs, six hundred twenty nine dollars and fifty cents;~~

~~(C) Fifty one or more FTEs, eight hundred sixty dollars and ten cents;))~~ and

(c) A transfer of ownership fee of ~~((sixty))~~ one hundred fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) ~~((An))~~ A licensee or applicant ((or licensee)) shall pay ~~((one-half the base fee in addition to the full fee for FTEs))~~ seventy-five percent of the appropriate fee for each additional hospice and/or home care license.

(3) The department may charge and collect from a licensee a fee of ~~((two))~~ seven hundred fifty dollars for:

(a) A second on-site visit resulting from failure of the licensee ~~((or applicant))~~ to adequately respond to a statement of deficiencies;

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

PROPOSED

(4) A licensee with deemed status shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ~~((ten))~~ twenty-five dollars per day, not to exceed ~~((cost of the base fee))~~ five hundred dollars, from the renewal date (which is thirty days before the current license expiration date) until the date of mailing the fee, as evidenced by the postmark.

AMENDATORY SECTION (Amending WSR 98-13-036, filed 6/8/98, effective 7/9/98)

WAC 246-331-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) A ~~((biennial))~~ renewal fee based on the number of full-time equivalents (FTEs) ~~((, which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors,))~~ as follows:

(i) ~~((A base fee of five hundred two dollars and sixty cents; and))~~ For five or less FTEs, seven hundred fifty dollars;

(ii) ~~((For agencies with:
(A) Fifteen or less FTEs, two hundred sixty-six dollars;
(B) Sixteen through fifty FTEs, six hundred forty dollars and fifty cents; or
(C) Fifty-one or more FTEs, one thousand three hundred twenty-eight dollars and sixty cents;))~~ For six to fifteen FTEs, seven hundred ninety dollars;

(iii) For sixteen to fifty FTEs, one thousand one hundred seventy-four dollars and ninety-nine cents;

(iv) For fifty-one to one hundred FTEs, one thousand eight hundred eighty-two dollars and twenty-nine cents;

(v) For one hundred one or more FTEs, one thousand nine hundred eighty dollars;

(b) An initial ~~((twelve-month))~~ license fee of one thousand five hundred dollars for new firms, businesses not currently licensed to provide hospice care in Washington state, or currently licensed businesses which have had statement of charges filed against them ~~((as follows:~~

(i) A base fee of two hundred fifty-one dollars and thirty cents; and

(ii) For agencies with:
(A) Fifteen or less FTEs, one hundred thirty-three dollars;

~~(B) Sixteen through fifty FTEs, three hundred nineteen dollars and sixty cents;~~

~~(C) Fifty-one or more FTEs, six hundred sixty-two dollars and forty cents;); and~~

(c) A transfer of ownership fee of ~~((sixty))~~ one hundred fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) ~~((An applicant or licensee))~~ A licensee or applicant that has a home health license, shall pay seventy-five percent of the renewal fee listed in subsection (1)(a) of this section.

(3) A licensee or applicant that does not have a home health license shall pay ((one-half the base fee in addition to the full fee for FTEs)) seventy-five percent of the appropriate fee for each additional ((home health and/or)) home care license.

~~((3))~~ (4) The department may charge and collect from a licensee a fee of ~~((two))~~ seven hundred fifty dollars for:

(a) A second on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies;

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

~~((4))~~ (5) A licensee with deemed status shall pay fees according to this section.

~~((5))~~ (6) A licensee shall submit an additional late fee in the amount of ~~((ten))~~ twenty-five dollars per day, not to exceed ~~((the cost of the base fee))~~ five hundred dollars, from the renewal date (which is thirty days before the current license expiration date) until the date of mailing the fee, as evidenced by the postmark.

AMENDATORY SECTION (Amending WSR 98-13-036, filed 6/8/98, effective 7/9/98)

WAC 246-336-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) A ~~((biennial))~~ renewal fee based on the number of full-time equivalents (FTEs) ~~((, which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors,))~~ as follows:

(i) ~~((A base fee of three hundred thirty-four dollars and thirty cents; and))~~ For five or less FTEs, four hundred fifty dollars;

(ii) ~~((For agencies with:
(A) Fifteen or less FTEs, one hundred seventy-six dollars and eighty cents;
(B) Sixteen through fifty FTEs, two hundred thirteen dollars and forty cents; or
(C) Fifty-one or more FTEs, three hundred six dollars and twenty cents;))~~ For six to fifteen FTEs, eight hundred fifteen dollars;

(iii) For sixteen to fifty FTEs, eight hundred seventy-five dollars;

(iv) For fifty-one to one hundred FTEs, one thousand twenty-five dollars; and

(v) For one hundred one or more FTEs, one thousand one hundred dollars;

(b) An initial ~~((twelve-month))~~ license fee of one thousand five hundred dollars for new firms, businesses not currently licensed to provide home care in Washington state, or currently licensed businesses which have had statement of charges filed against them ~~((as follows:~~

(i) A base fee of two hundred fifty-one dollars and thirty cents; and

(ii) For agencies with:
(A) Fifteen or less FTEs, one hundred thirty-three dollars;

~~(B) Sixteen through fifty FTEs, one hundred sixty-one dollars;~~

~~(C) Fifty-one or more FTEs, two hundred thirty-four dollars and twenty cents;); and~~

(c) A transfer of ownership fee of ~~((sixty))~~ one hundred fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) ~~((An))~~ A licensee or applicant ((or licensee)) that has a home health and/or hospice license shall pay ((one-half the base fee in addition to the full fee for FTEs for each additional home health and/or hospice license)) seventy-five percent of the renewal fee listed in subsection (1)(a) of this section.

(3) The department may charge and collect from a licensee a fee of ~~((two))~~ seven hundred fifty dollars for:

(a) A second on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies; and

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(4) A licensee with deemed status shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ~~((ten))~~ twenty-five dollars per day, not to exceed ~~((the cost of the base fee))~~ three hundred dollars, from the renewal date (which is thirty days before the current license expiration date) until the date of mailing the fee, as evidenced by the postmark.

WSR 01-16-152

PROPOSED RULES

UTILITIES AND TRANSPORTATION

COMMISSION

[Commission Docket UT-003074—Filed August 1, 2001, 11:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-17-167.

Title of Rule: Chapter 480-122 WAC, Washington telephone assistance program.

Purpose: To implement the requirements of Executive Order 97-02, requiring agencies to review significant rules for need; effectiveness and efficiency; clarity; intent and statutory authority; cost and fairness. The proposal would repeal several existing rules which are duplicative of rules under the jurisdiction of the Department of Social and Health Services, adds and clarifies definitions, and includes a new requirement defining when local exchange carriers must begin offering telephone assistance rates and discounts.

Statutory Authority for Adoption: RCW 80.01.040, 80.36.410, 80.66.010, 80.04.160, 80.36.420.

Summary: See Explanation of Rules below.

Name of Agency Personnel Responsible for Drafting: Kristen Russell, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1281; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To implement the requirements of Executive Order

97-02, requiring agencies to review significant rules for need; effectiveness and efficiency; clarity; intent and statutory authority; cost and fairness. The proposal would repeal several existing rules which address the criteria for consumer participation, and benefits received by participants. These rules are duplicative of rules under the jurisdiction of the Department of Social and Health Services. The rule redraft adds a definition for radio communications service company and clarifies existing definitions, and includes a new requirement defining when local exchange carriers must begin offering telephone assistance rates and discounts.

Proposal Changes the Following Existing Rules: WAC 480-122-010, clarifies definitions used throughout the chapter, eliminates definitions not pertinent to the commission's jurisdiction.

WAC 480-122-020, clarifies when telecommunications carriers are required to offer telephone assistance rates and discounts.

WAC 480-122-030, 480-122-040, 480-122-070, and 480-122-090, repealed, falls under the jurisdiction of DSHS.

WAC 480-122-060, clarifies that only wireline carriers will collect the excise tax, and eliminates a set rate to allow for flexibility to adjust the rate within the statutory amount by order, at the request of DSHS.

WAC 480-122-080, eliminates language that is no longer necessary, and was confusing to carriers.

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

Small Business Economic Impact Statement

Background: Chapter 480-122 WAC governs the Washington Telephone Assistance Program (WTAP). The commission and the Department of Social and Health Services (DSHS) have rules that relate to WTAP. The proposed rule changes could cause telephone companies to incur additional costs; therefore, the commission prepared the small business economic impact statement.

Summary of the Proposed Changes: The proposed changes to the rules specify when non-ETC local exchange carriers must offer WTAP to customers, eliminates rules relating to benefits, which are covered in DSHS's rule and fall under their jurisdiction, and allows non-ETC wireless carriers to offer WTAP.

Purpose and Process: RCW 19.85.040 requires that the economic impacts of proposed rules on small companies be compared with the economic impacts on the largest companies, or those which comprise the top 10% of the affected industry. RCW 19.85.020 defines small companies as those that have fifty or fewer employees.

On April 17, 2001, commission staff sent out a small business economic impact statement questionnaire and a notice to file written comments to all telecommunications companies registered in the state.

Responses were requested by May 4, 2001. The commission received responses from fifteen telecommunications companies, three of which are small businesses. Two companies supplied only comments; eight companies provided minimal operations or have not begun operations in Washington, and therefore were unable to answer the SBEIS. Five compa-

nies filled out the SBEIS, one company does not provide service in Washington, and another provides only DSL, thus the changes to the rule would have no impact to their respective companies. The remaining three responded that a majority of the changes would cause minimal impact.

Cost of Compliance: Of the five companies that filled out the SBEIS questionnaire, only two responded that the changes would have any monetary impact. Both indicated the cost would result from the preparation and filing of a price list, for one the expected cost would be minimal, for the other the expected cost would be \$1000.00.

Comparison of Costs: The cost of implementation of the proposed rules were indicated to be small or nonexistent for both small and large businesses. Nothing in the responses indicated a disproportionate impact on small businesses.

Lost Sales or Revenue: None of the respondents indicated that the changes proposed would lead to loss of sales or revenues.

Impact of Proposed Changes: The proposed changes received little comment and the responses to the SBEIS questionnaire indicated that all companies consider the impact to be negligible.

Conclusion: Fifteen companies, out of over six hundred registered companies that were sent the SBEIS, responded to the SBEIS questionnaire and notice to file written comments. The ascertainable impact from the responses is that the expected costs are negligible for all telecommunications companies.

Commission staff contacted companies seeking data regarding whether the proposed rules would impose increased costs. The responses indicate that affected companies have not identified such increased costs. The commission analyzed the rules to identify those that impose requirements that are new or differ from current requirements. The commission analysis identified only minor costs.

A copy of the statement may be obtained by writing to Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules as referenced in RCW 34.05.328(5).

Hearing Location: Commission Hearing Room 206, 2nd Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on September 12, 2001, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Mary DeYoung by Monday, September 10, 2001, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Carole J. Washburn, Secretary P.O. Box 47250, Olympia, WA 98504-7250 or e-mail to <records@wutc.wa.gov>, fax (360) 586-1150, by August 22, 2001. Please include Docket No. UT-003074 in your communication.

Date of Intended Adoption: September 1, 2001.

August 1, 2001

Paul Curl

for Carole J. Washburn

Secretary

AMENDATORY SECTION (Amending Order R-328, filed 9/11/90, effective 10/12/90)

WAC 480-122-010 Definitions. For purposes of this chapter:

(1) "Local exchange company" means a telecommunications company providing local exchange telecommunications service.

(2) "Department" means the department of social and health services.

(3) "Washington telephone assistance program" means((:

(a) ~~A discount on residential service connection fees of fifty percent;~~

(b) ~~A waiver of the deposit on local residential exchange service;~~

(c) ~~A discounted flat rate on one access line for local residential exchange service for eligible persons subscribing to the lowest available local exchange flat rate service, where that rate, including any federal end user access charge or other charge necessary to obtain local exchange service, is greater than the telephone assistance rate set by the commission. Where available, single party service shall qualify as the lowest available flat rate for persons otherwise eligible, who are sixty years of age or older, or who receive medical assistance.~~

(4) "Eligible person" means an adult recipient of department administered programs for the financially needy which provide continuing financial or medical assistance, food stamps, or supportive services to persons in their own homes. The department shall notify the participants of their eligibility.

(5) "Eligibility period" means a one-year period of eligibility as certified by the department. The eligibility period shall run from July 1 through June 30 of the succeeding year.

(6) ~~"Charge necessary to obtain local exchange service" means the charge for the lowest available grade of residential flat rate service, any federal end user access charge, any charge for nonoptional extended area service and any charge for nonoptional mileage. It does not include any charge for customer premises equipment or any applicable taxes))~~ the program of local exchange service discounts administered by the department.

((7)) (4) "Switched access line" means, for the purpose of applying the telephone assistance program excise tax, a communication facility extending from a serving central office to a customer's premises to provide access to and from the switched telecommunications network for message toll service and local calling. When used with PBX or Centrex-CU a switched access line may also be referred to as a trunk.

((8) ~~"Connection fees" means any service charge applicable to the connection of a switched access line to establish new service, but not including line extension charges or any~~

delinquent balance owed to the local exchange company.))

(5) Radio communications service company has the meaning found in RCW 80.04.010, except that for the purposes of this section it includes only those companies providing two-way voice communication as a common carrier.

(6) "Eligible telecommunications carrier" (ETC) means a carrier designated as an ETC pursuant to 47 U.S.C. 214(e).

AMENDATORY SECTION (Amending Order R-449, filed 9/2/98, effective 10/3/98)

WAC 480-122-020 Washington telephone assistance program rate. The commission shall set by order the telephone assistance rate to be paid by program participants for local service. Every eligible telecommunications carrier (ETC) must offer the telephone assistance rates and discounts in accordance with RCW 80.36.410 through 80.36.475. Every non-ETC local exchange company must offer the telephone assistance rates and discounts in accordance with RCW 80.36.410 through 80.36.475 when one hundred or more of its access lines are subscribed to for residential service. Radio communications service companies that are not ETCs may offer the telephone assistance rates and discounts in accordance with RCW 80.36.410 through 80.36.475.

AMENDATORY SECTION (Amending Order R-377, filed 9/28/92, effective 10/29/92)

WAC 480-122-060 Telephone assistance excise tax. ~~((Beginning November 1, 1992,))~~ Wireline local exchange companies shall collect a telephone assistance excise tax on all switched access lines ((of thirteen cents per month)) in an amount set by the commission by order at the request of the department. Each party line ((subscriber)) customer shall be assessed the telephone assistance excise tax in full. The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." Money collected from the telephone assistance excise tax shall be transferred to a telephone assistance fund administered by the department.

AMENDATORY SECTION (Amending Order R-328, filed 9/11/90, effective 10/12/90)

WAC 480-122-080 Accounting. Local exchange companies shall maintain their accounting records so that expenses associated with the telephone assistance program can be separately identified. ~~((Only the unwaived portion of the federal end-user access charge shall be shown on the ratepayer's bill.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-122-030	Connection fees.
WAC 480-122-040	Deposit waiver.
WAC 480-122-070	Recovery of costs.

WAC 480-122-090

Administration.

WSR 01-16-158
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 1, 2001, 11:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-034.

Title of Rule: Chapter 296-104 WAC, Board of Boiler Rules—Substantive.

Purpose: The Board of Boiler Rules is proposing a new boiler and pressure vessel permit process and fee to increase compliance with the Board of Boiler Rules and to ensure boilers and pressure vessels are inspected and installed safely. The new fee is identical to the current, first-day penalty of \$50.00 that may be assessed if the rules for installing boilers and pressure vessels are not complied with - which has become far too common. Also, the Board of Boiler Rules is proposing other changes to further clarify the rules and to adopt the most recent edition of nationally accepted codes and standards. All of these proposed changes are the result of the actions and requests of the Board of Boiler Rules.

WAC 296-104-010 Administration—What are the definitions of terms used in this chapter? A new definition was added for "Boiler and pressure vessel installation permit." This definition is necessary in conjunction with the new permit process that has been established by the Board of Boiler Rules.

Clarification changes were made to ensure for "Hot water heaters" and "Pool heaters." This change ensures consistency with the construction requirements and the ASME codes for boilers and pressure vessels. Also, the reference to "or internationally" (referencing a recognized testing laboratory) was removed from the type of pool heaters that may [be] approved because there are no international testing laboratories that approve pool heaters.

WAC 296-104-020 Administration—What are the filing requirements for boilers and pressure vessels before their installation? This section was changed to reflect the new permit process that has been created and to clarify that "Manufacturers' data reports" be filed with the National Board of Boilers and Pressure Vessels Inspectors. Currently, this information must be filed with the chief inspector or the National Board of Boilers and Pressure Vessels Inspectors.

WAC 296-104-040 Administration—When should inspectors submit inspection reports and on what forms? A change was made to allow inspectors to submit inspection reports via appropriate forms "or media." Also, a clarification change was made to remove "employed by the in-service inspection agency" when referencing who must submit reports of reinspection.

WAC 296-104-045 Administration—What are the insurance companies' responsibilities? Clarification changes were made to ensure "that proper documentation" be

completed and submitted as required by the "National Board Inspection Code (NBIC) as adopted in WAC 296-104-102."

WAC 296-104-060 Administration—When shall inspectors' commissions be issued, suspended, or revoked? Clarification changes were made to specify the type of commissions that are issued by the chief inspector in accordance with RCW 70.79.120 and 70.79.130. Also, "department" was replaced with "chief inspector" when referring to who may suspend or revoke a certificate of competency and commission issued to an inspector upon "ten days written" notice to the inspector and the inspector's employer.

WAC 296-104-065 Administration—How should a certified or commissioned inspector obtain a Washington state commission? Changes were made to add an exemption for certified API-510 inspectors to operate in the state on a temporary basis.

WAC 296-104-100 Inspection—How often must boilers and unfired pressure vessels be inspected? Clarified that this section is "In accordance with RCW 70.79.080, 70.79.090, and 70.79.240" in reference to "inspection requirements" that shall apply. Also, updated/adopted to the "eight edition with supplements" of the API-510, the "1999 edition" of the "HIS TIP" 0402-16, and made necessary reference changes.

WAC 296-104-102 Inspection—What are the standards for in-service inspection? Updated/adopted to the 2001 edition of the National Board Inspection Code (NBIC) and the 1999 edition of the "HIS TIP" 0402-16.

WAC 296-104-130 Inspection—When are inspection certificates valid? Removed "Tacoma" from a city that an agreement exists between the state and the city jurisdictions because the city of Tacoma has relinquished this jurisdiction.

WAC 296-104-151 Inspection—What are the requirements for rental boilers? Made clarification changes to reflect current practice and added references to applicable rules in the chapter that must be met.

WAC 296-104-200 Construction—What are the standards for new construction? Updated/adopted the 1997 edition of ASME/ANSI PVHO-1 (Standard for Pressure Vessels for Human Occupancy). Also, added that standards for construction must be "approved by the chief inspector."

WAC 296-104-205 Construction—What are the requirements for nonstandard new construction? Made a typographical correction.

WAC 296-104-256 Installation—What are required for reinstalled standard boilers or unfired pressure vessels? Changed the title for purposes of ease of understanding and use. Clarified the requirements that must meet and inspected and made changes based on the new permit process that has been established.

WAC 296-104-265 Installations—What control and limit devices are required on boilers? Added "shall have the following additional requirements" to subsection (3) for purposes of clarification.

WAC 296-104-502 Repairs—What are the requirements for nonnuclear boilers and unfired pressure vessel repairs and alterations? Clarified the documentation

requirements of repairs that must be submitted to the department.

WAC 296-104-700 What are the inspection fees—Certificate fees—Expenses? Added a new fee of \$50.00 for the new boiler and pressure vessel inspection process. Also, reversed the fees for pressure vessels "For each additional 100 square feet or any portion thereof" to address a long-standing mistake that has existed in the fee schedule.

Statutory Authority for Adoption: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350.

Statute Being Implemented: Chapter 70.79 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Board of Boiler Rules, Tumwater, (360) 902-5270; Implementation and Enforcement: Robb Marvin, Tumwater, (360) 902-5270.

Name of Proponent: Board of Boiler Rules, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the costs associated with the proposed rules will not place a more than minor impact on any business, contractor, or other entity affected by these proposed rules.

RCW 34.05.328 applies to this rule adoption. Significant rule-making criteria does apply to these rule changes because the exempt criteria outlined in RCW 34.05.328(5) were not met.

Hearing Location: Labor and Industries Building, S 130, 7273 Linderson Way S.W., Tumwater, WA, on September 17, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Josh Swanson by September 14, 2001, at (360) 902-6411.

Submit Written Comments to: Josh Swanson, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, e-mail swaj235@lni.wa.gov, fax (360) 902-5292, by September 21, 2001. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: October 1, 2001.

August 1, 2001

Kenneth E. Eshleman, Chair
Board of Boilers

AMENDATORY SECTION (Amending WSR 00-21-024, filed 10/10/00, effective 11/13/00)

WAC 296-104-010 Administration—What are the definitions of terms used in this chapter? "Agriculture

purposes" shall mean any act performed on a farm in production of crops or livestock, and shall include the storage of such crops and livestock in their natural state, but shall not be construed to include the processing or sale of crops or livestock.

"**Attendant**" shall mean the person in charge of the operation of a boiler or unfired pressure vessel.

"**Automatic operation of a boiler**" shall mean unattended control of feed water and fuel in order to maintain the pressure and temperature within the limits set. Controls must be such that the operation follows the demand without interruption. Manual restart may be required when the burner is off because of low water, flame failure, power failure, high temperatures or pressures.

"**Board of boiler rules**" or "**board**" shall mean the board created by law and empowered under RCW 70.79.010.

- "**Boiler and pressure vessel installation permit.**" shall mean a permit approved by the chief inspector before starting installation of any boiler and pressure vessel in this state.

Owner/user inspection agency's, Washington specials and rental boilers are exempt from "boiler and pressure vessel installation permit."

"**Boilers and/or pressure vessels**" - below are definitions for types of boilers and pressure vessels used in these regulations:

- "**Condemned boiler or unfired pressure vessel**" shall mean a boiler or unfired pressure vessel that has been inspected and declared unsafe or disqualified by legal requirements by an inspector who has applied a stamping or marking designating its condemnation.
- "**Hot water heater**" shall mean a closed vessel designed to supply hot water for external use to the system. All vessels must be listed by a nationally recognized testing agency and shall not exceed any of the following limits:
 - * Pressure of 160 psi (1100 kpa);
 - * Temperature of 210 degrees F (99°C);
 - * Capacity of 120 U.S. gallons (454 liters);
 - * Input of 200,000 BTU/hr (58.58 kw).

Hot water heaters exceeding 200,000 BTU/hr (58.58 kw) must be ASME code stamped.

Each vessel shall be protected with an approved temperature and pressure safety relief valve.

- "**Low pressure heating boiler**" shall mean a steam or vapor boiler operating at a pressure not exceeding 15 psig or a boiler in which water or other fluid is heated and intended for operation at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy including lined potable water heaters.
- "**Nonstandard boiler or unfired pressure vessel**" shall mean a boiler or unfired pressure vessel that does not bear marking of the codes adopted in WAC 296-104-200.

- "**Pool heaters**" shall be considered a boiler or unfired pressure vessel unless it meets all of the following criteria:
 - * Appliance used to heat water for swimming pools and spas.
 - ~~((*) Operates at pump pressure but in no case exceed 15 psig.~~
 - ~~≠ Appliance is equipped with a flow switch, or a pressure switch set at a maximum of 15 psig.))~~
 - * A flow switch shall be wired to shut off the heating source under a condition of low flow.
 - * There are no intervening stop valves on the inlet or ~~((discharge))~~ outlet side of the unit. Any valves used for maintaining the appliance must be locked open during operation ~~((in accordance with a written program that is acceptable to the inspector)).~~
 - ~~((*) Discharge piping is not reduced from the engineered sizing of the unit.))~~
 - * Appliance is equipped with an ASME approved pressure relief device ~~((set at 15 psig or lower)),~~ with no intervening stop valves, set not to exceed the maximum allowable working pressure (MAWP) of the appliance.
 - * Unit is rated at less than ~~((400,000))~~ 200,000 BTU/hr, and is operated at pressure and temperature no greater than 160 psig (1100 kpa) and 210°F (99°C), respectively.
 - * Heating source operation is wired in series with the circulating pump.
 - * Unit is built to the ASME code or approved by a nationally ~~((or internationally))~~ recognized testing laboratory.
- "**Power boiler**" shall mean a boiler in which steam or other vapor is generated at a pressure of more than 15 psig for use external to itself or a boiler in which water or other fluid is heated and intended for operation at pressures in excess of 160 psig and/or temperatures in excess of 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy.
- "**Reinstalled boiler or unfired pressure vessel**" shall mean a boiler or unfired pressure vessel removed from its original setting and reset at the same location or at a new location without change of ownership.
- "**Rental boiler**" shall mean any power or low pressure heating boiler that is under a rental contract between owner and user.
- "**Second hand boiler or unfired pressure vessel**" shall mean a boiler or unfired pressure vessel of which both the location and ownership have changed after primary use.
- "**Standard boiler or unfired pressure vessel**" shall mean a boiler or unfired pressure vessel which bears the marking of the codes adopted in WAC 296-104-200.
- "**Unfired pressure vessel**" shall mean a closed vessel under pressure excluding:
 - * Fired process tubular heaters;
 - * Pressure containers which are integral parts of components of rotating or reciprocating mechanical

devices where the primary design considerations and/or stresses are derived from the functional requirements of the device;

- * Piping whose primary function is to transport fluids from one location to another;
- * Those vessels defined as low pressure heating boilers or power boilers.
- **"Unfired steam boiler"** shall mean a pressure vessel in which steam is generated by an indirect application of heat. It shall not include pressure vessels known as evaporators, heat exchangers, or vessels in which steam is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels, such as used in the manufacture of chemical and petroleum products, which will be classed as unfired pressure vessels.

"Certificate of competency" shall mean a certificate issued by the state board of boiler rules to a person who has passed an examination prescribed by the board of boiler rules.

"Code, API-510" shall mean the Pressure Vessel Inspection Code of the American Petroleum Institute with addenda and revisions, thereto made and approved by the institute which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Code, ASME" shall mean the boiler and pressure vessel code of the American Society of Mechanical Engineers with amendments thereto made and approved by the council of the society which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Code, NBIC" shall mean the National Board Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors with addenda and revisions, thereto made and approved by the National Board of Boiler and Pressure Vessel Inspectors and adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Commission" shall mean an annual state commission/commission card issued to a person in the employ of the state, an insurance company or a company owner/user inspection agency holding a certificate of competency which authorizes them to perform inspections of boilers and/or unfired pressure vessels.

"Department" as used herein shall mean the department of labor and industries of the state of Washington.

"Director" shall mean the director of the department of labor and industries.

"Domestic and/or residential purposes" shall mean serving a private residence or an apartment house of less than six families.

"Existing installations" shall mean any boiler or unfired pressure vessel constructed, installed, placed in operation, or contracted for before January 1, 1952.

"Inspection, external" shall mean an inspection made while a boiler or unfired pressure vessel is in operation and includes the inspection and demonstration of controls and safety devices required by these rules.

"Inspection, internal" shall mean an inspection made when a boiler or unfired pressure vessel is shut down and handholes, manholes, or other inspection openings are open

or removed for examination of the interior. An external ultrasonic examination of unfired pressure vessels less than 36" inside diameter shall constitute an internal inspection.

"Inspector" shall mean the chief boiler inspector, a deputy inspector, or a special inspector.

- **"Chief inspector"** shall mean the inspector appointed under RCW 70.79.100 who serves as the secretary to the board without a vote.
- **"Deputy inspector"** shall mean an inspector appointed under RCW 70.79.120.
- **"Special inspector"** shall mean an inspector holding a Washington commission identified under RCW 70.79.130.

"Nationwide engineering standard" shall mean a nationally accepted design method, formulae and practice acceptable to the board.

"Owner" or "user" shall mean a person, firm, or corporation owning or operating any boiler or unfired pressure vessel within the state.

"Owner/user inspection agency" shall mean an owner or user of boilers and/or pressure vessels that maintains an established inspection department, whose organization and inspection procedures meet the requirements of a nationally recognized standard acceptable to the department.

"Place of public assembly" or "assembly hall" shall mean a building or portion of a building used for the gathering together of 50 or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, or dining or waiting transportation. This shall also include child care centers (those agencies which operate for the care of thirteen or more children), public and private hospitals, nursing and boarding homes.

"Special design" shall mean a design using nationwide engineering standards other than the codes adopted in WAC 296-104-200 or other than allowed in WAC 296-104-230.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

WAC 296-104-020 Administration—What are the filing requirements for boilers and pressure vessels before their installation? (~~Manufacturers data reports on boilers and pressure vessels as required by the provisions of the construction codes shall be filed by the owner or his agent with the chief inspector or the National Board of Boiler and Pressure Vessel Inspectors before installation. When the boilers or pressure vessel are of special design or construction not covered by the construction codes (unless otherwise exempted by the rules and regulations), the owner or user shall apply to the board of boiler rules in writing for permission to install such boilers or pressure vessels and shall supply such details of design and construction as may be required by the board of boiler rules and approval shall be secured before construction is started. When second hand boilers or pressure vessels are to be reinstalled, the owner or user shall file a data report or construction details, as required, and secure approval from the chief inspector before starting installation.~~) **"Boiler and pressure vessel installation permit,"** shall be submitted by the owner or agent and

approved by the chief inspector. Manufacturers' data reports on boilers and pressure vessels shall be filed by the owner or his agent with the National Board of Boilers and Pressure Vessels Inspectors.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

WAC 296-104-040 Administration—When should inspectors submit inspection reports and on what forms? Inspectors shall submit reports of inspections of boilers and unfired pressure vessels on appropriate forms or media approved by the chief inspector. Routine reports of inspections shall be submitted within thirty days of inspection. Reports of reinspection after suspension of an inspection certificate shall be submitted by an inspector ~~((employed by the in-service inspection agency))~~ as soon as notice of corrective action has been received.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

WAC 296-104-045 Administration—What are the insurance companies' responsibilities? All insurance companies shall notify the chief inspector within thirty days of all boiler and/or unfired pressure vessel risks written, canceled, not renewed or suspended because of unsafe conditions. Special inspectors shall perform all in-service inspections of boilers and unfired pressure vessels insured by their employer. After a repair or alteration the in-service inspector is responsible to assure ~~((a Record of Welded Repair form))~~ that proper documentation is completed and submitted to the department in accordance with the rules of the National Board Inspection Code (NBIC) as adopted in WAC 296-104-102.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

WAC 296-104-060 Administration—When shall inspectors' commissions be issued, suspended, or revoked? ~~((Upon the request of any company authorized to insure and insuring against loss from explosion of boilers and/or unfired pressure vessels in this state, or upon the request of any company with an owner/user inspection agency operating boilers and/or unfired pressure vessels in this state, the chief inspector shall issue a commission as a special inspector and an identifying commission card to any inspector actively engaged in boiler and/or unfired pressure vessel inspection in this state as long as he/she: Is employed by the requesting company; and Has passed the written examination, and holds a certificate of competency as set forth in WAC 296-104-050.))~~

The chief inspector shall issue a commission as a deputy or special inspector in accordance with RCW 70.79.120 and 70.79.130.

The fee for the special inspector commission is twenty-five dollars. The special inspector commission shall be held at the home office of the employing company and shall be

valid for one year and may be renewed annually at the request of the employing company for a fee of ten dollars. The deputy inspector commission shall be held by the chief inspector. The deputy inspector commission shall be valid for one year and may be renewed annually at the request of the chief inspector. Inspectors shall carry identifying commission cards while they are inspecting. ~~((A commission shall be valid for one year and may be renewed annually at the request of the employing company for a fee of ten dollars.))~~ The state or employing company shall return the commission and the identifying commission card at once to the chief inspector when the inspector to whom the commission was issued is no longer in its employ, or at the request of the chief inspector.

The ~~((department))~~ chief inspector may suspend or revoke a certificate of competency and commission issued to an inspector upon ~~((ten days))~~ written notice to the inspector and to the inspector's employer for:

- Incompetency or untrustworthiness;
- Willful falsification of any matter or statement contained in the application, or in the report of any inspection; or
- For other sufficient reason.

The holder of a certificate of competency is entitled to a hearing before the board prior to the revocation or suspension of the certificate of competency. A person whose commission has been suspended, except for untrustworthiness, may apply to the board for reinstatement. A person whose commission has been revoked, except for untrustworthiness, may apply to the board to take a new examination for a commission after ninety days from the date of the revocation.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

WAC 296-104-065 Administration—How should a certified or commissioned inspector obtain a Washington state commission? Upon the request of a boiler insurance company authorized to insure and insuring against loss from explosion of boilers and/or unfired pressure vessels in this state, or a company with an owner/user inspection agency, a commission as a special inspector of boilers and/or unfired pressure vessels shall be issued by the chief inspector to an inspector in the employ of such company provided the inspector has had the experience prescribed in RCW 70.79.130 and:

(1) Passed an examination covering the Washington state boilers and unfired pressure vessels law, chapters 70.79 RCW and 296-104 WAC; and

(2) Holds a certificate of competency or commission issued by a state which has adopted one or more sections of the ASME Code, or a national board commission, in either case having taken and passed a written examination equivalent to that required by the state of Washington; or

(3) Is certified by the American Petroleum Institute in accordance with API-510, having taken and passed a written examination equivalent to that required by the state of Washington. Certified API-510 inspectors who are specifically and temporarily in the direct employ of an owner/user inspection agency as set forth in RCW 70.79.130 are exempted

from the exam requirement set forth in WAC 296-104-065(1).

~~((Application for a reciprocal commission shall be made on a form to be furnished by the chief inspector, and shall be accompanied by a copy of the applicant's certificate of competency or a National Board Commission, or an API certificate and evidence of having passed the API examination.))~~

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

WAC 296-104-100 Inspection—How often must boilers and unfired pressure vessels be inspected? In accordance with RCW 70.79.080, 70.79.090, and 70.79.240 the following inspection requirements shall apply:

(1) **Power boilers** shall be inspected:

(a) Internally and externally while not under pressure - Annually.

(b) Externally while under pressure - Annually.

(2) **Organic vapor boilers** shall be inspected:

(a) Internally and externally while not under pressure - Biennially.

(b) Externally while under pressure - Annually.

(3) **Low pressure heating boilers** shall be inspected:

(a) Externally while under pressure - Biennially.

(b) Internally while not under pressure (except where construction does not permit an internal) - Every 4th year.

(c) Internally, all steam heating boilers will have as a minimum, an internal of their low water fuel cutoff - Biennially.

(d) Internally, none required for nonvapor boilers using glycol, oil or adequately treated with a corrosion inhibitor.

(4) **Hot water heaters** shall be inspected:

(a) Externally - Biennially.

(b) Internally - None required.

(5) **Unfired pressure vessels** shall be inspected:

(a) Externally - Biennially.

(b) Internally:

(i) When subject to corrosion and construction permits - Biennially ~~((or~~

~~((or~~)). Vessels in an owner/user inspection program may follow intervals established by the NBIC or API-510 eighth edition with supplements, provided nondestructive examination (NDE) is performed at the biennial external inspection ~~((or~~)).

~~((or~~)). ~~((ii))~~ (ii) Pulp or paper dryer rolls may be inspected on a five-year basis in accordance with TAPPI ~~((FIS))~~ TIP 0402-16 1999 edition, provided the owner has established a written inspection program accepted by the inspector that requires the minimums in section 8 of TAPPI ~~((FIS))~~ TIP 0402-16 ~~((or~~)) 1999 edition.

~~((or~~)). ~~((iii))~~ (iii) Vessels not subject to corrosion do not require an internal.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

WAC 296-104-102 Inspection—What are the standards for in-service inspection? (1) Where a conflict exists

between the requirements of the standards listed below and this chapter, this chapter shall prevail.

(2) The standard for inspection of nonnuclear boilers, unfired pressure vessels, and safety devices is the National Board Inspection Code (NBIC), ~~((1998))~~ 2001 edition, with addenda. This code may be used on or after the date of issue and becomes mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2).

(3) The standard for inspection of nuclear items is ASME section XI. The ASME Code edition and addenda shall be as specified in the owner in-service inspection program plan.

(4) Where a petroleum or chemical process industry owner/user inspection agency so chooses, the standard for inspection of unfired pressure vessels used by the owner shall be the API-510 Pressure Vessel Inspection Code, eighth edition, with supplements. This code may be used on or after the date of issue.

(5) TAPPI ~~((FIS))~~ TIP 0402-16, dated ~~((1995))~~ 1999 may be used for both pulp dryers and paper machine dryers when requested by the owner. When requested by the owner, this document becomes a requirement and not a guideline.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

WAC 296-104-130 Inspection—When are inspection certificates valid? An inspection certificate, issued in accordance with RCW 70.79.290, shall be valid until expiration unless some defect or condition affecting the safety of the boiler or unfired pressure vessel is disclosed or the conditions of RCW 70.79.300 apply.

When an agreement exists between the state and the city jurisdictions of Spokane ~~((or~~)) or Seattle ~~((or Tacoma))~~, the certificates for portable boilers and unfired pressure vessels will be considered valid.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

WAC 296-104-151 Inspection—What are the requirements for rental boilers? Every rental boiler used in the state of Washington will have an internal inspection completed once a year. An operating inspection under pressure shall be conducted by ~~((the chief inspector, a deputy inspector, or a special))~~ an inspector at each and every rental location before being placed into service. They shall also meet the requirements of WAC 296-104-265.

A rental boiler, which has never been in rental service in the state of Washington, ~~((will have a satisfactory hydrostatic test completed along with an initial internal inspection prior to having a state number issued))~~ shall meet the requirements of WAC 296-104-256. Each operating inspection will be reported to the state of Washington using the standard inspection form and a copy of this report will be posted on the rental boiler.

Inspections will be the responsibility of the rental boiler owner but may be completed by the user's special inspector.

AMENDATORY SECTION (Amending WSR 00-21-024, filed 10/10/00, effective 11/13/00)

WAC 296-104-200 Construction—What are the standards for new construction? The standards for new construction are:

- (1) ASME Boiler and Pressure Vessel Code, ((4998)) 2001 edition, with addenda Sections I, III, IV, VIII, X, and CSD-1 (as referenced in WAC 296-104-265(3));
- (2) ASME/ANSI PVHO-1 (Standard for Pressure Vessels for Human Occupancy), ((1987)) 1997 edition; and
- (3) Standards of construction approved by the chief inspector and meeting the National Board Criteria for Registration of Boilers, Pressure Vessels and Other Pressure Retaining Items, Revision 2, provided they are registered with the National Board.

These codes and standards may be used on or after the date of issue and become mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2). The board recognizes that the ASME Code states that new editions of the code become mandatory on issue and that subsequent addenda become mandatory six months after the date of issue. For nuclear systems, components and parts the time period for addenda becoming mandatory is defined in the Code of Federal Regulations.

AMENDATORY SECTION (Amending WSR 00-21-024, filed 10/10/00, effective 11/13/00)

WAC 296-104-205 Construction—What are the requirements for nonstandard new construction? Those boilers and unfired pressure vessels that are exempted by the codes adopted in WAC 296-104-200 due to volume, temperature or pressure requirements, and are not to be constructed to those codes, must be certified ~~((by))~~ to a nationally recognized testing agency or constructed to WAC 296-104-230. See WAC 296-104-307 for safety pressure relief devices.

Other boilers and unfired pressure vessels that are not to be constructed to the codes adopted in WAC 296-104-200 may be treated as special designs at the discretion of the board. Nonstandard construction shall not be permitted to avoid standard construction.

AMENDATORY SECTION (Amending WSR 96-21-081, filed 10/16/96, effective 11/16/96)

WAC 296-104-256 Installation—What inspections are required for reinstalled standard boilers or unfired pressure ~~((vessel-))~~ vessels? When a stationary standard boiler or unfired pressure vessel is moved and reinstalled it must be inspected by an inspector. The following will be required:

- (1) The fittings and appliances must comply with the latest codes adopted in WAC 296-104-200.
- (2) ~~((For standard vessels moved to Washington state a complete history of inspection, operation and repairs shall be available for all boilers exceeding 200,000 btu/hr and any pressure vessels exceeding 100 cubic feet.~~

~~(3) For any power boiler an evaluation by a Washington state professional engineer or an organization holding a valid ASME Certificate of Authorization is required.~~

~~The following are required unless waived by the inspector:)) An installation permit must be submitted in accordance with WAC 296-104-020.~~

~~(3) For any boiler or unfired pressure vessel the following are required to be documented and submitted:~~

- ~~(a) A hydrostatic test up to 150% of the maximum allowable working pressure, MAWP.~~
 - ~~(b) ((Nondestructive testing of any parts.)) An internal inspection.~~
 - ~~(c) An operational test.~~
 - ~~(d) Any repairs deemed necessary.~~
 - ~~(e) A complete history of inspection, operation and repairs.~~
- ~~(4) The following are required unless waived by the inspector:~~

- ~~(a) Additional examination or nondestructive testing.~~
- ~~(b) A written evaluation by a professional engineer knowledgeable with boilers and pressure vessels, an ASME certificateholder, or a National Board R certificateholder.~~

AMENDATORY SECTION (Amending WSR 00-21-024, filed 10/10/00, effective 11/13/00)

WAC 296-104-265 Installation—What control and limit devices are required on boilers? (1) Installations prior to June 1989: All automatically fired steam, vapor, or hot water boilers except boilers having a constant attendant who has no other duties while the boiler is in operation, shall be equipped with:

- (a) An automatic low-water fuel cut-off; and
 - (b) An automatic water feeding device.
 - (c) All devices shall be designed so that they may be readily tested at frequent intervals.
- (2) Installations after June 1989:

(a) All boilers that are automatically fired low pressure steam heating boilers, small power boilers, and power steam boilers without a constant attendant who has no other duties shall be equipped with:

- (i) Two high steam pressure limit controls, the highest of which shall be provided with a manual reset.
- (ii) Two low-water fuel cut-offs, one of which shall be provided with a manual reset device and independent of the feed water controller.

(iii) Coil type flash steam boilers may use two high-temperature limit controls, one of which shall have a manual reset. This is instead of the low-water fuel cut-off.

(iv) All control and limit devices shall be independently connected and electrically wired in series.

(b) All automatically fired hot water supply, low-pressure hot water heating boilers, and power hot water boilers shall be equipped with:

- (i) Two high-temperature limit controls, the highest of which shall be provided with a manual reset.
- (ii) One low-water fuel cut-off with a manual reset and independent of the feed water controller.

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(iii) For coil type hot water boilers a low-water flow limit control installed in the circulating water line may be used instead of a low-water fuel cut-off.

(iv) All control and limit devices shall be independently connected and electrically wired in series.

(3) Installations or refits of gas, oil, or combinations of gas or oil after December 1998 shall have the following additional requirements:

(a) All boilers excluding lined potable water heaters of all BTU input installed or refitted after December 1998, with fuel input ratings of less than 12,500,000 BTU/hr which are fired by gas, oil, or a combination of gas or oil shall comply with the fuel train requirements defined in ASME CSD-1, as adopted in WAC 296-104-200 where applicable.

(b) Verification of fuel train compliance will be per CSD-1. A CSD-1 report will be filled out and signed by an authorized representative of the manufacturer and/or the installing contractor.

(c) The CSD-1 report must be made available to the authorized inspection agency or the inspector after which a certificate of operation may be issued. The report shall remain in the possession of the boiler owner.

AMENDATORY SECTION (Amending WSR 00-21-024, filed 10/10/00, effective 11/13/00)

WAC 296-104-502 Repairs—What are the requirements for nonnuclear boilers and unfired pressure vessel repairs and alterations? Repairs and alterations to nonnuclear boilers and pressure vessels shall be made in accordance with the rules of the National Board Inspection Code (NBIC) as adopted in WAC 296-104-102.

Repairs/alterations may be made by:

(1) An organization authorized by the jurisdiction and in possession of a valid Certificate of Authorization for use of the "R" symbol stamp, issued by the National Board provided such repairs/alterations are within the scope of the authorization.

(2) An organization authorized by the chief inspector and in possession of a valid ASME Certificate of Authorization provided such repairs/alterations are within the scope of the organization's Quality Control System. The chief inspector may limit or restrict repairs/alterations for cause.

Owner/user special inspectors may only accept repairs/alterations to boilers and unfired pressure vessels operated by their respective companies per RCW 70.79.130.

~~((Where required, a record of welded repairs/alterations, signed by the organization and a commissioned inspector shall be submitted to the chief inspector.))~~ Documentation of repairs and alterations, in accordance with the requirements of the National Board Inspection Code (NBIC) as adopted in WAC 296-104-102, shall be submitted to the department.

AMENDATORY SECTION (Amending WSR 01-12-034, filed 5/29/01, effective 6/29/01)

WAC 296-104-700 What are the inspection fees—Certificate fees—Expenses? The following fees shall be paid by, or on behalf of, the owner or user upon the comple-

tion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

Boiler and Pressure Vessel Installation/Reinstallation Permit

	\$50.00	
Heating boilers:	Internal	External
Cast iron—All sizes	27.80	22.20
All other boilers less than 500 sq. ft.	33.40	22.20
500 sq. ft. to 2500 sq. ft.	55.70	27.80
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	22.20	11.10
Power boilers:	Internal	External
Less than 100 sq. ft.	27.80	22.20
100 sq. ft. to less than 500 sq. ft.	33.40	22.20
500 sq. ft. to 2500 sq. ft.	55.70	27.80
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	22.20	11.10
Pressure vessels:		
Automatic utility hot water supply heaters per RCW 70.79.090		5.50
All other pressure vessels:		
Square feet shall be determined by multiplying the length of the shell by its diameter.		
	Internal	External
Less than 15 sq. ft.	22.20	16.70
15 sq. ft. to less than 50 sq. ft.	33.40	16.70
50 sq. ft. to 100 sq. ft.	38.90	22.20
For each additional 100 sq. ft. or any portion thereof	((11.10)) 38.90	((38.90)) 11.10
Certificate of inspection fees: For objects inspected, the certificate of inspection fee is \$16.70 per object.		
Nonnuclear shop inspections, field construction inspections, and special inspection services:		
For each hour or part of an hour up to 8 hours		33.40
For each hour or part of an hour in excess of 8 hours		50.10
Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:		
For each hour or part of an hour up to 8 hours		50.10
For each hour or part of an hour in excess of 8 hours		77.90

Nonnuclear triennial shop survey and audit:

- When state is authorized inspection agency:
 - For each hour or part of an hour up to 8 hours 33.40
 - For each hour or part of an hour in excess of 8 hours 50.10
- When insurance company is authorized inspection agency:
 - For each hour or part of an hour up to 8 hours 50.10
 - For each hour or part of an hour in excess of 8 hours 77.90

Expenses shall include:

Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.

Reinspection fee: Same as the fee for the previous inspection during which discrepancies were reported. The fee will be charged only if the discrepancies are not corrected before the reinspection. The fee shall not exceed \$ 26.70. Washington state specials: For each vessel to be considered by the board for a Washington state special certificate, a fee of \$ 308.60 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

WSR 01-16-159
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 1, 2001, 11:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-09-063.

Title of Rule: Chapter 296-04 WAC, Internal rules—State apprenticeship and training council.

Purpose: **All rules relating to apprenticeship (chapter 296-04 WAC):** This rule making is the result of a two-year effort of an ad hoc committee appointed by the Washington State Apprenticeship and Training Council and several other interested parties and is necessary to implement the requirements of chapter 204, Laws of 2001 (SSB [SHB] 1234) and is a comprehensive clear rule write of all the rules relating to apprenticeship. The purpose of this rule making is to:

- Rewrite and reorganize all of the existing rules relating to apprenticeship in a more usable format as

directed in the Governor's Executive Order 97-02 on Regulatory Improvement in order to make them easier to understand and use;

- Make clarifying and housekeeping changes;
- Implement requirements authorized by chapter 204, Laws of 2001 (SSB [SHB] 1234);
- Address deficiencies identified in a 1999 United States Department of Labor audit; and
- Incorporate necessary policy (and current practice) into rule as directed by the Governor's Executive Order 97-02 on Regulatory Improvement.

CHANGES TO THE RULES: This rule making will repeal the rules relating to apprenticeship (chapter 296-04 WAC) and replace them with a new chapter 296-05 WAC, Apprenticeship rules. A summary of the rule changes is as follows:

CURRENT WAC(s)	PROPOSED NEW WAC(s)	SUMMARY
WAC 296-04-001 Foreword.	WAC 296-05-001 Purpose, scope, and authority.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Incorporated changes necessary based on the passage of chapter 204, Laws of 2001 (SSB [SHB] 1234). Also, addressed deficiencies identified in a 1999 United States Department of Labor audit.
WAC 296-04-001 Foreword.	WAC 296-05-005 Rule development.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
	WAC 296-05-007 Rules of procedure.	Added a section to clarify the rules of procedure for adjudicative proceedings.
WAC 296-04-005 Apprenticeship and training agreements—Proposed standards.	WAC 296-05-300 Apprenticeship and training programs—approval.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Incorporated changes necessary based on the passage of chapter 204, Laws of 2001 (SSB [SHB] 1234). Addressed deficiencies identified in a 1999 United States Department of Labor audit. Also, added a part heading prior to this section to separate the requirements of these rules in a format that is easier to understand and use.

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WAC 296-04-010 Regular meetings.	WAC 296-05-200 Regular meetings.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Added a part heading prior to this section to separate the requirements of these rules in a format that is easier to understand and use. Also, combined with the requirements located in WAC 296-04-040.
WAC 296-04-015 Definitions.	WAC 296-05-003 Definitions.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Added new definitions necessary for use with these rules. Also, addressed deficiencies identified in a 1999 United States Department of Labor audit.
WAC 296-04-040 Council meetings— When held— Notice—Who may attend—Quorum.	WAC 296-05-207 Other regulations that apply to council meeting conduct.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-040 Council meetings— When held— Notice—Who may attend—Quorum.	WAC 296-05-203 Special meetings.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-040 Council meetings— When held— Notice—Who may attend—Quorum.	WAC 296-05-205 Petitions, requests, and correspondence submitted to the WSATC.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-042 Voting.	WAC 296-05-209 Voting.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-045 Supervisor-admin- istrator of council	WAC 296-05-107 Additional duties for the supervisor- administrator of WSATC.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Also, combined with the requirements located in WAC 296-04-005, 296-04-295, and 296-04-390.
WAC 296-04- 05001 Plant pro- gram defined.	WAC 296-05-309 Apprenticeship pro- grams approved by the WSATC.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Also, addressed deficiencies identified in a 1999 United States Department of Labor audit.

WAC 296-04-060 Officers, appoint- ment, duties—Ex officio members.	WAC 296-05-100 WSATC composi- tion.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Added a part heading prior to this section to separate the requirements of these rules in a format that is easier to understand and use. Also, combined with the requirements located in RCW 49.04.010 and WAC 296-04-060.
WAC 296-04-060 Officers, appoint- ment, duties—Ex officio members.	WAC 296-05-103 Officers.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-060 Officers, appoint- ment, duties—Ex officio members.	WAC 296-05-105 Officer duties.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-090 Rules of order.	WAC 296-05-211 Rules of order.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-105 Retroactivity.	WAC 296-05-213 Retroactivity.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-115 Amendment.	WAC 296-05-005 Rule development.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-125 Rule change-proce- dures and forms.	WAC 296-05-005 Rule development.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-160 Apprenticeship committees.	WAC 296-05-303 Apprenticeship committees— Duties and respon- sibilities.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Combined with the requirements located in WAC 296-04-005 and 296-04-040. Removed references to "trainees" as they are not applicable under these rules. Incorporated changes necessary based on the passage of chapter 204, Laws of 2001 (SSB [SHB] 1234). Also, addressed deficiencies identified in a 1999 United States Department of Labor audit.

WAC 296-04-160 Apprenticeship committees.	WAC 296-05-303 Apprenticeship committees—Duties and responsibilities.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Combined with the requirements located in WAC 296-04-005 and 296-04-001. Removed references to "trainees" as they are not applicable under these rules. Incorporated changes necessary based on the passage of chapter 204, Laws of 2001 (SSB [SHB] 1234). Also, addressed deficiencies identified in a 1999 United States Department of Labor audit.
WAC 296-04-165 Union waiver.	WAC 296-05-325 Union waiver.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-260 Merit awards.	WAC 296-05-109 Merit awards.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
	WAC 296-05-305 Apprenticeable occupations.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Incorporated Washington State Apprenticeship and Training Council policy and practice into rule. Also, addressed deficiencies identified in a 1999 United States Department of Labor audit.
WAC 296-04-270 Apprenticeship agreements—Types—Standards—Registration, review, cancellation, reregistration—Certificate of completion.	WAC 296-05-307 Types of apprenticeship agreements recognized by the WSATC.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Incorporated changes necessary based on the passage of chapter 204, Laws of 2001 (SSB [SHB] 1234). Also, addressed deficiencies identified in a 1999 United States Department of Labor audit.
WAC 296-04-270 Apprenticeship agreements—Types—Standards—Registration, review, cancellation, reregistration—Certificate of completion.	WAC 296-05-309 Apprenticeship programs approved by the WSATC.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Incorporated changes necessary based on the passage of chapter 204, Laws of 2001 (SSB [SHB] 1234). Also, addressed deficiencies identified in a 1999 United States Department of Labor audit.

WAC 296-04-270 Apprenticeship agreements—Types—Standards—Registration, review, cancellation, reregistration—Certificate of completion.	WAC 296-05-313 Apprenticeship committees—Composition.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Incorporated changes necessary based on the passage of chapter 204, Laws of 2001 (SSB [SHB] 1234). Addressed deficiencies identified in a 1999 United States Department of Labor audit. Also, incorporated Washington State Apprenticeship and Training Council policy and practice into rule.
WAC 296-04-270 Apprenticeship agreements—Types—Standards—Registration, review, cancellation, reregistration—Certificate of completion.	WAC 296-05-315 Nonjoint and waiver committees—Additional requirements.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Incorporated changes necessary based on the passage of chapter 204, Laws of 2001 (SSB [SHB] 1234). Also, incorporated Washington State Apprenticeship and Training Council policy and practice into rule.
WAC 296-04-270 Apprenticeship agreements—Types—Standards—Registration, review, cancellation, reregistration—Certificate of completion.	WAC 296-05-316 Apprenticeship agreements—Standards requirements.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Incorporated changes necessary based on the passage of chapter 204, Laws of 2001 (SSB [SHB] 1234). Also, incorporated Washington State Apprenticeship and Training Council policy and practice into rule.
	WAC 296-05-317 Related/supplemental instruction.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. These changes are necessary to incorporate changes that are consistent with Washington State Apprenticeship and Training Council policy and practice and based on the passage of chapter 204, Laws of 2001 (SSB [SHB] 1234).
WAC 296-04-270 Apprenticeship agreements—Types—Standards—Registration, review, cancellation, reregistration—Certificate of completion.	WAC 296-05-319 Apprenticeship agreement—Individual registration.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Also, incorporated changes necessary based on the passage of chapter 204, Laws of 2001 (SSB [SHB] 1234).

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WAC 296-04-270 Apprenticeship agreements—Types—Standards—Registration, review, cancellation, reregistration—Certificate of completion.	WAC 296-05-321 Apprenticeship agreement—Cancellation.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Also, incorporated changes necessary based on the passage of chapter 204, Laws of 2001 (SSB [SHB] 1234).
WAC 296-04-270 Apprenticeship agreements—Types—Standards—Registration, review, cancellation, reregistration—Certificate of completion.	WAC 296-05-323 Certificate of completion.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Also, incorporated changes necessary based on the passage of chapter 204, Laws of 2001 (SSB [SHB] 1234).
WAC 296-04-275 Reciprocity.	WAC 296-05-327 Reciprocity.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-280 On-the-job training programs.	WAC 296-05-311 On-the-job training programs.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-295 Complaint review procedure.	WAC 296-05-009 Complaint review procedures.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
AFFIRMATIVE ACTION PLAN	PART D—EQUAL EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP	Changed the part heading to separate the requirements of these rules in a format that is easier to understand and use. This change as well as changing several other references throughout Part D addresses a deficiency identified in a 1999 United States Department of Labor audit.
WAC 296-04-300 Promulgation.	WAC 296-05-400 Equal employment opportunity plan—Purpose, scope and authority.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Added a part heading prior to this section to separate the requirements of these rules in a format that is easier to understand and use. Also, combined with the requirements located in WAC 296-04-470.
	WAC 296-05-402 Equal employment opportunity process.	Added a flow chart to this part to make the rules easier to understand and use.
	WAC 296-05-403 Definitions for Part D.	Added a new section to incorporate definitions that are necessary for use in Part D—Equal employment opportunity in apprenticeship.

WAC 296-04-310 Authority.	WAC 296-05-001 Purpose, scope, and authority and 296-05-005 Rule development.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-330 Equal opportunity standards.	WAC 296-05-407 Apprenticeship program sponsor's obligations.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-330 Equal opportunity standards.	WAC 296-05-409 Affirmative action information required by WSATC.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-330 Equal opportunity standards.	WAC 296-05-405 Exceptions to the requirement for adopting an affirmative action plan and a selection procedure.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-340 Affirmative action plans.	WAC 296-05-411 Affirmative action plan.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-340 Affirmative action plans.	WAC 296-05-413 Outreach and recruitment requirements—Specific.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-340 Affirmative action plans.	WAC 296-05-415 Affirmative action goals and timetables.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-340 Affirmative action plans.	WAC 296-05-433 Enrollment deficiency analysis.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-340 Affirmative action plans.	WAC 296-05-437 Developing and evaluating enrollment goals and timetables.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-340 Affirmative action plans.	WAC 296-05-435 Data and information.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-350 Selection of apprentices.	WAC 296-05-417 Selection of apprentices for approved apprenticeship programs.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Ensured the rules were consistent with the United States Department of Labor regulations. Also, incorporated Washington State Apprenticeship and Training Council policy and practice into rule.
WAC 296-04-350 Selection of apprentices.	WAC 296-05-439 Failure to meet goals and timetables.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.

WAC 296-04-350 Selection of apprentices.	WAC 296-05-419 Qualification standards.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-350 Selection of apprentices.	WAC 296-05-427 Notification requirements.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-351 Employer's responsibility.	WAC 296-05-417 Selection of apprentices for approved apprenticeship programs.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-360 Existing lists of eligibles and public notice.	WAC 296-05-429 Existing lists of eligibles and public notice.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-370 Records.	WAC 296-05-318 Records required by the WSATC.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-370 Records.	WAC 296-05-431 Affirmative action records of the WSATC retained by the department.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-380 Compliance reviews.	WAC 296-05-011 Compliance reviews.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-390 Noncompliance with federal and state equal opportunity requirements.	WAC 296-05-441 Noncompliance with federal and state equal opportunity requirements.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-400 Complaint procedure.	WAC 296-05-443 Complaint filing.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-400 Complaint procedure.	WAC 296-05-445 Private review panels.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-400 Complaint procedure.	WAC 296-05-447 Processing of complaints.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Also, combined with the requirements located in WAC 296-04-410.
WAC 296-04-410 Adjustments in schedule for compliance review or complaint processing.	WAC 296-05-447 Processing of complaints.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-420 Sanctions.	WAC 296-05-013 Sanctions for non-compliance.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Also, combined with the requirements located in WAC 296-04-440.

WAC 296-04-420 Sanctions.	WAC 296-05-449 Program registration cancellation procedures	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-430 Reinstatement of program registration.	WAC 296-05-451 Reinstatement of program registration.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-440 Adoption of consistent state plans.	WAC 296-05-453 Adoption of consistent state plans.	Made changes and applied clear rule-writing principles to the section for easier understanding and use. Also, moved requirements to WAC 296-04-013.
WAC 296-04-460 Intimidatory or retaliatory acts.	WAC 296-05-455 Intimidatory or retaliatory acts.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-470 Nondiscrimination.	WAC 296-05-400 Equal employment opportunity plan—Purpose, scope and authority.	Incorporated into this section and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-04-480 Exemptions.	WAC 296-05-457 Exemptions.	Made changes and applied clear rule-writing principles to the section for easier understanding and use.
	WAC 296-05-302 Apprenticeship committee/program approval process.	Added a flow chart to this part to make the rules easier to understand and use.

Statutory Authority for Adoption: RCW 49.04.010 and chapter 204, Laws of 2001 (SSB [SHB] 1234).

Statute Being Implemented: Chapter 49.04 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Nancy Mason, Tumwater, (360) 902-5321; Implementation and Enforcement: Patrick Woods, Tumwater, (360) 902-6348.

Name of Proponent: Washington State Apprenticeship and Training Council, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules are exempt from the small business economic impact statement requirements because the purpose of these rules is to:

- Rewrite and reorganize all of the existing rules relating to apprenticeship in a more usable format as directed in the Governor's Executive Order 97-02 on Regulatory Improvement in order to make them easier to understand and use;
- Make clarifying and housekeeping changes;
- Implement requirements authorized by chapter 204, Laws of 2001 (SSB [SHB] 1234);

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- Address deficiencies identified in a 1999 United States Department of Labor audit; and
- Incorporate necessary policy (and current practice) into rule as directed by the Governor's Executive Order 97-02 on Regulatory Improvement.

Further, a formal small business economic impact statement was not prepared because these proposed rule changes are exempt from chapter 19.85 RCW referencing RCW 34.05.310 (c), (d), and (e).

RCW 34.05.328 does not apply to this rule adoption. This rule making was a comprehensive clear rule write of all the apprenticeship rules (chapter 296-04 WAC). The purpose of this rule making is to:

- Rewrite and reorganize all of the existing rules relating to apprenticeship in a more usable format as directed in the Governor's Executive Order 97-02 on Regulatory Improvement in order to make them easier to understand and use;
- Make clarifying and housekeeping changes;
- Implement requirements authorized by chapter 204, Laws of 2001 (SSB [SHB] 1234);
- Address deficiencies identified in a 1999 United States Department of Labor audit; and
- Incorporate necessary policy (and current practice) into rule as directed by the Governor's Executive Order 97-02 on Regulatory Improvement.

Significant rule-making criteria does not apply to these rule changes because the exempt criteria outlined in RCW 34.05.328(5) was met.

Hearing Location: South Seattle Community College, Duwamish Industrial Training Center, Rooms B102/104/106, 6770 East Marginal Way South, Seattle, WA, on September 4, 2001, at 1:00 p.m. - 5:00 p.m.; and at Spokane Falls Community College, Building Number 17, (Student Union), Lounge A and B, Spokane, WA, on September 5, 2001, at 1:00 p.m. - 5:00 p.m.

Assistance for Persons with Disabilities: Contact Josh Swanson by September 3, 2001, at (360) 902-6411.

Submit Written Comments to: Josh Swanson, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, e-mail swaj235@lni.wa.gov, fax (360) 902-5292, by September 5, 2001. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: September 9, 2001.

August 1, 2001

LaFrank Newell, Chair
Washington State Apprenticeship
and Training Council

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 296-04-001 Foreword.
- WAC 296-04-005 Apprenticeship and training agreements—Proposed standards.
- WAC 296-04-010 Regular meetings.

- WAC 296-04-015 Definitions.
- WAC 296-04-040 Council meetings—When held—Notice—Who may attend—Quorum.
- WAC 296-04-042 Voting.
- WAC 296-04-045 Supervisor-administrator of council.
- WAC 296-04-05001 Plant program defined.
- WAC 296-04-060 Officers, appointment, duties—Ex officio members.
- WAC 296-04-090 Rules of order.
- WAC 296-04-105 Retroactivity.
- WAC 296-04-115 Amendment.
- WAC 296-04-125 Rule change-procedures and forms.
- WAC 296-04-160 Apprenticeship committees.
- WAC 296-04-165 Union waiver.
- WAC 296-04-260 Merit awards.
- WAC 296-04-270 Apprenticeship agreements—Types—Standards—Registration, review, cancellation, reregistration—Certificate of completion.
- WAC 296-04-275 Reciprocity.
- WAC 296-04-280 On-the-job training programs.
- WAC 296-04-295 Complaint review procedure.
- WAC 296-04-300 Promulgation.
- WAC 296-04-310 Authority.
- WAC 296-04-330 Equal opportunity standards.
- WAC 296-04-340 Affirmative action plans.
- WAC 296-04-350 Selection of apprentices.
- WAC 296-04-351 Employer's responsibility.
- WAC 296-04-360 Existing lists of eligibles and public notice.
- WAC 296-04-370 Records.
- WAC 296-04-380 Compliance reviews.
- WAC 296-04-390 Noncompliance with federal and state equal opportunity requirements.
- WAC 296-04-400 Complaint procedure.
- WAC 296-04-410 Adjustments in schedule for compliance review or complaint processing.
- WAC 296-04-420 Sanctions.

WAC 296-04-430	Reinstatement of program registration.
WAC 296-04-440	Adoption of consistent state plans.
WAC 296-04-460	Intimidatory or retaliatory acts.
WAC 296-04-470	Nondiscrimination.
WAC 296-04-480	Exemptions.

Chapter 296-05 WAC

APPRENTICESHIP RULES

NEW SECTION

WAC 296-05-001 Purpose, scope, and authority. (1) The Washington State Apprenticeship and Training Act (chapter 49.04 RCW) establishes the Washington state apprenticeship and training council (WSATC) and designates as its administrative arm the apprenticeship section of the department of labor and industries. The WSATC, acting in compliance with chapter 49.04 RCW, 29 CFR Part 29 and 29 CFR Part 30, has adopted these rules to:

- (a) Establish operating procedures for the WSATC;
 - (b) Establish standards for apprenticeship programs;
 - (c) Implement the intent and purpose of the Washington State Apprenticeship and Training Act;
 - (d) Perform other duties directed by the statute;
 - (e) Promote labor standards and the registration of approved programs to protect the welfare of the apprentice; and
 - (f) Encourage the establishment of apprenticeship programs and committees.
- (2) These rules are necessary to:
- (a) Strengthen apprenticeship and training in the state of Washington;
 - (b) Facilitate approval and registration of apprenticeship and training programs;
 - (c) Explain factors related to apprenticeship and training in Washington state and federal laws;
 - (d) Establish procedures for presenting matters to the WSATC;
 - (e) Govern the WSATC's operation and ability to carry out its statutory obligations;
 - (f) Establish a specific procedure to resolve an impasse if a tie vote occurs on the WSATC; and
 - (g) Regulate registered apprenticeship and training programs.

NEW SECTION

WAC 296-05-003 Definitions. The following definitions apply to this chapter:

Adjudicative proceeding: A proceeding before the WSATC in which an opportunity for a hearing before the WSATC is authorized by chapter 49.04 RCW or these rules before or after the entry of an order by the WSATC.

Apprentice: Is an individual who is employed to learn an apprenticeable occupation and is registered with a sponsor in an approved apprenticeship program according to chapter 49.04 RCW and these rules.

Apprenticeable occupation: Is a skilled trade(s) or craft(s) which has been recognized by the United States Department of Labor, Office of Apprenticeship, Training, Employer, and Labor Services or the WSATC and meets the criteria established in WAC 296-05-305.

Apprenticeship agreement: A written agreement between an apprentice and either the apprentice's employer(s), or an apprenticeship committee acting as agent for employer(s), containing the terms and conditions of the employment and training of the apprentice.

Apprenticeship committee: A quasi-public entity approved by the WSATC to perform apprenticeship and training services for employers and employees.

Apprenticeship program: A plan for administering an apprenticeship agreement(s). The plan must contain all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as the requirement for a written apprenticeship agreement.

Approved: Approved by the WSATC or a person or entity authorized by the WSATC to do so.

CFR: The Code of Federal Regulations.

Cancellation: The termination of the registration or approval status of a program at the request of the sponsor, or termination of an apprenticeship agreement at the request of the apprentice.

Certificate of completion: A record of the successful completion of a term of apprenticeship (see WAC 296-05-323). **Certification:** Written approval by the WSATC of:

(1) A set of apprenticeship standards established by an apprenticeship program sponsor and substantially conforming to the standards established by the WSATC.

(2) An individual as eligible for probationary employment as an apprentice under a registered apprenticeship program.

Committee program: All apprenticeship programs as further described in WAC 296-05-309.

Competent instructor: An instructor who has demonstrated a satisfactory employment performance in his/her occupation or trade for a minimum of three years beyond the customary learning period for that trade or occupation.

Current instruction: The related/supplemental instructional content is and remains reasonably consistent with the latest trade practices, improvements, and technical advances.

Department: The department of labor and industries.

Employer: Any person or organization employing an apprentice whether or not such person or organization is a party to an apprenticeship agreement with the apprentice. "Employer" includes both union and open shop employers.

File: To send to:

Supervisor of Apprenticeship and Training
Department of Labor and Industries
Apprenticeship Section
Post Office Box 44530

Olympia, Washington 98504-4530

Or deliver to and receipt at:
Department of Labor and Industries
7273 Linderson Way SE
Tumwater, Washington 98501

Individual agreement: A written agreement between an apprentice and/or trainee and either the apprentice's employer or an apprenticeship committee acting as agent for the employer.

Industry wide standards: The current, acceptable trade practices, including technological advancements, that are being used in the different trades.

Journey level: An individual who has sufficient skills and knowledge of a trade, craft, or occupation, either through formal apprenticeship training or through practical on-the-job work experience, to be recognized by a state or federal registration agency and/or an industry as being fully qualified to perform the work of the trade, craft, or occupation. Practical experience must be equal to or greater than the term of apprenticeship.

On-the-job training program: A program that is set up in the same manner as an apprenticeship program with any exceptions authorized by the WSATC and as further described in WAC 296-05-311.

Notice: Where not otherwise specified, notice means posted in United States mail to the last known address of the person to be notified. Notice may be given by telefacsimile where copies are mailed simultaneously or by a commercial parcel delivery company.

Petitions, requests, and correspondence: Any written business brought before the WSATC (examples may include: (1) Requests for new committees; (2) Requests for revisions to the standards; and (3) Appeals).

Probation: (1) Initial: The period following the apprentice's acceptance into the program which is limited in time by these rules and during which the apprentice's appeal rights are impaired. (2) Disciplinary: A time assessed when the apprentice's progress is not satisfactory. During this time the program sponsor may withhold periodic wage advancements, suspend or cancel the apprenticeship agreement, or take further disciplinary action. A disciplinary probation may only be assessed after the initial probation is completed. During the disciplinary probation, the apprentice has the right to file an appeal of the committee's action with the WSATC (as described in WAC 296-05-009).

RCW: The Revised Code of Washington.

Registration: Maintaining the records of apprenticeship and training agreements and of training standards.

Regular quarterly meeting: A public meeting held quarterly by the WSATC as described in WAC 296-05-200.

Related/supplemental instruction: Is instruction approved by the program sponsor and taught by an instructor approved by the program sponsor. Instructors must be competent in his/her trade or occupation. A sponsor must review related/supplemental instruction annually to insure that it is relevant and current.

Relevant instruction: Is related/supplemental instructional content that is directly required in and applicable to the performance of the apprentice's work. Relevant does not mean academic course content taught by a solely academically qualified instructor except for courses approved by the committee or specified by state law.

Secretary: The individual appointed by the director of the department according to RCW 49.04.030.

Special meeting: A public meeting of the council as described in WAC 296-05-203.

Sponsor: Any person, firm, association, committee, or organization operating an apprenticeship and training program and in whose name the program is registered or is to be registered.

Standards: Is a written agreement containing specific provisions for operation and administration of the apprenticeship program and all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices, as further defined in WAC 296-05-316.

Supervision: The necessary education, assistance, and control provided by a journey-level employee that is on the same job site at least seventy-five percent of each working day.

Supervisor: The individual appointed by the director of the department according to RCW 49.04.030 who acts as the secretary of the WSATC. Where these rules indicate a duty of the supervisor or secretary of the WSATC, the supervisor may designate a department of labor and industries' employee to assist in the performance of those duties subject to the supervisor's oversight and direction.

Trade: Any apprenticeable occupation defined by the apprenticeship, training, employer and labor services section of the United States Department of Labor and these rules.

Trainee: An individual registered with the supervisor according to WAC 296-05-311.

Training agent: Employer of registered apprentices approved by the program sponsor to furnish on-the-job training to satisfy the approved apprenticeship program standards who agrees to employ registered apprentices in that work process. The training agent shall use only registered apprentices to perform the work processes of the approved program standards.

Training agreement: A written agreement between a training agent and a program sponsor that contains the provisions of the apprenticeship program applicable to the training agent and the duties of the training agent in providing on-the-job training.

WAC: The Washington Administrative Code.

WSATC: The Washington state apprenticeship and training council.

NEW SECTION

WAC 296-05-005 Rule development. (1) In developing and adopting rules, the WSATC:

(a) Seeks the cooperation and assistance of all interested persons, organizations, and agencies affected by its rules.

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(b) Promotes the operation of apprenticeship programs to satisfy the needs of employers and employees for high quality training.

(c) Recognizes that rapid economic and technological changes require that workers must be trained to meet the demands of a changing marketplace.

(d) Recognizes employers will benefit if graduates of state approved apprenticeship programs are skilled workers trained to industry wide standards rather than the exclusive standards of an individual employer or group of employers.

(e) Acknowledges that approved apprenticeship programs should be organized and administered to assure the maximum protection of apprentices' rights.

(f) Recognizes that the number of apprentices in a trade or group of trades in any geographic area must be sufficient to meet the needs of all employers and not be so large as to create an oversupply of apprentices.

(g) Promotes comprehensive training and a variety of work experiences relevant to the occupations. Seeks to assure that during the approval process all apprenticeship standards are open to all employers on an equal and nondiscriminatory basis.

(h) Recognizes that quality training, equal treatment of apprentices, and efficient delivery of apprenticeship training are best provided by registered apprenticeship programs.

(2) All amendments to this chapter must be developed and adopted according to the provisions of chapter 49.04 RCW, Apprenticeship Act; chapter 34.05 RCW, Administrative Procedure Act; and Executive Order 97-02. All proposed amendments to these rules must be approved by a two-thirds majority vote of regular WSATC members before they are published for public hearing. All WSATC members, the apprenticeship supervisor, committees and any other interested parties must be promptly notified, in writing, of any proposed rule amendments, public hearings on proposed rule amendments and new rule adoptions.

(3) The specific procedure(s) and form(s) for petitions requesting the making, amendment, or repeal of a rule are in chapter 34.05 RCW, as are the specific procedure and form for requesting declaratory rulings.

(4) Such petitions and requests must be addressed to:

The Washington State Apprenticeship and Training Council
Attention: Supervisor of Apprenticeship and Training
Department of Labor and Industries
Post Office Box 44530
Olympia, Washington 98504-4530

NEW SECTION

WAC 296-05-007 Rules of procedure. All hearings and adjudication, under chapter 49.04 RCW and these rules, shall be conducted according to chapter 34.05 RCW, the Administrative Procedure Act and chapter 10-08 WAC, Model Rules of Procedure. The chair (or vice-chair in the chair's absence) is the presiding officer for adjudicative proceedings, held before the WSATC. The WSATC may refer a matter to the office of administrative hearings for initial adjudication. When an affected person(s) files an objection in a timely manner to proposed standards or a proposed amend-

ment of existing standards, the initial adjudication of the objection shall be referred to the office of administrative hearings.

If the initial adjudication is before the WSATC, the WSATC will enter a final order. If the initial adjudication has been held at the office of administrative hearings, the administrative hearings judge shall issue an initial order. The WSATC, upon review of the initial order shall enter the final order. An initial order shall become final without further WSATC action five working days after the next regular quarterly meeting unless:

(1) The WSATC upon its own motion determines that the initial order should be reviewed; or

(2) A party to the proceedings files a petition for review of the initial order.

The WSATC may appoint a person to review the initial order and prepare and enter the final WSATC order.

NEW SECTION

WAC 296-05-009 Complaint review procedures. If a local committee or other organization administering the agreement cannot satisfactorily resolve a complaint, any apprentice who has completed his/her initial probationary period may submit the complaint to the apprenticeship program for resolution. Complaints that involve matters covered by a collective bargaining agreement are not subject to the complaint review procedures in this section. The investigation or review of any controversy by the supervisor or the WSATC will not affect any action taken or decision made by a committee or other organization until a final decision resolving the matter is issued.

(1) Within thirty days of the action leading to the complaint, the apprentice must request the local committee or other organization to reconsider action.

(2) The local committee or other organization must, within thirty days of the apprentice's request, provide written notification to the apprentice of its decision on the request for reconsideration. This notification shall be considered the final action of the committee.

(3) If the apprentice chooses to pursue the complaint further, the apprentice must submit a written complaint describing the controversy to the supervisor of the apprenticeship division within thirty days of the final action taken on the matter by the local committee or other organization. The written complaint must be specific and include all relevant facts and circumstances contributing to the complaint. Any documents or correspondence relevant to the complaint must be attached to the complaint. The apprentice must send a copy of the complaint to the interested local committee or other organization.

(4) The supervisor must investigate complaints received from an apprentice. The supervisor must complete the investigation within thirty working days. During the investigation, the supervisor must attempt to effect a settlement between the parties. During the investigation the apprentice and the committee or other organization must fully cooperate with the supervisor by providing any relevant information or documents requested. The supervisor may delegate the investigation to any employee in the apprenticeship division. If the

controversy is not settled during the investigation, the supervisor must issue a written decision resolving the controversy when the investigation is concluded.

(5) If the apprentice, committee or other organization is dissatisfied with the decision of the supervisor, they may request the WSATC to review the decision. The request must be in writing and made within thirty days of the supervisor's decision. It must specify the reasons supporting the request. The party requesting review must provide a copy of the request to the other parties involved in the controversy. The WSATC must conduct an informal hearing to consider the request for review of the supervisor's decision. Unless special circumstances dictate, the hearing must be held in conjunction with the regular quarterly meeting.

At the hearing, the WSATC must review the supervisor's decision and all records of the investigation. The WSATC may also accept testimony or documents from any person, including the supervisor and the supervisor's staff, who has knowledge relating to the controversy. Parties at the informal hearing may be represented by counsel and may, at the WSATC's discretion, present argument concerning the controversy. The WSATC must not apply formal rules of evidence.

(6) Within thirty days after the hearing, the WSATC must issue a written decision resolving the controversy. The WSATC's decision may be to affirm the decision of the supervisor. In that case, the supervisor's decision becomes the decision of the WSATC. All parties to the informal hearing must be sent a copy of the WSATC's decision. The chair may sign the decision for the WSATC.

NEW SECTION

WAC 296-05-011 Compliance reviews. (1) The purpose of a compliance review is to systematically and periodically review apprenticeship programs to ensure that the sponsor is complying with the approved program standards and these rules. Compliance reviews consist of a comprehensive analysis and evaluations of each aspect of the apprenticeship program. They must include on-site investigations and audits.

(2) A compliance review may be required:

(a) For all existing programs on a regular and comprehensive basis.

(b) When the WSATC receives a complaint, which has not been referred to a private review body. (See WAC 296-05-009.)

(c) When a sponsor seeks to reregister a program.

(d) When a sponsor seeks to register a new program.

(3) If a compliance review indicates that the sponsor is not operating as required by these rules, the supervisor must notify the sponsor in writing of the results of the review. The supervisor must:

(a) Make a reasonable effort to secure voluntary compliance on the part of the program sponsor within a reasonable time before penalizing as authorized in WAC 296-05-013.

(b) Provide recommendations to the sponsor to assist in achieving compliance.

NEW SECTION

WAC 296-05-013 Sanctions for noncompliance. The WSATC is responsible to take the necessary action to bring a noncomplying program into compliance with these rules.

When the apprenticeship supervisor, based upon a compliance review or other reason, concludes that an apprenticeship program is not in compliance with the rules of this chapter and that the sponsor will not take voluntary corrective action, the WSATC must:

(1) Institute proceedings to withdraw the program registration;

(2) Refer the matter to the equal employment opportunity commission;

(3) Refer the matter to the attorney general with recommendations for the institution of a court action under Title VII of the Civil Rights Act of 1964, as amended; or

(4) Refer the matter to the attorney general for other court action as authorized by law.

PART A—WSATC MEMBERS—COMPOSITION, OFFICERS, AND DUTIES

NEW SECTION

WAC 296-05-100 WSATC composition. (1) The director of the department appoints three voting representatives each from employer and employee organizations, respectively. Each member shall be appointed for a three-year term.

(2) The governor shall appoint, subject to confirmation by the senate, a voting public member for a three-year term.

(3) The WSATC may also include ex officio members. These members have the right to participate in the discussion of any matter before the council but they may not vote.

(4) An appointed member shall remain on the council until replaced by a qualified successor. When a vacancy does occur, it shall be filled for the remaining portion of the vacated term.

NEW SECTION

WAC 296-05-103 Officers. (1) To carry out the business of the WSATC and to conduct business efficiently the WSATC has three officers:

- Chair;
- Vice-chair; and
- Secretary.

(2) The chair and vice-chair shall be elected by majority vote of the WSATC members present. This election will take place in odd-numbered years at the April regular quarterly meeting. They shall hold office for a term of two years and until the successor(s) are elected, or until death, resignation, or incapacitation. The supervisor of apprenticeship shall be the secretary of the WSATC.

NEW SECTION

WAC 296-05-105 Officer duties. (1) The chair shall preside over all meetings, conducting them in accordance

with *Robert's Rules of Order* as modified by these rules and regulations. The chair may vote in all matters before the WSATC as a regular member and may participate in discussion of all matters before the WSATC. The chair may also have other powers and duties that are provided in these rules; and are usual or necessary with the office of the chair; and as provided in *Robert's Rules of Order*.

(2) The vice-chair shall preside over all WSATC meetings in the absence of the chair. When presiding, the vice-chair shall have all of the powers and duties of the chair.

(3) The secretary, with the assistance of a recording secretary, must take and keep minutes of all special and regular meetings on file in the supervisor's office. The secretary must forward copies of minutes of all meetings to all regular and ex officio members of the WSATC. The secretary must also make copies of the minutes of all meetings available to the public upon written request. The secretary may also have other powers and duties that are provided in these rules or are usual or customary to the office of secretary; and as provided in *Robert's Rules of Order*.

NEW SECTION

WAC 296-05-107 Additional duties for the supervisor-administrator of WSATC. (1) In addition to being the council secretary, the apprenticeship supervisor (supervisor) is the WSATC administrator. As WSATC administrator, the supervisor must:

- (a) Perform the duties listed in RCW 49.04.030;
- (b) Register all apprenticeship agreements that comply with the rules in this chapter;
- (c) Review apprenticeship programs and recommend cancellation of any committee program, or plant program previously registered which is not operated in conformity with its apprenticeship standards; and
- (d) Receive all documents concerning apprenticeship or training agreements (including revisions to) or any other matters affecting apprenticeship or training.

All written correspondence to the supervisor should be addressed to:

Supervisor of Apprenticeship and Training
Department of Labor and Industries
Apprenticeship Section
P.O. Box 44530
Olympia, Washington 98504-4530

(2) The supervisor and the supervisor's staff:

- (a) May be consulted on any matters concerning apprenticeship and training and will provide on request, any information concerning apprenticeship and training available to them.
- (b) Will conduct systematic reviews of the operation of all programs and investigate any discrepancies between the actual and required operations of any program. The supervisor will notify the noncompliant committee of any violation.
- (c) May recommend sanctions including cancellation of a program not in compliance with its approved program standards.

(d) Assists in the resolution of any complaints against committees or other organizations administering apprenticeship agreements, which have been filed with the WSATC by apprentice(s) who have completed his/her initial probationary period.

(e) Must investigate any discrepancies of all complaints as specified in WAC 296-05-009.

(f) Conducts compliance reviews as specified in WAC 296-05-011.

NEW SECTION

WAC 296-05-109 Merit awards. The WSATC may issue awards when appropriate.

PART B—WSATC MEETINGS—TYPES, PROCEDURES, AND CONDUCT

NEW SECTION

WAC 296-05-200 Regular meetings. (1) Each year, regular meetings of the WSATC shall be convened on the third Thursday of January, April, July, and October. These regular quarterly meetings shall be held at locations within the state of Washington. All meetings are open to the general public.

(2) Notice of each regular quarterly meeting shall be given to all:

- WSATC members;
- Ex officio members; and
- Approved program sponsors.

In addition, notices of meetings may be sent to all persons, organizations, agencies, or interested parties whose presence is desired and to any newspaper, news service, television, radio station, or other interested parties who have requested notices of WSATC meetings. The supervisor must distribute the notice of the regular meeting at least thirty days prior to the meeting date.

NEW SECTION

WAC 296-05-203 Special meetings. (1) Special meetings of the WSATC may be called at the request of the chair or by a majority of the WSATC members. To call a special meeting, a written notice of the meeting must be personally delivered or mailed to:

- Each member of the WSATC;
- All approved program sponsors; and
- Each general circulation newspaper, television or radio station which has on file with the WSATC or the supervisor a written request to be notified of special meetings.

In addition, notices of meetings may be sent to all persons, organizations, agencies, or interested parties whose presence is desired.

(2) To be valid, the written notice must list the date, time and location of the meeting and specify the business to be transacted by the WSATC. The WSATC cannot take final action on any matter that is not specified in the written notice. Special meetings must be open to the general public and

adhere to the same open meeting requirements that apply to the regular quarterly WSATC meetings.

(3) Notices of special meetings must be delivered personally or by mail at least twenty-four hours before the specified time of the meeting.

(4) The exception is when a special meeting is called to consider rule changes according to chapter 34.05 RCW. In this case, the notice of the special meeting must be delivered at least twenty days before the time specified in the notice.

(5) If the notice requirements in this section are not followed, any action taken by the WSATC at the special meeting will be null and void. However, the notice requirements can be waived if each regular WSATC member signs a written waiver of notice, at or prior to the meeting, and files it with the supervisor. With this filing, the notice shall be considered waived by any WSATC member present when the meeting convenes. Rule changes may not be made at special meetings where the notice requirements have been waived unless the requirements of chapter 34.05 RCW have been satisfied.

NEW SECTION

WAC 296-05-205 Petitions, requests, and correspondence submitted to the WSATC. (1) For the WSATC to act upon petitions or requests at a regular quarterly meeting, the petitions or requests must be submitted in writing to the supervisor at least forty-five days prior to the date of the regular quarterly meeting. Any petitions or requests not submitted forty-five days prior to a quarterly meeting must be deferred to the next regular quarterly meeting. If a petition or request is deferred, the supervisor must notify the petitioner.

(2) Generally, correspondence not related to apprenticeship and training agreements and meetings, petitions and requests, must be submitted in writing to the supervisor of apprenticeship at least fifteen working days before the quarterly meeting at which the WSATC's consideration is requested. However, if the WSATC determines that the correspondence is crucial to any deliberations regarding approval or disapproval of an apprenticeship agreement, the supervisor may waive this fifteen-day requirement.

(3) Noncrucial correspondence submitted less than fifteen working days before the quarterly meeting must be considered by the WSATC at the next quarterly meeting.

(4) When an apprenticeship committee petitions the council or the supervisor, only the signature of the elected chair and secretary of the committee shall be accepted as a valid signature unless the petitioning committee has asked the council to recognize and accept the signature of another person. A petition requesting the recognition of a signature other than that of the elected chair and secretary must be signed by a quorum of the members from the petitioning committee.

NEW SECTION

WAC 296-05-207 Other regulations that apply to council meeting conduct. (1) All council meetings must be open to the general public. Members of the public cannot be required to register his/her name, give any information, or

fulfill any condition prior to attending council meetings. All council meetings must be conducted according to the provisions of chapter 42.30 RCW, the Open Public Meetings Act and chapter 34.05 RCW, the Administrative Procedure Act. The following WSATC activities must take place in open public meetings:

- All transactions of official business;
- All commitments or promises;
- All collective discussions;
- All collective decisions; and
- All council actions.

(2) The approval or disapproval of committee programs, plant programs, or amendments to those programs can only occur at regular quarterly meetings.

NEW SECTION

WAC 296-05-209 Voting. (1) A quorum is two-thirds of the WSATC members entitled to vote.

(2) All council members appointed by either the director or the governor are voting members of the council. Ex officio members may not vote on any issue.

(3) To resolve tie votes, the chair shall establish a standing tie-breaker committee. The committee shall be comprised of an employer representative, an employee representative, and the public member on the WSATC. In case of a tie vote on any proposed standards brought before the WSATC, the tie-breaker committee shall meet or confer, review the record, and render a decision within thirty days. The supervisor or a designee of the supervisor shall act as secretary to the committee and furnish all information necessary for a decision.

NEW SECTION

WAC 296-05-211 Rules of order. *Robert's Rules of Order* shall prevail at all meetings unless otherwise provided for by these rules.

NEW SECTION

WAC 296-05-213 Retroactivity. The WSATC may make any action or decision which it takes retroactive to the date of the previous business session.

PART C—APPRENTICESHIP PROGRAMS—COMMITTEE, AGREEMENTS, TYPES, AND RECOGNITION

NEW SECTION

WAC 296-05-300 Apprenticeship and training programs—Approval. The WSATC is the body responsible for matters concerning apprenticeship and training in the state of Washington. The principal function of the WSATC is to approve, register, and regulate apprenticeship and training agreements. Persons or organizations desiring to institute an apprenticeship or training program must follow these steps:

(1) Organize an apprenticeship and training committee according to WAC 296-05-303 and file affidavits with the WSATC requesting that the committee be recognized.

(2) Once the committee is recognized, it must propose standards conforming to these rules and to chapter 49.04 RCW. In addition, the standards must include the composition of the committee and general rules that it will follow in administering the program. (The apprenticeship supervisor and department apprenticeship coordinators are available to give assistance drafting standards.)

(3) These standards must be presented to the supervisor at least forty-five days before the regular quarterly meeting at which the WSATC is requested to consider such proposed standards.

(4) At the regular quarterly meeting, the proposed standards will be considered by the WSATC. The WSATC will:

(a) Approve;

(b) Approve provided the sponsor accepts the changes recommended by the WSATC; or

(c) disapprove.

At the regular quarterly meeting, the WSATC will allow changes to correct clerical errors. The addition of standard language will be allowed if authorized representatives of the sponsor are present and authorized to accept changes. At the regular quarterly meeting, the WSATC will not accept changes to the format, language, or provisions of the submitted program standards which are not reasonably consistent with previously approved program standards.

If the WSATC disapproves the standards, it shall direct the department to inform the sponsor in writing the reason for disapproval.

(5) Once the WSATC approves the program standards the committee is authorized to function and perform its duties as described in WAC 296-05-316.

PROPOSED

NEW SECTION

WAC 296-05-302 Apprenticeship committee/program approval process.

Apprenticeship Committee/Program Approval Process

PROPOSED

Committee Approval

Establish a proposed apprenticeship committee for a apprenticeship program and apprenticeable occupation recognized by the WSATC and file affidavits with the WSATC requesting that the proposed committee be recognized at least 45 days before the regular quarterly meeting. The proposed apprenticeship committee must be composed of at least four members but no more than twelve and file affidavits with the WSATC requesting that the apprenticeship committee be recognized. The WSATC may grant exceptions to the composition of membership provision.
 See WAC 296-05-303 through 296-05-315



No

Yes

Program Approval

The approved apprenticeship committee must then develop and propose apprenticeship standards conforming to these rules and to Chapter 49.04 RCW. (The apprenticeship supervisor and department apprenticeship coordinators are available to give assistance drafting apprenticeship program standards.)
 See WAC 296-05-316 and WAC 296-05-317



No

Yes

The apprenticeship program standards must be presented to the apprenticeship supervisor at least 45 days before the regular quarterly meeting at which the WSATC is requested to consider such proposed apprenticeship standards.
 See WAC 296-05-316 and WAC 296-05-317

Approved by WSATC with or without changes

Disapproved by WSATC & referred back to committee

The committee is now a registered apprenticeship program authorized to function and perform its duties as described in the apprenticeship program standards. The program must continue to comply with the rules adopted by the WSATC.
 See Chapter 296-05 WAC

The WSATC directs the department to inform the sponsor in writing the reason for disapproval. The committee must revise the apprenticeship program standards. (The apprenticeship supervisor and department apprenticeship coordinators are available to give assistance drafting apprenticeship standards.)
 See WAC 296-05-300

NEW SECTION

WAC 296-05-303 Apprenticeship committees—Duties and responsibilities. (1) Apprenticeship committees are appointed according to the provisions of RCW 49.04.040 and are composed of at least four members but no more than twelve. However, the WSATC may grant exceptions to this provision.

(2) Chapter 49.04 RCW, these rules, and the approved standards under which a committee operates define the duties of an apprenticeship committee. Committees shall function, administer or relinquish authority only with the consent of the WSATC.

(3) A committee is responsible for:

- The day-to-day operations of the apprenticeship and training program;
- Operating the program according to WSATC approved standards;
- Accepting or rejecting applicants for apprenticeship or training;
- Registering approved applicants with the supervisor;
- Removing apprentices from the program as provided by the approved program standards; and
- Informing the supervisor of any matters that affect the standing of individuals as apprentices.

The WSATC will only recognize apprentices registered with the supervisor.

(4) Committees approved by the WSATC must offer training opportunities on an equal basis to all employers and apprentices including all rights, appeals, and services available in the existing apprenticeship program. All existing committees that represent multiple employer or employer associations, except for committees that represent plant programs, are expected to provide access to apprenticeship and training opportunities to employers not currently participating in the program. Those opportunities must:

- Provide training at a cost equivalent to that incurred by currently participating employers and apprentices;
- Grant equal treatment and opportunity for all apprentices;
- Offer reasonable working and training conditions and apply those conditions to all apprentices uniformly and equally;
- Not require an employer to sign a collective bargaining agreement as a condition of participation in an apprenticeship program;
- Require all employers requesting "approved training agent" status to comply with an WSATC approved agreement and all federal and state apprenticeship rules and the appropriate apprenticeship standards. (The training agent shall employ only registered apprentices when training for that occupation or trade);
- Require sponsors, who approve "approved training agent" agreements, to furnish the department with a copy of the agreement and/or the list of approved training agents within thirty days of committee approval; and
- Require sponsors who rescind "approved training agent" agreements and/or the list of approved training agents to notify the department that they have done so within thirty days of said action.

(5) If an existing committee fails to or refuses to offer apprenticeship and training opportunities to all employers, the WSATC may take action to remove the restrictions to access in order to comply with the intent of chapter 49.04 RCW and these rules. Action may include, but is not limited to, the decertification of the existing committee and recognition of a new committee.

NEW SECTION

WAC 296-05-305 Apprenticeable occupations. An apprenticeable occupation is a skilled trade which possesses all of the following characteristics:

- (1) It is customarily learned in a practical way through related instruction and on-the-job supervised training.
- (2) It is clearly identified and commonly recognized throughout an industry.
- (3) It is not part of an occupation previously recognized by the registering agency as apprenticeable, unless such part is practiced industry wide as an identifiable and distinct trade.
- (4) It involves manual, mechanical, or technical skills and knowledge which require a minimum of two thousand hours of on-the-job work experience.
- (5) It requires a minimum of one hundred forty-four hours of related instruction per year to supplement on-the-job work experience.
- (6) It involves skill sufficient to establish normal career sustaining employment for the length of the apprentice's work life. It entails technical and theoretical considerations which are susceptible to instruction within the period defined in the program standards.

NEW SECTION

WAC 296-05-307 Types of apprenticeship agreements recognized by the WSATC. The WSATC acting according to RCW 49.04.060, recognizes the following types of written apprenticeship agreements (statements) that describe the apprenticeship training conditions:

- (1) Agreements between an association of employers and an organization of employees.
- (2) An agreement between an employer and an employee organization.
- (3) An employer's statement when there is no bona fide employee organization in the plant affected by the agreement.
- (4) An agreement between an apprenticeship program and an individual apprentice.

NEW SECTION

WAC 296-05-309 Apprenticeship programs approved by the WSATC. The following apprenticeship programs may be approved by the WSATC. All the following programs with the exception of individual waiver programs must be administered by a committee.

- (1) Group-joint, or area joint. A program where there is a labor organization. These programs are jointly sponsored by a group of employers and a labor organization. They are administered by employer and employee representatives

from an apprenticeship and training committee composed equally from management and labor.

(2) Individual-joint. A program where there is a labor organization. These programs are jointly sponsored by an individual employer and a labor organization. They are administered by employer and employee representatives from an apprenticeship and training committee composed equally from management and labor.

(3) Group nonjoint, or area group. A program where there is no labor organization. These programs are sponsored by an employer association(s) administered by an apprenticeship committee.

(4) Individual nonjoint. A program where there is no labor organization. These programs are sponsored and administered by an individual employer.

(5) Group waiver. These programs involve an employer association(s) and a labor organization. Either the employer group or the labor organization voluntarily waives participation in the program by notifying the other party in writing.

(6) Individual waiver. These programs involve an individual person, company, plant, firm, and a labor organization. Either management or labor voluntarily waives participation by notifying the other party in writing.

(7) Plant. A program for a single physical location or a group of physical locations owned by the sponsor. The WSATC, based on the authority in RCW 49.04.040, assumes jurisdiction and serves as the committee. The apprenticeship agreement must specify the number of required hours for completion of the apprenticeship. The hours specified must represent at least two thousand hours of reasonably continuous employment. That agreement must conform to the applicable provisions of chapter 49.04 RCW and these rules.

NEW SECTION

WAC 296-05-311 On-the-job training programs. On-the-job training programs may be set up in the same manner as apprenticeship programs with any exceptions authorized by the WSATC. However, no on-the-job training program must be established or authorized where there is a parallel apprenticeship program in existence. An on-the-job training program shall be any program that requires two thousand or less hours of employment for completion. All of the rules in this chapter that apply to apprenticeship agreements and programs also apply to on-the-job training programs except on-the-job training programs will be approved by the supervisor subject to the review of the WSATC.

A sample standard for an on-the-job training program is available from the supervisor.

NEW SECTION

WAC 296-05-313 Apprenticeship committees—Composition. (1) Apprenticeship committees must be composed of an equal number of management and nonmanagement representatives.

(2) At least fifty percent of the members of committees must be occupationally qualified by education and experience in the specific occupation for which the committee is

responsible. The committee must be able to verify the occupational qualifications of the members.

NEW SECTION

WAC 296-05-315 Nonjoint and waiver committees—Additional requirements. (1) The WSATC shall only recognize nonjoint and waiver standards for a specific occupation or directly related occupations.

(2) When multiple related occupations are approved on a single standard, each occupation shall be considered as an individual standard.

(3) Unrelated occupations shall be submitted under separate standards.

NEW SECTION

WAC 296-05-316 Apprenticeship agreements—Standards requirements. The WSATC shall have the authority to develop, administer, and enforce program standards for the operation and success of an apprenticeship and training program.

The sponsor's proposed program standards must include a list of duties and responsibilities of the program sponsor reasonably consistent with other approved program standards.

All apprenticeship agreements must comply with the approved program standards, chapter 49.04 RCW, and these rules. The standards of apprenticeship agreements must include the following:

(1) A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which must not be less than two thousand hours of reasonably continuous employment.

(2) A statement identifying the program sponsor, establishing the apprenticeship committee and enumerating the sponsor's and committee's duties and responsibilities. This statement must include provisions to:

(a) Elect a chair and a secretary from employer and employee representatives of the committee.

EXCEPTION: This provision is not necessary for a plant program.

(b) Convene at least three annual regular meetings of the program sponsor and apprenticeship committee. The meetings shall be at least three times per year, be attended by a quorum of committee members (as defined in the approved program standards), be documented with minutes which must be periodically submitted to the department and made available to the WSATC upon request. Conference call meetings may be conducted in lieu of regular meetings but must not exceed the number of attended meetings and no disciplinary action shall be taken at conference call meetings.

(c) Determine need for apprentices in the area covered by the apprenticeship standards established under these rules. (Statistical analysis of workload projections, demographics, and information relating to expected workload growth are examples of ways the sponsor may demonstrate that the need for apprentices exists.)

(d) Establish minimum standards of education and skilled occupational experience required of apprentices.

(e) Rotate apprentices in the various processes of the skilled occupation to assure a well-rounded, competent worker.

(f) Determine the adequacy of an employer to furnish proper on-the-job training in accordance with the provisions of the approved standards.

EXCEPTION: This does not apply to plant programs.

(g) Recommend competent instructors and related/supplemental instruction in accordance with local vocational requirements.

(h) Recommend a course outline for related/supplemental instruction, as well as coordinate related/supplemental instruction with on-the-job work experience.

(i) Hear and adjust all complaints of violations of apprenticeship agreements.

(j) Adopt, as necessary, program rules to administer the apprenticeship program in compliance with its standards, chapter 49.04 RCW, and these rules.

(k) Periodically review and evaluate apprentices before advancement to the apprentice's next wage progression period.

(l) Maintain apprenticeship records and records of the administrative program as may be required by the WSATC, chapter 49.04 RCW, and these rules. (See WAC 296-05-318.)

(3) The following Equal Employment Opportunity Pledge:

"The recruitment, selection, employment and training of apprentices during their apprenticeship shall be without discrimination because of race, sex, color, religion, national origin, age, disability or as otherwise specified by law. The sponsor shall take positive action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required by the rules of the Washington State Apprenticeship and Training Council and Title 29, Part 30 of the Code of Federal Regulations."

(4) When applicable, an affirmative action plan and selection procedures.

(5) A numeric ratio of apprentices to journey-level workers may not exceed one apprentice per journey-level worker. It must be consistent with proper supervision, training, safety, continuity of employment, and applicable provisions in collective bargaining agreement, if any. The ratio must be described in the program standards and shall be specific and clear as to application in terms of job site, work group, department, or plant. An exception to this requirement may be granted by the WSATC.

(6) A statement of the related/supplemental instruction including content, format, hours of study per year (which shall be a minimum of one hundred forty-four hours per year).

(7) An attendance policy which includes a provision that if the apprentice fails to fulfill the related/supplemental instruction obligations, the sponsor may withhold the apprentice's periodic wage advancement, suspend or cancel the apprenticeship agreement. A provision that time spent in related/supplemental instruction classes shall not be considered as hours of work and the apprentice is not paid for the classroom time. A provision that the hours of actual atten-

dance by the apprentice in related supplemental instruction classes must be reported to the department on a quarterly basis for industrial insurance purposes.

(8) A provision for instruction of the apprentice in safe and healthful work practices in compliance with the Washington Industrial Safety and Health Act, and applicable federal and state regulations.

(9) A provision for a formal agreement between the apprentice and the sponsor and for registering that agreement with the department.

(10) A provision for the timely notice to the department of all requests for disposition or modification of apprenticeship agreements including:

- Certificate of completion;
- Additional credit;
- Suspension;
- Military service;
- Reinstatement;
- Cancellation; and
- Corrections.

(11) A provision for advancing an apprentice's standing based on previous experience in the skilled trade or in some other related capacity.

(12) A provision for the transfer of an apprentice from one training agent to another training agent or the sponsor in order to provide as much as possible, continuous employment and diversity of training experiences for apprentices.

(13) A provision for the amendment of the standards or deregistration of the program. This provision must comply with chapter 49.04 RCW, these rules, and WSATC policies and procedures.

(14) An apprenticeship appeal procedure in compliance with chapters 49.04, 34.05 RCW, and these rules.

(15) A statement of the processes in the trade or craft divisions in which the apprentice is to be taught and the approximate amount of time to be spent at each process.

(16) A statement of the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction which instruction shall be not less than one hundred forty-four hours per year.

(17) A statement of the minimum qualifications for persons entering the apprenticeship program including the age of the apprentice which may not be less than sixteen years of age. All exceptions to minimum qualifications, if any, must be clearly stated and applied in a nondiscriminatory manner.

(18) Provision that the services of the supervisor and the WSATC may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or as required by the established trade procedure.

(19) Provision that if an individual training agent is unable to fulfill its obligation under the apprenticeship agreement, it will transfer the obligation to the program sponsor.

(20) Such additional standards as may be prescribed in accordance with the provisions of this chapter.

(21) Disciplinary procedures and criteria for apprentices. The procedures may include a committee-imposed disciplinary probation during which the committee may according to expressed criteria:

- Withhold periodic wage advancements;

PROPOSED

- Suspend or cancel the apprenticeship agreement;
- Take further disciplinary action; or
- The disciplinary procedures must include a notice to the apprentice that the apprentice has the right to file an appeal, of the committee's action, to the WSATC.

(22) A provision for an initial probation which the WSATC or the supervisor of apprenticeship may terminate an apprenticeship agreement at the written request by any affected party. The initial probation must not exceed twenty percent of the term of apprenticeship unless an exemption has been granted for longer probationary periods as specified by Civil Service or law. The initial probationary period must be expressed in hours of employment.

(23) Provisions prohibiting discrimination on the race, sex, color, religion, national origin, age, disability or as otherwise specified by law during all phases of apprenticeship.

(24) Provisions to ensure adequate records of the selection process are kept for a period of at least five years and are available to the WSATC or its representative on request. ("Adequate records" means at least a brief summary of any interviews and the conclusions reached on each of the specific factors which are part of the total judgment concerning each applicant.)

(25) Provisions to ensure that local committee rules and regulations be consistent with these rules and the applicable apprenticeship agreement.

(26) Provisions to ensure any proposed standards for apprenticeship are reasonably consistent with any standards for apprenticeship already approved by the WSATC for the industry, craft or trade in question taking into account the WSATC's determination of the apprenticeship needs of the trade and geographic area. (Statistical analysis of workload projections, demographics, and information relating to expected workload growth are examples of ways the sponsor may demonstrate that the need for apprentices exists.) The goal is to achieve general statewide uniformity of standards in each industry, trade or craft. Proposed standards for a new program shall be considered consistent if they are equal to or exceed the minimum number of hours approved by the United States Department of Labor for a trade, craft, or occupation. If the United States Department of Labor has not established a minimum number of hours for a trade, craft, or occupation, the WSATC may utilize its discretion to determine the minimum number of hours that must be achieved. In addition, the course content and delivery method must be designed to achieve the same levels of skills as existing standards within the state for that industry, trade, or craft.

(27) A provision to ensure that the progressively increasing wage scales based on specified percentages of journey-level wage, which must be submitted, at least annually, to the WSATC.

A sample apprenticeship agreement and a standard form for program standards are available from the supervisor.

NEW SECTION

WAC 296-05-317 Related/supplemental instruction. The WSATC shall establish apprentice-related and supplemental instruction for trades and occupations based on rec-

ommendations from the state board for community and technical colleges.

NEW SECTION

WAC 296-05-318 Records required by the WSATC. Each sponsor must keep adequate records including, but not limited to, the following:

- (1) Selection of applicants:
 - (a) A summary of the qualifications of each applicant;
 - (b) The basis for evaluation and for selection or rejection of each applicant;
 - (c) The records pertaining to the interviews of applicants; and
 - (d) The original application for each applicant.
- (2) Operation of the apprenticeship program:
 - (a) Job assignments;
 - (b) Promotion, demotion, layoff, or termination;
 - (c) Rates of pay or other forms of compensation or conditions of work;
 - (d) Hours of training provided; and
 - (e) Any other records needed by WSATC to determine compliance with these rules.
- (3) Affirmative action plans:
 - (a) A copy of the program's complete affirmative action plan. All data and analysis made to determine enrollment deficiencies;
 - (b) Evidence that affirmative action plans are reviewed on an annual basis; and
 - (c) Evidence that affirmative action plans, goals and timetables are updated when necessary.
- (4) Documentation necessary to establish a sponsor's good faith effort in implementing its affirmative action plan:
 - (a) Who was contacted;
 - (b) When the contacts were made;
 - (c) Where the contacts occurred;
 - (d) How the contacts were made; and
 - (e) The content of each contact.
- (5) Qualification standards: Evidence that the sponsor's qualification standards meet the requirements of WAC 296-05-316.

NEW SECTION

WAC 296-05-319 Apprenticeship agreement—Individual registration. All individual agreements are subject to the approval of the supervisor and must be registered with the supervisor.

NEW SECTION

WAC 296-05-321 Apprenticeship agreement—Cancellation. The supervisor may recommend that an agreement and program be canceled when a program does not comply with these rules or the program's standards. The procedures for cancellation are as follows:

- (1) When any program is found to be operating inconsistently or contrary to these rules or its established program standards, the supervisor must notify the offending committee, person, firm or agency of the violation(s).

(2) The offending committee, firm, or agency has sixty days to correct the violation(s).

(3) If the supervisor does not receive notice, within sixty days, that action has been taken to correct the violations, the supervisor may recommend cancellation of the apprenticeship or training program and agreement to the WSATC.

(4) A recommendation to cancel a program must be in writing, addressed to each WSATC member, and detail the reasons for the recommendation.

(5) A copy of the recommendation, along with a notice that the WSATC will consider the recommendation, must be mailed to the last known address of each member of the committee administering said program, or to those persons responsible for the program.

(6) The WSATC must consider the recommendation at its next regularly scheduled quarterly meeting. However, at least thirty days must pass between the date of the recommendation and the date of the regular quarterly meeting. If thirty days has not passed, the recommendation must be considered at the subsequent regular quarterly meeting.

(7) At the regular quarterly meeting, all interested person(s) may present evidence or testimony regarding the recommendation.

(8) The WSATC must act on the recommendation by a majority vote of the members present and voting.

(9) Once the WSATC has voted, it must give written notification of its decision to all interested parties along with the reasons supporting it.

(10) The cancellation of any program or agreement automatically cancels any agreement(s) registered under them. However, any organization or firm not responsible for the violations that caused the cancellation may petition the WSATC for approval of the canceled agreement or program as a new program.

NEW SECTION

WAC 296-05-323 Certificate of completion. At the request of the apprenticeship committee, the WSATC shall issue certificates of completion. An affidavit of the secretary, chair, or authorized official of the committee concerned must accompany the request. The affidavit must state that the apprentice has been an active, registered participant of that committee's program for at least six months and has successfully completed his/her apprenticeship.

NEW SECTION

WAC 296-05-325 Union waiver. (1) When apprenticeship programs allowing for the substantive union participation are proposed for registration by an employer or employers' association and the union does participate, the proposal must be accompanied by a written statement from the union supporting the registration. Such a statement is referred to as a "no objection" statement.

(2) When there is no evidence of any union participation, the employer or employers' association must simultaneously furnish to the union that serves as the collective bargaining agent of the employees to be trained, copies of the registration application and the apprenticeship program. Before tak-

ing a final action on the application, the supervisor must give the union a reasonable time period to respond. (A "reasonable time" shall be at least thirty days but no more than sixty days.) If the union fails to comment within the allotted time period, it will have waived its right to participate in the program.

NEW SECTION

WAC 296-05-327 Reciprocity. Reciprocity means that the WSATC will recognize and approve out-of-state apprenticeship programs and standards of employers and unions in other than the building and construction industry if certain conditions are met and the out-of-state sponsoring entity requests it. To qualify for reciprocity, the out-of-state sponsoring employers and unions must:

(1) Jointly form a sponsoring entity on a multistate basis; and

(2) Register with any recognized state apprenticeship agency/council or with the United States Department of Labor, Apprenticeship Training and Employer Labor Services according to the requirements of 29 CFR Part 29, as adopted February 15, 1977.

PART D—EQUAL EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP

NEW SECTION

WAC 296-05-400 Equal employment opportunity plan—Purpose, scope and authority. The WSATC's affirmative action plan is based on the statutory authority granted in chapter 49.04 RCW and according to the provisions of 29 CFR Part 30. The purpose of the affirmative action plan is to promote equality of opportunity in apprenticeship by:

- Prohibiting discrimination in apprenticeship programs based on race, sex, color, religion, national origin, age disability or as otherwise specified by law;
- Requiring equal employment opportunities in apprenticeship programs through affirmative action; and
- Coordinating the WSATC's equal employment opportunity programs with affirmative action policies and procedures with other equal opportunity programs.

The following sections contain the policies and procedures to promote equality of opportunity and equity of treatment of apprentices in apprenticeship programs approved by the WSATC. These policies and procedures are to be used to:

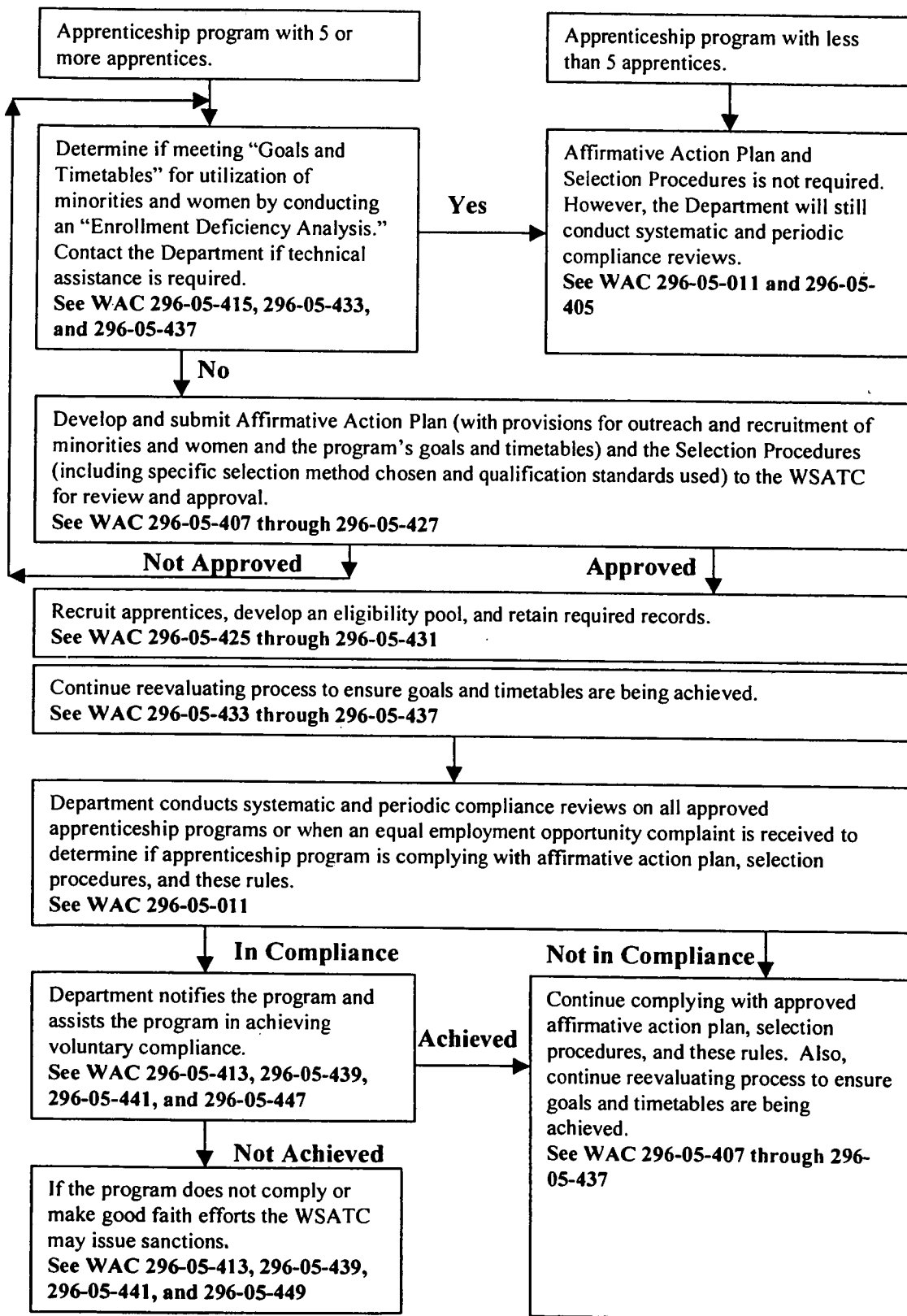
- Recruit and select apprentices;
- Review and revise apprenticeship programs;
- Process equal employment opportunity complaints;
- Take corrective action when appropriate;
- Deregister noncomplying apprenticeship programs; and
- Continue recognition or withdraw recognition of apprenticeship programs.

An affirmative action program must not be used to discriminate against any qualified applicant or apprentice on the basis of race, sex, color, religion, national origin, age, disability or as otherwise specified by law.

NEW SECTION

WAC 296-05-402 Equal employment opportunity process.

Equal Employment Opportunity Process



PROPOSED

NEW SECTION

WAC 296-05-403 Definitions for Part D. The following definitions are to be used with this part.

Underutilization: Enrolling minorities and women in a ratio not proportionate to the participation of minorities and women that is representative of the geographical region served.

Women or female: As used in Part D of this chapter refers to minority women and nonminority women.

NEW SECTION

WAC 296-05-405 Exceptions to the requirement for adopting an affirmative action plan and a selection procedure. (1) A sponsor is not required to adopt an affirmative action plan or a selection procedure if:

- (a) It has fewer than five apprentices; or
- (b) The program is determined by the WSATC to be in compliance with an approved equal employment opportunity program. An approved program is one which:
 - (i) Provides for selection of apprentices;
 - (ii) Provides for affirmative action in apprenticeship;
 - (iii) Includes goals and timetables for participation of minorities and women in the labor force in apprenticeship which meet or exceed the requirements of WAC 296-05-415; and
 - (iv) Meets the requirements of the following laws:
 - Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000, et seq.);
 - The regulations implementing 42 U.S.C. 2000, et seq.;
 - Executive Order 11246 as amended; and
 - The regulations (41 CFR Part 60) implementing Executive Order 11246.

(2) A program sponsor must submit satisfactory evidence of its qualification for the exception to the WSATC. If the program sponsor designed the apprenticeship program or the equal opportunity program to circumvent the requirements of these rules, the program will not qualify for an exception.

NEW SECTION

WAC 296-05-407 Apprenticeship program sponsor's obligations. (1) A sponsor of an approved apprenticeship program must:

- (a) Promote equal opportunity in its apprenticeship program; and
- (b) Recruit, select, employ and train apprentices without discrimination based on race, sex, color, religion, national origin, age, disability or as otherwise specified by law.

(2) A sponsor of an approved apprenticeship program with five or more apprentices must uniformly apply all rules related to apprentices. Such rules include, but are not limited to:

- Equality of wages;
- Periodic advancement;
- Promotion;
- Assignment of work;
- Job performance;

- Rotation among all work processes of the trade;
- Imposition of penalties or other disciplinary action; and
- All other aspects of the apprenticeship program administered by the program sponsors.

(3) Adopt and implement an affirmative action plan and selection procedure as required by chapter 49.04 RCW, 29 CFR Part 30, and these rules unless the approved apprenticeship program qualifies for an exception (see WAC 296-05-405).

NEW SECTION

WAC 296-05-409 Affirmative action information required by WSATC. In addition to the program standards required by WAC 296-05-316, program sponsors seeking new program registration and approval by the WSATC must submit the following:

- (1) The proposed affirmative action plan;
- (2) The proposed selection procedures; and
- (3) Any other information about the sponsor's equal employment opportunity plan required by the WSATC.

The affirmative action plan and additional information is considered in conjunction with the program standards in the WSATC's decision whether to approve or disapprove an apprenticeship program. If the WSATC disapproves the apprenticeship program, it shall direct the department to inform the sponsor in writing the reason for disapproval.

NEW SECTION

WAC 296-05-411 Affirmative action plan. An approved affirmative action plan must:

- (1) Be in writing.
- (2) Be more than passive nondiscrimination.
- (3) Include procedures, methods and programs to:
 - (a) Clearly identify present and potential minority and female apprentices.
 - (b) Establish affirmative action goals and timetables.
 - (c) Equalize opportunity in apprenticeship to allow full utilization of the work potential of minorities and women.
 - (d) Assure equal opportunity in apprenticeship for all individuals participating in or seeking entrance into Washington's labor force.
- (4) Include provisions for outreach and positive recruitment to increase the participation of minorities and women in apprenticeship programs by expanding and promoting apprenticeship opportunities to minorities and women. (See WAC 296-05-413.)

Nothing in a sponsor's approved affirmative action plan may be used to discriminate against any qualified applicant or apprentice on the basis of race, sex, color, religion, national origin, age, disability or as otherwise specified by law.

NEW SECTION

WAC 296-05-413 Outreach and recruitment requirements—Specific. To gain approval, an affirmative action plan must include the following specific provisions for outreach and recruitment criteria:

(1) To increase minority and female participation in apprenticeship, program sponsors are expected to strengthen program outreach and recruitment efforts. The affirmative action plan must specify the activities they will use to achieve this result.

(2) The program sponsor is not necessarily required to include all of the listed activities in its affirmative action program. The WSATC, when approving the sponsor's affirmative action plan, will determine the number of specific activities a sponsor must implement to satisfy this outreach and recruitment requirement. The WSATC will consider all circumstances including the size and type of the program and its resources. When special circumstances exist, the WSATC may provide financial or other assistance it deems necessary to implement the requirements of this section from any funds made available to it for such purpose.

(3) Examples of positive outreach and recruitment activities are:

(a) Distributing information about the nature of apprenticeship programs, program admission requirements, current apprenticeship opportunities, sources of apprenticeship applications, and the equal opportunity policy of the sponsor.

For programs only accepting applications at specific intervals, such information shall be disseminated at least thirty days in advance of each application date. For programs that accept applications throughout the year, this information must be distributed at least semiannually.

To be effective, the information described in this section must be given to the WSATC, local schools, employment service offices, women's centers, outreach programs and community organizations which effectively reach minorities and women. Also it must be published in newspapers which are circulated in the minority community and among women as well as the general areas in which the program sponsor operates.

(b) Participating in workshops conducted by employment service agencies, school districts, and community based organizations to increase apprenticeship program awareness of apprenticeship opportunities.

(c) Cooperating with local school districts, vocational education systems, and school employees to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs.

(d) Increasing awareness of a sponsor's equal opportunity policy within the sponsor's organization. The goal of this increased awareness within the sponsor's organization is to foster understanding, acceptance, and support among the sponsor's various officers, supervisors, employees, employers, and members. This is to encourage the necessary active assistance in achieving the program's obligations required by these rules.

(e) Participating in existing outreach programs whose focus is the recruitment and preparation of minority and female apprenticeship applicants. Whenever possible, these should provide applicants with pretesting experience and training.

(f) Developing outreach programs whose focus is the recruitment and preparation of minority and female apprenticeship applicants. If apprenticeship outreach programs do not exist, the sponsor should attempt to develop them. This

effort may require working with other sponsors and appropriate community organizations. It may require obtaining financial assistance from the WSATC. Also, the sponsor shall initiate programs that prepare and encourage women to enter traditionally male dominated apprenticeship programs and trades.

(g) Encouraging the development and use of programs for preapprenticeship education, preparatory trade training, or other work related experiences that prepare candidates for apprenticeship.

(h) Granting to all applicants, without prejudice, advance standing or credit for previously acquired experience, training, skills, or aptitude.

(i) Engaging in other activities to ensure that the recruitment, selection, employment, and training of apprentices without discrimination based upon race, color, religion, national origin, sex, age, disability or as otherwise specified by law. Some examples of these activities include:

(i) General publication of advertisements, industry reports, articles on apprenticeship opportunities and advantages.

(ii) Use minority and female apprentices and journey-level workers as recruiters.

(iii) Provide career counseling to prospective applicants.

(iv) Periodically audit affirmative action programs to see if goals are being met.

(v) Develop monitoring procedures to ensure that employers are granting equal employment opportunities to apprentices (these procedures may include reporting systems, on-site reviews, or briefing sessions).

NEW SECTION

WAC 296-05-415 Affirmative action goals and timetables. (1) An affirmative action plan must include goals and timetables. The first step in deciding whether goals and timetables are necessary is the completion of an analysis of the sponsor's program to determine whether there is an underutilization of minorities and/or women in the trade(s) represented by the program. This analysis must be:

(a) Conducted by the sponsor with technical assistance provided by the department;

(b) In writing; and

(c) Included in the sponsor's affirmative action plan.

(2) If the sponsor's analysis demonstrates that minorities and females are underutilized in the program, the program has an enrollment deficiency that must be corrected. Enrollment goals and timetables to correct this deficiency must be established and they must be included in the sponsor's affirmative action plan. (See WAC 296-05-433.)

(3) If the sponsor's analysis demonstrates that no enrollment deficiencies exist, enrollment goals and timetables are not required. However, where no goals and timetables are established, the affirmative action plan must include a detailed explanation why no goals and timetables have been established.

NEW SECTION

WAC 296-05-417 Selection of apprentices for approved apprenticeship programs. In addition to development of a written affirmative action plan, the sponsor must submit a written plan for the selection of apprentices. The selection plan must ensure that minorities and women have an equal opportunity to be selected as apprentices and that full utilization and equal opportunity in apprenticeship is achieved promptly. The selection procedures must use one of the methods specified in this section.

(1) A sponsor may not implement any selection method until the WSATC approves the program's affirmative action plan. In the affirmative action plan, the sponsor must identify the approved selection method it has adopted. The WSATC allows the following selection methods to be used:

(a) **Selection on basis of rank from pool of eligible applicants.** With this method, a sponsor selects apprentices from a pool of eligible applicants based upon a rank ordering of applicant qualifying standard scores. A sponsor adopting this method must create a pool of eligible candidates who have either reached the minimum legal working age and meet the sponsor's minimum physical requirements or who have reached the minimum legal working age and meet the sponsor's qualification standards.

(b) **Random selection from pool of eligible applicants.** A pool of eligible applicants must be created from persons who have either reached the minimum legal working age and meet the sponsor's minimum physical requirements or who have reached the minimum legal working age and meet the sponsor's qualification standards. With WSATC approval, a sponsor may randomly select apprentices from a pool of eligible applicants. This method must be supervised by an impartial person(s) not associated with the administration of the apprenticeship program. The time and place of the selection, and the number of apprentices to be selected, must be publicly announced before the selection takes place. The selection process must be open to all applicants and the public. The names of apprentices drawn by this method shall be posted immediately following the selection at the program sponsor's place of business.

(c) **Selection from pool of current employees.** A sponsor may select apprentices from an eligibility pool of program employees. The actual selection process may be prescribed by a collective bargaining agreement where one exists, or by the sponsor's established promotion policy.

(d) **Alternative selection methods.** In addition to the above specified methods, the WSATC allows a sponsor to select apprentices by alternative methods, including its present selection method. However, the sponsor who adopts an alternative method of selection must submit the following information to the apprenticeship supervisor:

- (i) A detailed discussion of the selection method it proposes to use;
- (ii) A copy of its affirmative action plan;
- (iii) A copy of its enrollment deficiency analysis; and
- (iv) If necessary, its goals and timetables for increasing the number of minority and female applicants and apprentices in the program.

The sponsor may not implement any such alternative method until the WSATC has approved the method and the affirmative action program (including its goals and timetables).

When an alternative selection method is used and the training agent selects the apprentices, the employer must sign an agreement with the WSATC, agreeing to comply with the equal employment opportunity requirements of these rules and 29 CFR Part 30.

(2) Exceptions to selection procedures may be used if:

(a) An employee of an employer not qualifying as a journey-level worker becomes a training agent, he/she shall be evaluated by the apprenticeship program using constant standard nondiscriminatory means and indentured at the appropriate period of apprenticeship based on previous work experience and related training.

(b) The individual who signs an authorization card during the organizing effort by an employer wherein fifty percent or more of the employees have signed whether or not the individual is approved as a training agent, an individual not qualifying as a journey-level worker shall be evaluated by the sponsor and indentured at the appropriate period of apprenticeship based on previous work experience and related training.

(3) Organizing statements specified in subsection (2) of this section, that result in direct entry into the apprenticeship program, shall be properly placed within the program selection procedure as an exemption.

(4) If the WSATC or the department fails to act upon the sponsor's selection method and affirmative action program within thirty days of its submission to the department, the sponsor may implement the selection method until acted upon by the WSATC.

NEW SECTION

WAC 296-05-419 Qualification standards. Qualification standards are the criteria, used by sponsors to select applicants into an eligibility pool. These qualification standards and the procedures used to determine the standards must be specified in detail in the sponsor's affirmative action plan and must:

- Identify the specific criteria and attributes used to evaluate applicants;
- Specify the acceptable scores required for each qualification standard;
- Demonstrate a direct relationship between each qualification standard, its required score and the expected job performance;
- Establish a significant statistical relationship between the score required for admission to the pool and the applicant's performance in the apprenticeship program. This statistical relationship must be based upon the procedures discussed in 41 CFR Part 60-3 (Guidelines on employee selection procedures); and
- Specify that the applicant has achieved an acceptable score on all the qualification. Unless an applicant achieves an acceptable score on all the qualification standards, the applicant will be ineligible for admission to the pool.

(1) Aptitude test scores for use as qualification standards. Aptitude tests may be used as qualification standards; however, any aptitude test score used as a qualification standard must be directly related to apprenticeship job performance. To demonstrate this relationship, there must be a significant statistical relationship between the aptitude test scores required for admission to the pool and performance in the apprenticeship program. In determining this relationship, the sponsor must follow the procedures discussed in 41 CFR Part 60-3. These requirements also apply to any aptitude tests used by a program sponsor and administered either by a state employment agency or any person, agency or organization engaged in the selection or evaluation of personnel. If a national aptitude test is developed and administered by a national apprenticeship committee, it must meet these requirements before it will be approved by the United States Department of Labor.

(2) Educational achievements for use as qualification standards. Educational achievements can be used as qualification standards; however, all such achievements used to determine admission to a program pool must be directly related to apprenticeship job performance. This direct relationship must be demonstrated by a significant statistical relationship between the achievement scores required for admission and expected performance in the apprenticeship program. In demonstrating such a statistical relationship, the sponsor must meet the requirements of 41 CFR Part 60-3.

Official school records or a certified passing grade on a general educational development (GED) test recognized by state or local public instruction officials shall be evidence of educational achievement. These education achievement requirements must be uniformly applied to all applicants.

(3) Role of the interview in the applicant selection process. Interviews must not be used as a qualification standard for admission to an eligibility pool for programs using the selection methods described in WAC 296-05-417 (1) and (2). However, after an applicant is placed in a pool and before selections are made from that pool, an applicant can be interviewed. When interviews are conducted, they must:

(a) Consist only of objective questions relevant to the applicant's fitness for the apprenticeship program.

(b) Not include questions related to qualifications previously used to determine entrance to the pool.

(c) Require each interviewer to record the questions and the general nature of the applicant's answers.

(d) Require each interviewer to prepare a summary of any interview conclusions.

Adequate records of the interviews must be kept including a brief summary and conclusion and how the specific factors like applicant motivation, ambition, and willingness to accept direction affected the interviewer's final decision.

(4) Examples of qualification standards include:

- Standardized aptitude tests;
- School diplomas or the equivalent;
- Health requirements essential to the chosen occupation;
- Interviews conducted in a fair manner (see subsection (3) of this section);
- School grades; and
- Previous work experience.

In applying these standards, the sponsor must meet the requirements of 41 CFR Part 60-3.

NEW SECTION

WAC 296-05-427 Notification requirements. All applicants who meet the program admission requirements must be notified that they have been placed in an eligibility pool. All program sponsors must give a written notice of rejection to each applicant who is not selected for either an eligibility pool or the apprenticeship program. This rejection notice must include the reasons for rejection, the admission requirements for those admitted to the pool or program and the appeal procedures available.

NEW SECTION

WAC 296-05-429 Existing lists of eligibles and public notice. (1) A sponsor who adopts a selection method under WAC 296-05-417 must conduct an enrollment deficiency analysis (see WAC 296-05-433). If, as a result of this analysis, the sponsor concludes that there are fewer minorities and/or women on its existing pools and lists than there should be, these pools and lists must be discarded.

(2) Once the existing pools and lists have been discarded, new eligibility pools must be established and lists must be posted at the sponsor's place of business. Sponsors must allow at least a two-week period for accepting applications for admission to the apprenticeship program. There must be at least thirty days of public notice in advance of the earliest date for application for admission to the apprenticeship program (see WAC 296-05-411).

(3) Once an applicant has been placed in an eligibility pool, they must be retained on the eligibility lists for two years unless they request, in writing, that they be removed or unless they fail to respond to an apprentice job opportunity mailed to applicant's last known address by certified mail, return receipt requested. It is the applicant's responsibility to keep the sponsor informed of the applicant's current mailing address. A sponsor, upon receiving a written request from a former applicant whose name was removed from an eligibility list, may restore the applicant's name to the list.

(4) Applicants who have been accepted in the program must be given a reasonable time in which to report for work. A "reasonable time" will be interpreted in light of the customs and practices of the industry for reporting for work. All applicants must be treated equally in the determination and application of "a reasonable time."

NEW SECTION

WAC 296-05-431 Affirmative action records of the WSATC retained by the department. The WSATC must keep the following types of records in the apprenticeship supervisor's office:

- (1) Registration requirements;
- (2) Individual program standards;
- (3) Registration records;
- (4) Program compliance reviews and investigations;

- (5) Any other records pertinent to the determination of compliance with these rules; and
- (6) Any records that must be reported to the United States Department of Labor.

The records required by these rules and any other information relevant to compliance with 29 CFR Part 30 must be maintained for five years. Also, these records and related information must be made available upon request to the United States Department of Labor or other authorized representatives.

NEW SECTION

WAC 296-05-433 Enrollment deficiency analysis. (1) In analyzing a program to determine whether a deficiency exists, the sponsor must consider at least the following factors:

- (a) The percentage of the working age minority and female population in the program sponsor's labor market area;
- (b) The percentage of the minority and female labor force in the program sponsor's labor market area;
- (c) The percentage of the minority and female apprentices participating in a particular trade or craft compared to the percentage of minorities and women in the labor force in the program sponsor's labor market area;
- (d) The percentage of minorities and women participating as journey-level employee(s) employed by the employer(s) participating in the program as compared with the percentage of minorities and women in the sponsor's labor market area and the extent to which the sponsor should be expected to correct any deficiencies through the achievement of goals and timetables for the selection of apprentices; and
- (e) The general availability of minorities and women in the sponsor's labor market that have present or potential capacity for apprenticeship in the program sponsor's labor market area.

(2) To calculate the above percentage(s) or any other percentages for the analysis, the sponsor must use the following formula: Divide the number of minority individuals or females in a particular classification in the labor force or population by the total labor force or population

NEW SECTION

WAC 296-05-435 Data and information. (1) The apprenticeship supervisor must provide program sponsors with data and information on minorities and women labor force characteristics generated by the employment security department or the office of financial management. This information is available for standard metropolitan statistical areas as well as special statistical areas.

(2) The specific data used to calculate the percentages in WAC 296-05-433 must be obtained from records maintained by apprenticeship committees.

NEW SECTION

WAC 296-05-437 Developing and evaluating enrollment goals and timetables. (1) Goals and timetables must be based upon the sponsor's enrollment analysis of its underutilization of minorities and women and its entire affirmative action program. Specific enrollment goals for minorities and a separate single goal for women may be acceptable unless a particular group is employed in a substantially disparate manner. In such a case, separate goals must be established for the disparate group. An example of such a situation would be where a specific minority group of women were underutilized even though the sponsor had achieved its enrollment goals for women generally. A separate, additional goal should be established to increase the enrollment of this specific group.

(2) In establishing the enrollment goals and timetables, the sponsor should establish reasonable goals that can be achieved through a good faith effort.

(3) In evaluating whether a sponsor has satisfied the affirmative action requirements of these rules, the WSATC must determine whether the sponsor has made a good faith effort to do so.

(4) The sponsor's good faith efforts shall be judged by whether the sponsor is following its affirmative action program and attempting to make it work. A specific example of a good faith effort by a sponsor would be when a sponsor conducts evaluations of its affirmative action program and makes the necessary changes to achieve success in the attainment of its goals.

NEW SECTION

WAC 296-05-439 Failure to meet goals and timetables. (1) If a sponsor, despite its good faith efforts, fails to meet its goals and timetables within a reasonable period of time, the sponsor may be required to make appropriate changes in its affirmative action program in order to obtain maximum effectiveness toward the attainment of its goals.

(2) If the WSATC determines the failure of a sponsor to meet its goals and timetables is substantially a result of the enrollment selection method adopted, the sponsor may be required to develop and adopt a WSATC prescribed selection method.

(3) If a sponsor's failure to meet its goals is substantially a result of the qualification standard it used to select minorities and/or women, the sponsor may be required to show that the qualification standards directly relate to job performance. Specifically, the sponsor will be expected to demonstrate a significant statistical relationship between the qualification standards used and the required job performance. This statistical relationship must be based upon the procedures discussed in 41 CFR Part 60-3 (Guidelines on employee selection procedures).

NEW SECTION

WAC 296-05-441 Noncompliance with federal and state equal opportunity requirements. When a compliance review concludes that a sponsor is not operating according to

the federal or state laws or regulations requiring equal opportunity, the apprenticeship supervisor must take action. Such action must include:

- (1) Notifying the sponsor in writing of the review results;
- (2) Making a reasonable effort to secure voluntary compliance from the program sponsor; and
- (3) Giving the sponsor a reasonable amount of time to comply with the review recommendations before undertaking sanctions under WAC 296-05-013.

NEW SECTION

WAC 296-05-443 Complaint filing. (1) Any apprentice or applicant for apprenticeship who believes they have been discriminated against may file a complaint. The basis of the complaint may be:

(a) Discrimination on the basis of race, sex, color, religion, national origin, age, disability or as otherwise specified by law by a sponsor or a sponsor's program;

(b) The equal opportunity standards have not been followed; or

(c) The sponsor's affirmative action plan does not comply with the requirements of this chapter.

(2) A complaint may be filed in person or through an authorized representative. The complainant may choose to file a complaint with the WSATC or with a private review panel as established in WAC 296-05-445.

(3) A complaint must be in writing and shall be signed by the complainant. The complaint must include the name, address, and telephone number of the person allegedly discriminated against, the program sponsor involved, and a brief description of the circumstances leading to the complaint.

(4) The complaint must be filed not later than one hundred eighty days from the date of the alleged discrimination or violation of the sponsor's affirmative action plan or the rules of this chapter. If a complaint is initially filed with the private review panel and the complainant later wishes to refer the complaint to the WSATC, the referral must occur within one hundred eighty days of the circumstances leading to the complaint or within thirty days of the private review panel's final decision, whichever is later. If good cause is shown, the WSATC may extend these time periods.

NEW SECTION

WAC 296-05-445 Private review panels. Sponsors may establish private review panels to resolve affirmative action complaints. The WSATC encourages sponsors to establish, fair, speedy, and effective procedures for the operation of the private review panel. Private review panels should be comprised of three or more responsible persons from the community who will serve without compensation. They should not be directly associated with the administration of an apprenticeship program. If necessary, sponsors may join together to establish a private review panel.

NEW SECTION

WAC 296-05-447 Processing of complaints. (1) All approved programs must establish procedures explaining the

program's complaint review process. These procedures must comply with the requirements of this section. Each sponsor must give a copy of the complaint procedures to each apprenticeship applicant and to all enrolled apprentices.

(2) When the apprenticeship supervisor receives a complaint and the sponsor has a private review panel in place, the complaint must be referred to the panel unless the complainant chooses otherwise or unless the council concludes that the panel will not satisfactorily resolve the complaint.

(3) Once the complaint is referred to the private review panel, the panel has no more than thirty days to resolve it. At the end of the period, the supervisor will obtain the reports from the complainant and the review body as to the disposition of the complaint. If the complaint has been satisfactorily resolved and there is no other indication of failure to apply equal opportunity standards, the case shall be closed and the parties formally notified.

(4) If the private review panel has not satisfactorily resolved the complaint within ninety days, the WSATC may conduct a compliance review and take all necessary steps to resolve the complaint.

(5) If the review panel satisfactorily resolves the complaint but there is evidence that the equal opportunity practices of the sponsor's program are not in compliance with the requirements of this chapter, the council must conduct a compliance review and take all steps necessary to bring the program into compliance.

(6) When a private review panel does not exist, the WSATC may conduct a compliance review to determine the facts of the complaint and any other information necessary to resolve the dispute.

(7) If the WSATC believes that satisfactorily resolving a complaint requires a change in the time limits established in this section, it can modify the time constraints by adopting special processing procedures. However, special processing procedures must only be adopted when circumstances warrant them and only if they will not prejudice any person or party associated with the complaint.

NEW SECTION

WAC 296-05-449 Program registration cancellation procedures. (1) If the WSATC decides to withdraw a program's registration, it must give written notice to the sponsor that there is reasonable cause, under WAC 296-05-013, to do so.

(2) If the sponsor requests a hearing, it must be a written request to the apprenticeship supervisor within fifteen days of the receipt of the WSATC's withdrawal notice. When the supervisor receives the sponsor's request, a hearing must be convened. The WSATC's final decision to withdraw a program's registration must be based on the compliance review file and other evidence presented at the hearing. The WSATC may allow the sponsor a reasonable time to achieve voluntary corrective action. If the WSATC decides that the apprenticeship program is not in compliance and that voluntary corrective action is not an option, the program's registration may be withdrawn. If the WSATC decides to withdraw the program's registration, it must make public notice of the order and give written notice to the sponsor. If the with-

drawal was the result of complaint proceedings, the WSATC must give written notice of the withdrawal to the complainant as well.

number of employers, it must notify the United States Department of Labor explaining why the exemption was allowed.

NEW SECTION

WAC 296-05-451 Reinstatement of program registration. Any apprenticeship program deregistered as authorized by these rules may be reinstated upon presentation of adequate evidence to the WSATC that the apprenticeship program is operating in compliance with these rules.

NEW SECTION

WAC 296-05-453 Adoption of consistent state plans. All apprenticeship programs registered with the WSATC must comply with the requirements of these rules and 29 CFR Part 30. If a program fails to comply or is inconsistent with the requirements of these rules and/or 29 CFR Part 30, the WSATC may disapprove or deregister the program. The WSATC must notify the United States Department of Labor of any state apprenticeship program disapproved and deregistered by it. The state apprenticeship program disapproved or deregistered by the WSATC for noncompliance with the requirements of these rules or 29 CFR Part 30 may, within fifteen days of the receipt of the notice of disapproval or deregistration, appeal to the United States Department of Labor to set aside the determination of the WSATC. The United States Department of Labor must make its determination on the basis of the record. The United States Department of Labor may grant the state program sponsor, the state apprenticeship and training, and the complainant, if any, the opportunity to present oral or written argument.

NEW SECTION

WAC 296-05-455 Intimidatory or retaliatory acts.

(1) Any intimidation, threat, coercion, or retaliation by or with the approval of a sponsor, against a person who has exercised rights or privilege under Title VII of the Civil Rights Act of 1964 as amended or the amended Executive Order 11246 is a violation of the equal opportunity standards of these rules. Such acts may be investigated by the WSATC and, if appropriate, will be prosecuted.

(2) Identity of a complainant must be kept confidential except when it is necessary to carry out the intent of these rules, for example, the need to conduct an investigation, hearing, or judicial proceeding.

NEW SECTION

WAC 296-05-457 Exemptions. A sponsor may request an exemption from Part D of these rules. The request may ask exemption from all of the section or from selected ones. The request must be in writing and must be addressed to the apprenticeship supervisor. It must explain why an exemption is needed. An exemption may be granted either by the WSATC or by the secretary of the United States Department of Labor, but can only be granted for good cause. If the WSATC approves an exemption that affects a substantial



WSR 01-16-107
EXPEDITED RULES
CODE REVISER'S OFFICE

[Filed July 30, 2001, 11:19 a.m.]

Title of Rule: Amending WAC 1-21-010 Preproposal statement of inquiry, 1-21-160 Filing after office hours, and 1-21-170 Official forms; and new section WAC 1-21-015 Expedited rule making.

Purpose: To amend chapter 1-21 WAC to delete the references to the expedited repeal and adoption processes and to include guidelines on the expedited rule-making process. An area code has also been added to the Washington State Patrol's phone number in WAC 1-21-160.

Statutory Authority for Adoption: RCW 1.08.110, 34.05.385, 34.08.020, and 34.08.030.

Statute Being Implemented: Chapter 25, Laws of 2001.

Summary: Delete references to the expedited repeal and adoption processes and include guidelines on the new expedited rule-making process authorized by the legislature in chapter 25, Laws of 2001. An area code is also added to the Washington State Patrol's phone number in WAC 1-21-160.

Reasons Supporting Proposal: The legislature passed and the governor signed into law, chapter 25, Laws of 2001, authorizing the expedited rule-making process. The rule changes shown below will clarify the requirements for state agencies in using the expedited rule-making process.

Name of Agency Personnel Responsible for Drafting: Gary Reid, Chief Assistant Code Reviser, Code Reviser's Office, P.O. Box 40551, Olympia, WA 98504-0551, (360) 786-6777; Implementation and Enforcement: Code Reviser's Office, Legislative Building, P.O. Box 40551, Olympia, WA 98504-0551, (360) 786-6777.

Name of Proponent: Code Reviser's Office, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amending chapter 1-21 WAC to delete references to the expedited repeal and adoption processes; adds guidelines on the expedited rule-making process; and adds an area code to the Washington State Patrol's phone number. The rule changes will clarify the requirements of state agencies using the expedited rule-making process as established in chapter 25, Laws of 2001.

Proposal Changes the Following Existing Rules: WAC 1-21-010, deleting the reference to the expedited repeal process.

WAC 1-21-160, add an area code to the Washington State Patrol's phone number.

WAC 1-21-170, delete the reference to Form CR-101XR Expedited Repeal—Preproposal Statement of Inquiry and add a reference to Form CR-105 Expedited Rule Making.

NOTICE

THIS RULE IS BEING PROPOSED UNDER 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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kerry S. Radcliff, Code Reviser's Office, P.O. Box 40551, Olympia, WA 98504-0551, AND RECEIVED BY October 2, 2001.

July 30, 2001

Dennis W. Cooper

Code Reviser

AMENDATORY SECTION (Amending WSR 98-14-048, filed 6/24/98, effective 7/25/98)

WAC 1-21-010 Preproposal statement of inquiry. To solicit comments from the public as required by RCW 34.05.310 on a subject of possible rule making, but before a formal notice is filed under RCW 34.05.320, an agency shall complete and file with the code reviser's office a CR-101 form (Preproposal Statement of Inquiry). This requirement does not apply to all rule making. The exceptions are set forth in RCW 34.05.310(4).

The text of the new rule is neither required nor recommended at this stage, but if text is submitted for filing, it must meet the form and style requirements of WAC 1-21-110 through 1-21-130. The filing will appear in the Register in accordance with the schedule provided in WAC 1-21-040. Note that the CR-101 must be published at least thirty days before the CR-102 form (Proposed Rule Making) may be filed.

~~(WAC sections proposed for expedited repeal under RCW 34.05.354 should be listed by citation and caption only, either individually or by entire chapter.)~~

NEW SECTION

WAC 1-21-015 Expedited rule making. (1) Expedited rule making filed under RCW 34.05.— (section 2, chapter 25, Laws of 2001) includes both the expedited adoption of rules and the expedited repeal of rules.

(2) An agency shall file notice for the expedited rule making with the code reviser's office on a CR-105 form (Expedited Rule Making). The agency must file the full text of a proposed new or amendatory rule, along with the CR-105 form. The text must meet the form and style requirements of WAC 1-21-110 through 1-21-130. The filing will appear in the Register in accordance with the schedule provided in WAC 1-21-040. The expedited rule making must be published in the Register at least forty-five days before the agency may file a CR-103 form (Rule Making Order).

(3) WAC sections proposed for expedited repeal should be listed by citation and caption only, either individually or by entire chapter.

(4) The agency shall file the original and six copies of the expedited rule making package (form and text). The code reviser's office will keep the original and two copies and return four stamped copies to the agency. The joint administrative rules review committee has requested that the agency submit three of these copies to the committee for purposes of

legislative review. The agency should keep the remaining copy for its files.

AMENDATORY SECTION (Amending WSR 00-18-001, filed 8/23/00, effective 12/31/00)

WAC 1-21-160 Filing after office hours. The code reviser's office is open for the filing of agency rule-making notices and orders from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. The code reviser delegates to the Washington State Patrol the authority to accept at other times the filing of orders adopting, amending, or repealing rules when the nature of the order requires their immediate filing and/or effectiveness. To use this service, the agency may telephone the capitol security unit of the state patrol at (360) 753-2191 to arrange for receipt of the filing by the state patrol. The agency shall notify the code reviser's office of the filing by 9:00 a.m. on the next business day after the filing.

AMENDATORY SECTION (Amending WSR 00-18-001, filed 8/23/00, effective 12/31/00)

WAC 1-21-170 Official forms. Agencies may obtain the following official forms from the code reviser's office upon request:

- (1) Form CR-101 Preproposal Statement of Inquiry
- (2) ~~((Form CR-101XR Expedited Repeal—Preproposal Statement of Inquiry—~~
- ~~(3)))~~ Form CR-102 Proposed Rule Making
- ~~((4)))~~ (3) Form CR-103 Rule-making Order
- ~~((5)))~~ (4) Form CR-104 Review of Previously Adopted Rules((-)
- (5) Form CR-105 Expedited Rule Making.

WSR 01-16-114
EXPEDITED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 30, 2001, 1:40 p.m.]

Title of Rule: WAC 392-140-800 through 392-140-836, Finance—Special allocations—1997-99 Local enhancement funds.

Statutory Authority for Adoption: RCW 28A.150.-290(1).

Summary: Repeal rules because they are no longer needed with the expiration of the 1997-99 State Operating Appropriations Act.

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction, (360) 725-6134; Implementation: Ross Bunda, Office of Superintendent of Public Instruction, (360) 753-3585; and Enforcement: Mike Bigelow, Office of Superintendent of Public Instruction, (360) 753-1718.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules were originally adopted as part of the state funding formula for K-12 education in the 1997-99 biennium. They are no longer needed and should be repealed.

Proposal Changes the Following Existing Rules:
Repeals existing rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER 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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Legal Service, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TTY (360) 664-3631, AND RECEIVED BY October 2, 2001.

July 30, 2001
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 01-16-115
EXPEDITED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 30, 2001, 1:41 p.m.]

Title of Rule: WAC 392-140-570 through 392-140-594, Finance—Special allocations—1995-97 Local enhancement funding including the student learning improvement block grant.

Statutory Authority for Adoption: RCW 28A.150.-290(1).

Summary: Repeal rules because they are no longer needed with the expiration of the 1995-97 State Operating Appropriations Act.

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction, (360) 725-6134; Implementation: Ross Bunda, Office of Superintendent of Public Instruction, (360) 753-3585; and Enforcement: Mike Bigelow, Office of Superintendent of Public Instruction, (360) 753-1718.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules were originally adopted as part of the state funding formula for K-12 education in the 1995-97 biennium. They are no longer needed and should be repealed.

Proposal Changes the Following Existing Rules:
Repeals existing rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER 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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Legal Service, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TTY (360) 664-3631, AND RECEIVED BY October 2, 2001.

July 30, 2001
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 01-16-116
EXPEDITED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 30, 2001, 1:42 p.m.]

Title of Rule: WAC 392-121-550 through 392-121-558, Finance—General apportionment—Vocational-secondary indirect cost limit and WAC 392-121-560 through 392-121-568, Finance—General apportionment—Vocational-secondary staffing formula.

Statutory Authority for Adoption: RCW 28A.150.-290(1).

Summary: Repeal rules because they are no longer needed pursuant to the 2001-03 State Operating Appropriations Act.

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction, (360) 725-6134; Implementation: Ross Bunda, Office of Superintendent of Public Instruction, (360) 753-3585; and Enforcement: Mike Bigelow, Office of Superintendent of Public Instruction, (360) 753-1718.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules were originally adopted as part of the state funding formula for K-12 education in the 1998-99 school year. They are no longer needed and should be repealed effective February 1, 2002.

Proposal Changes the Following Existing Rules:
Repeals existing rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER 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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Legal Service, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TTY (360) 664-3631, AND RECEIVED BY October 2, 2001.

July 30, 2001
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 01-16-117
EXPEDITED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 30, 2001, 1:44 p.m.]

Title of Rule: WAC 392-140-920 through 392-140-930, Finance—Special allocations—Better schools—Staff and WAC 392-140-935 through 392-140-938, Finance—Special allocations—Better schools—Professional development.

Statutory Authority for Adoption: RCW 28A.150.-290(1).

Summary: Repeal rules because they are no longer needed with the expiration of the 1999-2001 State Operating Appropriations Act.

Reasons Supporting Proposal: Funding for better schools—Staff has been moved to basic education. Funding for better schools—Professional development has been eliminated; most of the activities funded under this program can be continued with student achievement funding the district chooses.

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction, (360) 725-6134; Implementation: Ross Bunda, Office of Superintendent of Public Instruction, (360) 753-3585; and Enforcement: Mike Bigelow, Office of Superintendent of Public Instruction, (360) 753-1718.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules were originally adopted as part of the state funding formula for K-12 education in the 2000-01 school year. They are no longer needed and should be repealed effective February 1, 2002.

Proposal Changes the Following Existing Rules:
Repeals existing rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER 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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Legal Service, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TTY (360) 664-3631, AND RECEIVED BY October 2, 2001.

July 30, 2001

Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 01-16-133

EXPEDITED RULES

DEPARTMENT OF ECOLOGY

[Order 01-06—Filed July 31, 2001, 4:02 p.m.]

Title of Rule: Repeal of a section of the water resources program for the Walla Walla River Basin, WRIA 32, chapter 173-532 WAC, WAC 173-532-085.

Purpose: The Columbia-Snake Rivers Irrigators Association filed a lawsuit challenging aspects of the rule and the rule-making process. Legislation passed in the 2001 session has made the rule essentially moot. Ecology has decided to repeal the section because the rule is no longer applicable and because repeal will avoid continuing litigation.

Statutory Authority for Adoption: RCW 34.05.354 (2)[(1)](c).

Summary: Ecology adopted WAC 173-532-085 in 1999 to provide a means for processing applications to change or transfer water rights ahead of new applications. This was done by creating a separate "line" for change/transfer applications, based on those application proposals meeting certain criteria. One of the components of the rule allowed prioritizing proposals which included enhancements to the natural environment. In 2000, ecology was sued by the Columbia-Snake River Irrigators Association, which asserted that the department did not have the authority to impose these requirements. The state legislature subsequently passed a water bill in the 2001 session which created a statutory basis for processing new applications and change/transfer applications in separate lines. As the rule is no longer applicable, ecology has agreed to repeal WAC 173-532-085 to end the litigation.

Reasons Supporting Proposal: WAC 173-532-085 is no longer applicable. ESHB 1832, passed by the 2001 legislature and signed by the governor, includes a provision allow-

ing applications for new water rights and those for changes to existing water rights to be processed in separate lines. Although WAC 173-532-085 includes a means for prioritizing competing change applications, it is embedded in the overall approach for establishing two lines and presumably could not be applied to competing change applications in the separate line for change applications established by the new legislation.

Name of Agency Personnel Responsible for Drafting: Repeal - no draft language; Implementation and Enforcement: Not applicable.

Name of Proponent: Washington State Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Ecology adopted WAC 173-532-085 in 1999 to provide a means for processing applications to change or transfer water rights ahead of new applications. This was done by creating a separate "line" for change/transfer applications, based on those application proposals meeting certain criteria. One of the components of the rule allowed prioritizing proposals which included enhancements to the natural environment. In 2000, ecology was sued by the Columbia-Snake River Irrigators Association, which asserted that the department did not have the authority to impose these requirements. However, the 2001 legislature subsequently passed, and the governor signed, ESHB 1832, the governor's "water bill." This legislation includes a provision allowing applications for new water rights and those for transfers of or changes to existing water rights to be processed in separate lines. Although WAC 173-532-085 includes a means for prioritizing competing change applications, it is embedded in the overall approach for establishing two lines and presumably could not be applied to competing change applications in the separate change/transfer application line established by the new legislation. Consequently, because WAC 173-532-085 is no longer applicable, ecology has agreed to an expedited repeal of the section to remove the basis of the litigation.

Proposal Changes the Following Existing Rules: Please see above.

NOTICE

THIS RULE IS BEING PROPOSED UNDER 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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Thielen, Regulatory Affairs Manager, Washington State Department of Ecology,

P.O. Box 47600, Olympia, WA 98504-7600, AND RECEIVED BY October 1, 2001.

Minority and Women's Business Enterprise, P.O. Box 41160, Olympia, WA 98504-1160, AND RECEIVED BY October 1, 2001.

July 31, 2001
Joe Stohr
Program Manager
Water Resources Program

August 1, 2001
Juan Huey-Ray
Acting Director

WSR 01-16-156
EXPEDITED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES

[Filed August 1, 2001, 11:39 a.m.]

Title of Rule: WAC 326-40-010 Criteria for bid specifications—Monetary value and 326-40-020 Criteria for bid specifications—Averaging participation.

Purpose: Establish procedures for implementation of chapter 39.19 RCW related to the award of contracts containing goals for minority and women's business enterprise participation.

Statutory Authority for Adoption: RCW 39.19.030.

Statute Being Implemented: Chapter 39.19 RCW.

Summary: These rules are being repealed to avoid any conflict with the letter or spirit of a new nondiscrimination policy statement set forth in RCW 49.60.400.

Reasons Supporting Proposal: On their face and standing alone, the procedures authorized by these rules give the appearance of according preferential treatment in public contracting to certain groups based on race and/or gender.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Juan Huey-Ray, Olympia, 704-1188.

Name of Proponent: Office of Minority and Women's Business Enterprises, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules provide procedural guidance to state agencies and educational institutions on the consideration to be given to minority and women's business enterprise participation when making contract award decisions.

Proposal Changes the Following Existing Rules: The repeal of these rules ensures that the award decision-making process does not violate the nondiscrimination policy set forth in RCW 49.60.400 that became law subsequent to the adoption of these rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER 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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Juan Huey-Ray, Office of

EXPEDITED



WSR 01-15-001
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed July 5, 2001, 3:22 p.m.]

Date of Adoption: June 27, 2001.

Purpose: Clarify and update language for overnight youth shelter licensing requirements. This meets the Governor's Executive Order 97-02 and eliminates out-of-date rules.

Citation of Existing Rules Affected by this Order: Chapter 388-160 WAC, Overnight youth shelters, repealing WAC 388-160-010, 388-160-020, 388-160-030, 388-160-040, 388-160-050, 388-160-060, 388-160-070, 388-160-080, 388-160-090, 388-160-100, 388-160-110, 388-160-120, 388-160-130, 388-160-140, 388-160-150, 388-160-160, 388-160-170, 388-160-180, 388-160-190, 388-160-200, 388-160-210, 388-160-220, 388-160-230, 388-160-240, 388-160-250, 388-160-260, 388-160-270, 388-160-280, 388-160-290, 388-160-300, 388-160-310, 388-160-320, 388-160-340, 388-160-350, 388-160-360, 388-160-370, 388-160-380, 388-160-390, 388-160-400, 388-160-410, 388-160-420, 388-160-430, 388-160-440, 388-160-460, 388-160-470, 388-160-480, 388-160-490, 388-160-500, 388-160-510, 388-160-520, 388-160-530, 388-160-540, 388-160-550, and 388-160-560.

Statutory Authority for Adoption: Chapter 75.15 [74.15] RCW.

Adopted under notice filed as WSR 01-10-063 on April 27, 2001.

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 67, Amended 0, Repealed 54.

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 67, Amended 0, Repealed 54.

Effective Date of Rule: Thirty-one days after filing.

June 27, 2001

Brian Lindgren, Manager
 Rules and Policies Assistance Unit

Chapter 388-160 WAC

**MINIMUM LICENSING REQUIREMENTS FOR
 OVERNIGHT YOUTH SHELTERS**

NEW SECTION

WAC 388-160-0005 Authority. The following rules including minimum licensing requirements for overnight youth shelters are adopted under chapter 74.15 RCW.

NEW SECTION

WAC 388-160-0015 What is the purpose of overnight youth shelters? (1) The purpose of overnight youth shelters is to provide youth with an emergency sleeping arrangements.

(2) The overnight youth shelter may be licensed to provide care for one of the following categories of youth:

- (a) Youth from thirteen through seventeen years of age;
- or
- (b) Youth sixteen through twenty years of age.

NEW SECTION

WAC 388-160-0025 What definitions apply to this chapter? The following definitions apply to this chapter.

"Capacity" means the maximum number of children a facility is licensed to care for at a given time.

"Children's administration" means a management section of the department of social and health services responsible for many services to children including but not limited to: child protective services, child welfare services, policy development, budget and fiscal operations.

"Compliance agreement" means a written plan of short duration with a specific ending date for completion of the plan. The agreement addresses the improvement or correction of specific issues to maintain or increase the safety and well-being of children in care.

"Department" means the department of social and health services (DSHS).

"DLR" means the division of licensed resources. A division of children's administration of the department of social and health services.

"Full licensure" means the facility licensed or approved by the department of social and health services meets all applicable licensing standards.

"I" or **"you"** refers to anyone who operates an overnight youth shelter.

"Overnight youth shelter" or **"OYS"** means a licensed facility operated by a nonprofit agency that provides overnight shelter to homeless or runaway youth. Overnight youth shelters do not provide residential care during daytime hours.

"We" refers to the department, including DLR licensors.

"Youth" means an individual who is under twenty-one years old. The term "child" or "children" may also be used in some sections.

NEW SECTION

WAC 388-160-0035 What services must be offered at a shelter? (1) At a minimum, all overnight youth shelters must offer the following services to all clients:

(a) A client identification and intake assessment including:

- (i) Emergency contacts (phone numbers);
- (ii) Areas of possible problems, such as school status, medical problems, family situation and suicide evaluation;
- (iii) History of assaultive or predatory behavior; and
- (iv) Drug and/or alcohol involvement.

(b) Individual crisis intervention;

(c) Assistance in accessing emergency resources, including child protective services (CPS) and emergency medical services; and

(d) Resource information.

(2) An overnight youth shelter must provide (as needed by the youth) information about:

- (a) Educational or vocational services;
- (b) Housing;
- (c) Medical care or services;
- (d) Substance abuse services;
- (e) Mental health services;
- (f) Other treatment agencies;
- (g) Food programs;
- (h) Disability services; and
- (i) Other DSHS services.

(3) If the overnight youth shelter cannot directly provide these services, staff must have information for referrals to programs or organizations that would provide these services to clients.

NEW SECTION

WAC 388-160-0045 What must I include in the assessment when a youth first enters a shelter? (1) When a youth first enters an overnight youth shelter, you must:

(a) Determine whether the parents are aware of the whereabouts of the youth;

(b) Determine whether an adult contact exists; and

(c) Notify the police or children's administration intake (either the local CPS number or toll-free 1-886-ENDHARM) of any youth twelve years of age or younger who is unaccompanied by an adult and is requesting service.

(2) As part of the initial assessment, you must also assess the youth's:

- (a) Recent history;
- (b) Outstanding warrants;
- (c) Physical and medical needs, including medication;
- (d) School status;
- (e) Immediate needs for counseling; and
- (f) Options for the near future.

NEW SECTION

WAC 388-160-0055 How does the department decide how many youth I may serve in my overnight youth shelter? (1) The number of youth that an overnight youth shelter may serve is based on an evaluation of the following factors:

(a) Physical accommodations in your overnight youth shelter;

(b) The number of staff and volunteers available for providing care;

(c) The skills of your staff and volunteers; and

(d) The ages and characteristics of the people you are serving.

(2) Based on our evaluation, we may license you for the care of fewer persons than you would normally serve in your category.

NEW SECTION

WAC 388-160-0065 How old do I have to be to apply for a shelter license? You must be at least twenty-one years old to apply for a license for an overnight youth shelter.

NEW SECTION

WAC 388-160-0075 What qualifications do I need to care for youth at an overnight youth shelter? If you are requesting a license or a position as an employee, intern, or a volunteer at an overnight youth shelter, you must not:

(1) Have a history of founded child abuse or neglect.

(2) Be disqualified by our background check (see chapter 388-06 WAC).

(3) The department may require additional information from you, your staff, interns, or volunteers. We may request this information at any time and it may include, but is not limited to any of the following evaluations and/or documentation of completed treatment:

(a) Substance and alcohol abuse evaluations;

(b) Psychiatric evaluations;

(c) Psycho-sexual evaluations; and

(d) Medical evaluations or reports.

(4) Any evaluation or information requested by the department must be supplied at the expense of the applicant or licensee.

(5) The department must approve the evaluator providing the above services and you must give the licenser permission to speak with the evaluator before and after the evaluation.

NEW SECTION

WAC 388-160-0085 Who must be on the premises when youth are present at an overnight youth shelter? (1) In an open or dormitory type setting, a same gender staff person must be within visual and auditory range of same gender youth at all times. The staff must be awake while on-duty.

(2) At least one fully trained lead counselor must be on the premises at all times when youth are present.

(3) A qualified program supervisor must be on call at all times when the shelter is open or youth are present (see WAC 388-160-0095 for qualifications). The program supervisor may be on-staff, on contract or available by written agreement.

(4) Staff must represent both genders to reflect the population of youth in care.

NEW SECTION

WAC 388-160-0095 What qualifications must a program supervisor have in order to work in a shelter? Every overnight youth shelter must have a program supervisor. The program supervisor must have either a:

- (1) Master's degree in social work or a related field and one year of experience working with adolescents; or
- (2) Bachelor's degree and three years of experience working with adolescents.

NEW SECTION

WAC 388-160-0105 What qualifications must a lead counselor have in order to work in a shelter? To work in an overnight youth shelter, lead counselors must meet the following qualifications:

- (1) Be at least twenty-one years of age;
- (2) Have at least one year of experience working with adolescents;
- (3) Have completed HIV/AIDS/Blood-borne pathogen training;
- (4) Have completed first aid and CPR; and
- (5) Have completed a tuberculin test (as required under WAC 388-160-0565).

NEW SECTION

WAC 388-160-0115 What minimum qualifications must child care staff, lead counselors, interns, and volunteers have in order to work in a shelter? (1) All child care staff, lead counselors, interns, and volunteers who work at an overnight youth shelter must be at least twenty-one years old. Note: Eighteen through twenty-year-old persons may work or volunteer at an overnight youth shelter if they are enrolled and participating in an internship program through an accredited college or university. They must be on-duty and supervised by a fully-trained staff person twenty-one years old or older.

- (2) Child care staff, interns, and volunteers also must have successfully completed:
 - (a) A background check (see chapter 388-06 WAC);
 - (b) A tuberculin test (as required under WAC 388-160-0565);
 - (c) Current first aid and cardio-pulmonary resuscitation (CPR) training; and
 - (d) HIV/AIDS/Blood-borne pathogen training consistent with the department of health approved curriculum prior to beginning work with youth. If the training is not readily available, it must be completed within sixty days of beginning work.

NEW SECTION

WAC 388-160-0125 What training is required for overnight youth shelter staff, lead counselors, interns and volunteers? (1) All overnight youth shelter staff, lead counselors, interns, and volunteers must receive training before providing care for youth. The overnight youth shelter must

ensure that this training includes, at a minimum, the following subjects:

- (a) Job responsibilities, including the mandatory reporting requirements for licensee and their staff;
 - (b) Facility administration;
 - (c) Supervision of youth;
 - (d) Behavior management training in accordance with department behavior management guidelines;
 - (e) Fire safety procedures;
 - (f) Handling of emergency situations; and
 - (g) Current first aid and cardiopulmonary resuscitation (CPR) training.
- (2) HIV/AIDS/Blood-borne pathogen training consistent with the department of health approved curriculum must be completed prior to beginning work with youth. If the training is not readily available, it must be completed within sixty days of beginning work.

(3) An overnight youth shelter must provide on-going training to all staff, interns, and volunteers.

(a) The training must cover qualifications for each position, including supervisory skills, adolescent development and problems, and the needs of youth.

(b) The shelter's training must also include, at a minimum, classes addressing:

- (i) Sexual abuse;
- (ii) Predatory behavior;
- (iii) Substance abuse;
- (iv) Depression;
- (v) Mental health;
- (vi) Teen suicide;
- (vii) Injurious behavior towards one's self or others; and
- (viii) Cultural sensitivity.

(3) New overnight youth shelter staff, interns, and volunteers must work shifts with fully trained staff until the new person has completed all required training.

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 388-160-0135 What is the required ratio of staff to youth in a shelter? (1) A shelter licensed for youth who are thirteen through seventeen years old must have one staff person to every eight youth.

(2) A shelter licensed for youth who are sixteen through twenty years old must have one staff person to every six youth.

(3) A shelter must maintain the staffing ratio while youth are asleep.

(4) At least one staff person must remain awake while youth are asleep. Other staff persons may be asleep, but must be available in the shelter in case of emergency.

(5) Whenever only one staff person is required to be on duty, a second staff person must be on call.

NEW SECTION

WAC 388-160-0145 How do I apply or reapply for a license? (1) To apply or reapply for a license, the person or

legal entity responsible for your overnight youth shelter must send the following information to the department licensor:

(a) The application form;

Note: If you are applying for a license renewal, you must send the application form to the department licensor ninety days prior to the expiration of your current license.

(b) A completed and signed criminal history and background inquiry form from each applicant, staff person, intern, board member and volunteer who:

(i) Is at least sixteen years old;

(ii) Is not a foster child or shelter youth; and

(iii) Has unsupervised access to youth.

(c) Written verification of:

(i) A tuberculosis test unless you have religious beliefs which prohibit the test;

(ii) First-Aid and cardiopulmonary resuscitation (CPR) training; and

(iii) HIV-AIDS/Blood-borne pathogens training.

(2) If a person required to have a background check has lived in Washington state less than three years immediately prior to their application, a completed FBI fingerprint form must be provided to us for that person.

(3) We may require additional information from you including, but not limited to:

(a) Substance and alcohol abuse evaluations;

(b) Psychiatric evaluations;

(c) Psycho-sexual evaluations; and

(d) Medical evaluations.

NEW SECTION

WAC 388-160-0155 May I receive more than one type of group care license at the same physical location?

(1) If you are licensed to operate an overnight youth shelter, you may not hold a license for any other type of residential care at the same physical location.

(2) If you make it clear to us that care for one kind of client does not interfere with the care for another kind of client an exception to WAC 388-160-0155(1) may be granted. (See WAC 388-160-0175 for exceptions.)

NEW SECTION

WAC 388-160-0165 Does the department put limitations or conditions on a person who is licensed? Even if we approve you for an overnight youth shelter license, we may put limitations or conditions on the license to ensure youth's safety and health.

NEW SECTION

WAC 388-160-0175 Does the department allow exceptions to the licensing requirements? (1) At its discretion, the department may make a written exception, and license or continue to license an overnight youth shelter that does not meet the minimum licensing requirements.

(2) Exceptions are approved for nonsafety requirements only.

(3) The safety and well-being of the youth receiving care must not be compromised.

(4) You must request an exception to the licensing requirements in writing.

(5) You must keep a copy of the approved exception to the licensing requirements for your files.

(6) Along with an exception to the licensing requirements, the department may require you to enter into a compliance agreement to ensure the safety and well-being of the youth in your care.

(7) You do not have appeal rights if the department denies your request for an exception to our requirements.

NEW SECTION

WAC 388-160-0185 Does the department issue probationary licenses? (1) The department may issue a probationary license as part of a corrective action plan with a licensed provider.

(2) The department must base its decision as to whether a probationary license will be issued on the following:

(a) Intentional or negligent noncompliance with the licensing rules;

(b) A history of noncompliance with the rules;

(c) Current noncompliance with the rules;

(d) Evidence of a good faith effort to comply; and

(e) Any other factors relevant to the specific situation.

(3) A probationary license may be issued for up to six months. At its discretion, the department may extend the probationary license for an additional six months.

NEW SECTION

WAC 388-160-0195 When must the department deny, suspend or revoke a license? (1) A license must be denied, suspended or revoked if the department decides that you cannot provide care for youth in a way that ensures their safety, health and well-being.

(2) The department must disqualify you for any of the reasons that follow.

(a) You have failed your background check (see chapter 388-06 WAC).

(b) You have been found to have committed child abuse or neglect or you treat, permit or assist in treating children in your care with cruelty, indifference, abuse, neglect, or exploitation.

(c) You or anyone on the premises had a license denied or revoked from an agency that provided care to children or vulnerable adults.

(d) You attempt to get a license by deceitful means, such as making false statements or leaving out important information on the application.

(e) You commit, permit or assist in an illegal act on the premises of a home or facility providing care to children.

(f) You are using illegal drugs, or excessively using alcohol and/or prescription drugs.

(g) You knowingly allowed employees or volunteers who made false statements on their applications to work at your agency.

(h) You repeatedly lack qualified or an adequate number of staff to care for the number and types of children under your care.

(i) You have refused to allow our authorized staff and inspectors to have requested information or access to your facility, child and program files, and/or your staff and clients.

(j) You are unable to manage the property, fiscal responsibilities, or staff in your agency.

NEW SECTION

WAC 388-160-0205 Are there other reasons the department must suspend my overnight youth shelter license? (1) The department must suspend your license to provide care to children, if we receive a notice from the division of child support that you are not in compliance with a support order.

Note: The governing authority is RCW 43.20A.205 and 74.20A.320.

(2) The suspension of your license for noncompliance of a support order would be effective the date you receive a notice that we received the certificate of noncompliance from the division of child support.

(3) Your license would remain suspended until you provide proof that you are in compliance with the child support order.

(4) You would not have a right to an administrative hearing based on a suspension of your license due to noncompliance of a child support order.

NEW SECTION

WAC 388-160-0215 When may the department suspend or revoke my overnight youth shelter license? A license may be suspended or revoked if you exceed the conditions of your facility license by:

(1) Having more youth than the license allows;

(2) Having youth with ages different than the license allows;

(3) Failing to provide a safe and healthy environment for youth in your care; or

(4) Failing to comply with any other licensing requirements.

NEW SECTION

WAC 388-160-0225 How does the department notify me if my license is modified, denied, suspended or revoked? The department sends you a certified letter informing you of our decision to modify, deny, suspend or revoke your license. The letter will include any applicable laws or regulations and provide you with information on what to do if you disagree with the department's decision.

NEW SECTION

WAC 388-160-0235 What may I do if I disagree with the department's decision to modify, deny, suspend or revoke my license? You have the right to appeal any decision the department makes to modify, deny, suspend or revoke your license, except for circumstances identified in WAC 388-160-0205.

(1) You may request an administrative hearing if you disagree with our decision to modify, suspend, revoke or deny your license.

(2) You must request an administrative hearing within twenty-eight days of receiving a certified letter with our decision (chapter 34.05 RCW).

(3) You must send a letter to the Office of Administrative Hearings, PO Box 42489, Olympia, WA 98504-2489, 1-800-583-8271 requesting an administrative hearing. The letter must have the following attachments:

(a) A specific statement of your reasons for disagreeing with the decision and any laws that relate to your reasons; and

(b) A copy of the certified letter from the department containing the decision that you are disputing.

NEW SECTION

WAC 388-160-0245 What incidents involving youth must I report? (1) You or your staff must report any of the following incidents within forty-eight hours to your local children's administration child protective services intake staff:

(a) Any alleged incidents of child abuse or neglect;

(b) Any violations of the licensing requirements;

(c) Death of a child;

(d) Any youth's suicide attempt that results in injury requiring medical attention or hospitalization;

(e) Any emergent medical care to any youth in care;

(f) Any use of physical restraint that is alleged improper or excessive;

(g) Sexual contact between two or more youth;

(h) Physical assaults between two or more youth that result in injury requiring off-site medical attention or hospitalization;

(i) Unexpected health problems that require off-site medical attention;

(j) Any medication given incorrectly that required off-site medical attention;

(k) Serious property damage that is a safety hazard and is not immediately corrected.

(2) In addition to WAC 388-160-0245 (1)(a) through (k), you or your staff must report any of the following incidents to the youth's DSHS social worker, if the youth is a client of DSHS;

(a) Suicidal/homicidal ideas, gestures or attempts that do not require professional medical attention;

(b) Unexpected health problems that do not require professional medical attention;

(c) Any incident of medication incorrectly administered;

(d) Physical assaults between two or more children resulting in injury that does not require professional medical attention;

(e) Runaways; and

(f) Use of physical restraints for routine discipline.

NEW SECTION

WAC 388-160-0255 Are there other reporting requirements? Any occurrence of food poisoning or com-

municable disease must be reported to the local public health department, as required by the department of health.

NEW SECTION

WAC 388-160-0265 Do I need to report runaway youth who stay at the shelter? (1) Within eight hours of learning that a youth staying at a shelter does not have parental permission to be there, shelter staff must report the location of the youth to:

- (a) The parent;
 - (b) The law enforcement agency having jurisdiction in the shelter's area; or
 - (c) The department.
- (2) The shelter staff must:
- (a) Make the report by telephone or other reasonable means; and
 - (b) Document the report in writing in the youth's file.

NEW SECTION

WAC 388-160-0275 What changes to my overnight youth shelter must I report to my licensor? (1) You must report to your licensor any changes in the information contained in your original licensing application that might cause the department to reclassify your overnight youth shelter. Changes include any of the following:

- (a) Changes in your location;
 - (b) Change in the designated space, or phone number;
 - (c) Changes in the maximum number, age ranges, and gender of persons you wish to serve;
 - (d) Changes in the structure of your facility or premises due to events causing damage such as a fire, or caused by remodeling; or
 - (e) Additions of any new staff person, intern, employee or volunteer, who might have contact with the youth in care.
- (2) A license is valid only for the person or organization named on the license.
- (3) You must also report the following changes to your licensor:
- (a) A change of your facility's chief executive;
 - (b) The death, retirement, or incapacity of the person who holds the license;
 - (c) A change in name of a licensed corporation, or name by which your facility is commonly known; or
 - (d) Changes in the agency's articles of incorporation and bylaws.

NEW SECTION

WAC 388-160-0285 What are the department's requirements for keeping client records? (1) Your records must be kept at your overnight youth shelter and contain, at a minimum, the following information:

- (a) The child's name and birthdate;
- (b) Daily attendance logs and referrals;
- (c) Names, address and home and business telephone numbers of parents or persons to be contacted in case of emergency;

(d) Dates and kinds of illnesses, accidents, medications and treatments given at the shelter;

(e) An incident log documenting the use of physical restraint; and

(f) Other information determined relevant by the department.

(2) Identifying and personal information about the youth must be kept confidential.

(3) You must keep information about the youth and their families in a secure place.

NEW SECTION

WAC 388-160-0295 Do I need a citizens' board for my overnight youth shelter? (1) Every overnight youth shelter must have a citizens' board that complies with laws and rules for nonprofit boards of directors. If the overnight youth shelter is part of a larger agency that has a citizens' board, that board will suffice.

(2) The shelter director must keep the following on file:

- (a) A list of all members of the current citizens' board; and
- (b) A copy of the articles of incorporation filed with the secretary of state verifying nonprofit status.

NEW SECTION

WAC 388-160-0305 What personnel policies must I have? The following requirements apply to licensed overnight youth shelters.

(1) Employees, interns, or volunteers with unsupervised access to youth are not allowed to have unsupervised access to youth until the department approves their background checks.

(2) If you have five or more staff, you must have written policies describing duties and qualifications of staff, and staff benefits.

NEW SECTION

WAC 388-160-0315 What personnel records must I keep? You must keep personnel records on file for each staff person and volunteer for your overnight youth shelter. These must include:

(1) An employment application, including work and education history;

(2) Documentation of completed criminal history and background check form;

(3) A record of a negative Mantoux, tuberculin skin tests results, X-ray, or an exemption to the skin test or X-ray;

(4) A record of participation in HIV/AIDS education and training, including blood borne pathogens training;

(5) A record of participation in staff development training;

(6) A record of participation in the program's orientation;

(7) Documentation of a valid food handler permit, when applicable; and

(8) A record of participation in the current first-aid/CPR/Blood-borne pathogens training.

NEW SECTION**WAC 388-160-0325 Where must I post my license?**

You must post your license where it can be easily viewed by the public.

NEW SECTION

WAC 388-160-0335 What other information must I keep readily available? If you operate an overnight youth shelter, you must have the telephone number of "on-call" master's or bachelor's degree-level persons with other emergency numbers readily available for staff.

NEW SECTION

WAC 388-160-0345 Are local ordinances part of our licensing requirements? (1) Local ordinances (laws), such as zoning regulations and local building codes, fall outside the scope of our licensing requirements.

(2) The department may require you to provide proof that you have met local ordinances.

NEW SECTION

WAC 388-160-0355 What fire safety requirements must I follow to qualify for a license? If you operate an overnight youth shelter, you must follow the regulations developed by the Washington state fire marshall's office. The regulations are minimum requirements for protecting life and property against fire. You can find these contained in the Uniform Fire Code as adopted with Washington state amendments.

NEW SECTION

WAC 388-160-0365 Where may my shelter be located? (1) Your overnight youth shelter must be located on a well-drained site free from hazardous conditions. The safety of the youth in care is paramount.

(2) You must discuss with the licensor any potential hazardous conditions, considering the youth's ages and behaviors. Some examples of hazards are natural or man-made water hazards such as lakes or streams, steep banks, ravines, and busy streets.

NEW SECTION

WAC 388-160-0375 May I have firearms in my overnight youth shelter? (1) You may not have firearms or other weapons on the premises.

(2) Firearms and weapons that are confiscated from youth must be locked up and given to law enforcement officers as soon as possible.

NEW SECTION

WAC 388-160-0385 What substances are prohibited at overnight youth shelters? (1) During operating hours when youth are in care, no staff, intern, or volunteer on the

premises or caring for youth off-site may be under the influence of, consume, or possess alcoholic beverages or illegal drugs.

(2) You must prohibit smoking in:

(a) Your facility while caring for youth; and

(b) Any motor vehicles transporting youth.

(3) You may permit adults to smoke outdoors away from youth.

NEW SECTION

WAC 388-160-0395 What are your requirements for storing dangerous items? (1) You must lock the following items:

(a) Cleaning supplies,

(b) Toxic substances,

(c) Poisons,

(d) Aerosols,

(e) Items with warning labels.

(2) You must label containers filled from a stock supply. The labels must identify all contents.

(3) Toxic substances must be stored separately from food items.

NEW SECTION

WAC 388-160-0405 Do I need to have first aid supplies? (1) You must keep first aid supplies on hand for immediate use, including unexpired syrup of ipecac that is to be used only when following the instructions of the poison control center.

(2) The following first aid supplies must be kept on hand:

(a) Barrier gloves and one-way resuscitation mask;

(b) Ace bandage and band-aids;

(c) Scissors and tweezers;

(d) Gauze; and

(e) Thermometer.

NEW SECTION

WAC 388-160-0415 What structural safety requirements must my facility meet? You must keep your equipment and the physical structures in your facility safe and clean for the youth you serve. At a minimum you must:

(1) Maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards and in good repair;

(2) Provide handrails for steps if the department decides handrails are necessary for safety;

(3) Have emergency lighting devices available and in operating condition;

(4) Refinish all flaking or deteriorating lead-based paint with lead-free paint or other nontoxic material for exterior and interior wall surfaces and equipment;

(5) Have washable, water-resistant floors in the facility's toilet rooms, kitchen, and other rooms exposed to moisture;

Exception: We may approve washable, short-pile carpeting that is kept clean and sanitary for your facility's kitchen.

(6) Have easy access to rooms occupied by youth in case an emergency arises.

NEW SECTION

WAC 388-160-0425 What measures must I take for pest control? You must keep the premises free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods.

NEW SECTION

WAC 388-160-0435 What are your requirements for kitchens? If your overnight youth shelter provides food service, you must ensure:

(1) The proper storage; preparation, and service of food to meet the needs of the youth; and

(2) Provide the facilities and implement practices as required by the rules and regulations of the department of health that govern food service sanitation (see chapter 246-215 WAC).

NEW SECTION

WAC 388-160-0445 What are the requirements for bedrooms in shelters? You must comply with the following requirements for bedrooms:

(1) Provide sleeping areas at least fifty square feet per occupant of unobstructed floor area with a ceiling height of at least seven feet, six inches;

(2) Not use hallways and kitchens as sleeping rooms;

(3) Maintain a space that is at least thirty inches between sleeping youths;

(4) Provide sleeping areas separated by a visual barrier five feet high or more for gender; and

(5) Separate youth under eighteen years old from youth who are eighteen through twenty years old by having a staff or volunteer supervise open space or have a physical barrier to prevent contact.

NEW SECTION

WAC 388-160-0455 What are your requirements for bedding? (1) An overnight youth shelter providing youth with sleeping equipment and bedding must keep the equipment and bedding in good repair, clean, and sanitary.

(2) The shelter must accept the use of sleeping and bedding equipment that is personally provided by the youth if it is not a health or safety risk.

NEW SECTION

WAC 388-160-0465 What telephone requirements must I follow? The department has two requirements for the telephone that you must meet at your overnight youth shelter.

(1) You must have at least one telephone on the premises for incoming and outgoing calls. The telephone must be accessible for emergency use at all times.

(2) You must post emergency phone numbers next to the phone.

NEW SECTION

WAC 388-160-0475 What are the lighting requirements for my overnight youth shelter? You must locate light fixtures and provide lighting that promotes good visibility and comfort for the youth.

NEW SECTION

WAC 388-160-0485 What are the requirements about drinking water? You must provide:

(1) A public water supply or a private water supply approved by the local health authority prior to the time of licensing or relicensing; and

(2) Disposable paper cups, individual drinking cups or glasses, or inclined-jet type drinking fountains.

NEW SECTION

WAC 388-160-0495 What are your requirements for laundry facilities? The department has specific requirements for laundry facilities at your overnight youth shelter. You must:

(1) Have separate and adequate facilities for storing soiled and clean linen;

(2) Provide adequate laundry and drying equipment or make other arrangements for getting laundry done on a regular basis; and

(3) Locate laundry equipment in an area separate from the kitchen.

NEW SECTION

WAC 388-160-0505 What are the requirements for washing clothes? You must sanitize laundry contaminated with urine, feces, lice, scabies, or other potentially infectious materials through temperature or chemical measures.

NEW SECTION

WAC 388-160-0515 What are the requirements for toilets, sinks, and bathing facilities in shelters? You must provide:

(1) Two or more indoor flush-type toilets close to handwashing sinks with hot and cold running water;

(2) One toilet and sink for the first eight youth, with a second toilet and sink when four more youth are on the premises;

(3) Privacy for persons of the opposite sex at toilets and any bathing facilities;

(4) Hot and cold running water not exceeding one hundred twenty degrees Fahrenheit at handwashing sinks, and bathing facilities;

(5) A conveniently located grab bar or nonslip floor surfaces in any bathing facilities;

(6) Urinals instead of toilets as long as only urinals do not replace more than one-third of the total required number of toilets; and

(7) Dispenser soap and individual towels, disposable towels, or other approved single-use hand drying devices, at handwashing sinks, and any bathing facilities.

NEW SECTION

WAC 388-160-0525 Do overnight youth shelters require a housekeeping sink? An overnight youth shelter must have and use a method of drawing clean mop water and disposing of wastewater.

NEW SECTION

WAC 388-160-0535 What are the requirements for sewage and liquid wastes? An overnight youth shelter must discharge sewage and liquid wastes into a public sewer system or into a functioning septic system.

NEW SECTION

WAC 388-160-0545 What health and emergency policies and procedures must I have? (1) An overnight youth shelter must have current written health policies and procedures including, but not limited to:

- (a) First aid;
- (b) Infection control;
- (c) Care of minor illnesses; and
- (d) General health practices and actions to be taken in event of medical and other emergencies.

(2) Health policies and procedures must be readily available for staff orientation and implementation.

NEW SECTION

WAC 388-160-0555 How must I manage medications for youth at my shelter? An overnight youth shelter must requirements for manage nonprescription and prescription medications by:

(1) Place any medication brought into the shelter by a youth in locked storage so it is unavailable to other youth in care;

(2) Supervise youth who take their own medication according to the prescription or manufacturer's instructions; and

(3) Properly dispose of medications that are no longer being taken.

NEW SECTION

WAC 388-160-0565 What must I do to prevent the spread of infections and communicable diseases? (1) You must take precautions to guard against infections and communicable diseases infecting the youth in care in your overnight youth shelter.

(2) Staff with a reportable communicable disease, as defined by the department of health, in an infectious stage must not be on duty until the staff has a physician's approval for returning to work.

(3) Those persons who have been approved for unsupervised access to children in an overnight youth shelter facility must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test prior to being employed, volunteering, or being licensed unless:

(a) The person has evidence of testing within the previous twelve months;

(b) The person has evidence that they have a negative chest x-ray since a previously positive skin test;

(c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis; or

(d) A physician indicates that the test is medically inadvisable.

(4) Persons whose tuberculosis skin test is positive must have a chest x-ray within thirty days following the skin test.

(5) The department does not require retesting unless a person believes they have been exposed to someone with tuberculosis or if testing is recommended by their health care provider.

NEW SECTION

WAC 388-160-0575 What nutritional guidelines must I follow? An overnight youth shelter providing meals must consider the age, cultural background, and nutritional requirements of youth served when preparing meals.

NEW SECTION

WAC 388-160-0585 What are your requirements for protecting a youth under my care from child abuse and neglect? As part of ensuring health, welfare and safety, you must protect youth in your care from all forms of child abuse and neglect (see RCW 26.44.020(12)).

NEW SECTION

WAC 388-160-0595 What are the requirements about nondiscrimination? Overnight youth shelters must follow all state and federal laws regarding nondiscrimination while providing services to youth in care.

NEW SECTION

WAC 388-160-0605 What religious activities are allowed in overnight youth shelters? (1) You must respect the religious rights of the youth in care.

(2) Youth have the right to practice their own faith.

(3) Youth have the right not to practice another person's or any faith.

NEW SECTION

WAC 388-160-0615 How much supervision is required for child care staff and volunteers? The program

supervisor must provide two hours of supervision for each forty hours that child care staff and volunteers work at overnight youth shelters.

NEW SECTION

WAC 388-160-0625 What requirements must I follow when disciplining youth? (1) You are responsible for disciplining youth in your care. This responsibility must not be delegated to any nonstaff, including youth in care.

(2) You must write down your disciplinary practices and include these with your application for a license.

(3) Discipline must be:

(a) Based on an understanding of the individual's needs and stage of development;

(b) Designed to help the youth under your care to develop inner control, acceptable behavior and respect for the rights of others; and

(c) Fair, reasonable, consistent, and related to the individual's behavior.

NEW SECTION

WAC 388-160-0635 What types of disciplinary practices are forbidden? (1) You must not use cruel, unusual, frightening, unsafe or humiliating discipline practices, including but not limited to:

(a) Spanking the youth with a hand or object;

(b) Biting, jerking, kicking, or shaking the youth;

(c) Pulling the youth's hair;

(d) Throwing the youth;

(e) Purposely inflicting pain as a punishment;

(f) Name calling, using derogatory comments, or abusing the youth verbally; and

(g) Threatening the youth with physical harm.

(2) You must not use methods that interfere with a youth's basic needs, including but not limited to:

(a) Depriving the youth of sleep;

(b) Depriving the youth of adequate food, clothing or shelter; or

(c) Interfering with a youth's ability to take care of their own hygiene and toilet needs.

(3) You must not use methods that deprive a youth of necessary services, including:

(a) Access to the youth's legal representative;

(b) DSHS social worker, if one is assigned; or

(c) Emergency medical or dental care.

(4) You must not use medication in an amount or frequency other than that prescribed by a physician or psychiatrist.

(5) You must not use medications for a youth that have been prescribed for someone else.

(6) You must not physically lock doors or windows in a way that prohibits a youth from exiting.

NEW SECTION

WAC 388-160-0645 What types of physical restraint are acceptable for youth in overnight youth shelters? (1) If your overnight youth shelter is approved for the use of

physical restraint, the licensee and staff must be trained in the appropriate use of restraining techniques in accordance with the department's behavior management policy before restraining a youth. Restraint training must be nationally recognized and DLR approved.

(2) You must use other efforts to redirect or de-escalate the situation before using a physical restraint.

(3) If a youth's behavior poses an immediate risk to physical safety you may use physical restraint that is reasonable and necessary to:

(a) Protect youth on the premises from harming themselves or others; or

(b) Protect property from serious damage.

NEW SECTION

WAC 388-160-0655 What types of physical restraint are not acceptable in overnight youth shelters? (1) You must not use physical restraint as a form of punishment.

(2) You must not use mechanical restraints, such as handcuffs and belt restraints.

(3) You must not use locked time-out rooms.

(4) You must not use physical restraint techniques that restrict breathing, inflict pain as a strategy for behavior control or might injure a youth. These include, but are not limited to:

(a) An adult sitting on or straddling a youth;

(b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;

(c) Arm twisting;

(d) Hair holds;

(e) Youth being thrown against walls, furniture, or other large immobile objects;

(f) Choking or putting arms around a throat;

(g) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs; or

(h) Chemical restraints, except prescribed medication, including but not limited to pepper spray.

NEW SECTION

WAC 388-160-0665 Do I need to document instances when physical restraint is used? (1) You must document all instances of the use of physical restraints and follow the behavior management policy of children's administration regarding the information to be reported. You must keep a copy of this document at your overnight youth shelter. At a minimum, you must record:

(a) The youth's name and age;

(b) The date of the use of the restraint;

(c) The time in and out of the restraint;

(d) The events preceding the behavior that lead to using the restraint;

(e) The de-escalation methods that were used;

(f) Names of those involved in the restraint and any observers;

(g) A description of the type of restraint used;

(h) A description of injuries to the youth, or others, including caregivers;

- (i) An analysis of how the restraint might have been avoided; and
- (j) The signature of the person making the report.
- (2) Additional information on behavior management and the use of physical restraints can be obtained from the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-160-010 Authority.
- WAC 388-160-020 Definitions.
- WAC 388-160-030 Exceptions to rules.
- WAC 388-160-040 Effect of local ordinances.
- WAC 388-160-050 Fire standards.
- WAC 388-160-060 Certification of exempt agency.
- WAC 388-160-070 Application or reapplication for license or certification—Investigation.
- WAC 388-160-080 Limitations on licenses and dual licensure.
- WAC 388-160-090 General qualifications of licensee, applicant, and persons on the premises.
- WAC 388-160-100 Age of licensee.
- WAC 388-160-110 Posting of license.
- WAC 388-160-120 Licensure—Denial, suspension, or revocation.
- WAC 388-160-130 Licensed capacity.
- WAC 388-160-140 Discrimination prohibited.
- WAC 388-160-150 Religious activities.
- WAC 388-160-160 Discipline.
- WAC 388-160-170 Corporal punishment.
- WAC 388-160-180 Abuse, neglect, or exploitation.
- WAC 388-160-190 Site and telephone.
- WAC 388-160-200 Equipment, safety, and maintenance.
- WAC 388-160-210 Firearms and other weapons.
- WAC 388-160-220 Prohibited substances.
- WAC 388-160-230 Storage.
- WAC 388-160-240 Bedrooms and sleeping areas.
- WAC 388-160-250 Kitchen facilities.

- WAC 388-160-260 Housekeeping sink.
- WAC 388-160-270 Laundry.
- WAC 388-160-280 Toilets, handwashing sinks, and bathing facilities.
- WAC 388-160-290 Lighting.
- WAC 388-160-300 Pest control.
- WAC 388-160-310 Sewage and liquid wastes.
- WAC 388-160-320 Water supply.
- WAC 388-160-340 Health and emergency policies and procedures.
- WAC 388-160-350 First aid.
- WAC 388-160-360 Medication management.
- WAC 388-160-370 Staff health.
- WAC 388-160-380 HIV/AIDS education and training.
- WAC 388-160-390 Nutrition.
- WAC 388-160-400 Bedding.
- WAC 388-160-410 Overnight youth shelters—Purpose and limitations.
- WAC 388-160-420 Governing body/citizens board for overnight youth shelters.
- WAC 388-160-430 Intake.
- WAC 388-160-440 Groupings.
- WAC 388-160-460 Staffing.
- WAC 388-160-470 Supervision of youth.
- WAC 388-160-480 Child care workers—Qualifications.
- WAC 388-160-490 Program supervision.
- WAC 388-160-500 Training.
- WAC 388-160-510 Services.
- WAC 388-160-520 Client records and information—Overnight youth shelters.
- WAC 388-160-530 Personnel policies and records—Overnight youth shelters.
- WAC 388-160-540 Reporting of death, injury, illness, epidemic, or child abuse.
- WAC 388-160-550 Reporting runaway youth.
- WAC 388-160-560 Reporting circumstantial changes.

PERMANENT

WSR 01-16-003
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 18, 2001, 4:00 p.m.]

Date of Adoption: July 18, 2001.

Purpose: To clarify and update old insufficient language. By request of the Attorney General's Office establish discipline; emergency and grounds for denial, suspension or revocation. Establish burden of proof section. Establish rules as a result of the passing of ESSB 6264.

Citation of Existing Rules Affected by this Order: Amending chapter 392-153 WAC.

Statutory Authority for Adoption: Chapters 28A.220 and 46.82 RCW.

Adopted under notice filed as WSR 01-11-064 on May 11, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 7, Amended 9, 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 7, Amended 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 7, Amended 9, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 7, Amended 9, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 18, 2001

Dr. Terry Bergeson
 Superintendent of
 Public Instruction

NEW SECTION

WAC 392-153-001 Authority. RCW 28A.220.030 and 46.20.100 authorize the superintendent of public instruction to adopt rules and regulations governing the operation and scope of the traffic safety program and to monitor the quality of the program and carry out the purpose of this chapter regarding all public, commercial, and private traffic safety programs.

AMENDATORY SECTION (Amending Order 92-04, filed 1/22/92, effective 2/22/92)

WAC 392-153-005 Purposes. The purposes of this chapter are to implement chapter 28A.220 RCW and establish the basic requirements governing the operations and scope of traffic safety education programs which may be conducted by a Washington approved commercial or private driving school or any school district maintaining a secondary school which includes any of the grades 10 through 12 or a

commercial driving school under the requirements of RCW 46.20.100.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-153-010 Definitions. (1) A "traffic safety education course" (~~shall~~) means (~~an accredited~~) a course of instruction in traffic safety education approved by the superintendent of public instruction, and for commercial driving schools teaching students between fifteen and eighteen years of age, licensed and approved by the department of licensing, which shall consist of two phases: Classroom instruction and laboratory experience which shall be concurrent and integrated.

(2) "Classroom instruction" (~~shall~~) means that portion of a traffic safety education course, based in a classroom environment, which is characterized by student learning under the management of a qualified teacher or teachers. Such classroom instruction shall consist of not less than thirty hours of teacher contact time in a classroom setting and where direct instruction, or teacher-led activities, does not constitute less than fifty percent of the classroom instruction.

(3) "Laboratory experience" shall mean that portion of a traffic safety education course, covering motor vehicle operation under real or simulated conditions, characterized by student learning experiences arising from use of simulation equipment, an off-street multiple car driving range, and/or on-street driving (~~practice~~) experience in a dual controlled car under the direction of a teacher.

(4) A "qualified teacher of traffic safety education" shall mean an instructor certificated under the provisions of chapter 28A.410 RCW and certificated by the superintendent of public instruction to teach either the classroom phase or the laboratory phase of the traffic safety education course, or both, under regulations promulgated by the superintendent: Provided, That the laboratory phase of the traffic safety education course may be taught by instructors certificated under rules promulgated by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under the provisions of chapter 28A.410 RCW. Commercial instructors certificated under the provisions of chapter 46.82 RCW, and participating in this program, shall be subject to qualification requirements jointly adopted by the superintendent of public instruction and the director of the department of licensing.

(5) "Course work" means credits (normally 100 level or above) awarded by a regionally accredited institution as defined in WAC 180-78A-010(6) or continuing education credit pursuant to chapter 180-85 WAC and approved by the superintendent of public instruction as traffic safety professional growth for the betterment of the teacher's instructional ability. Definition of "course work" shall apply when applying for conditional renewals and continuing education.

(6) "Certification of parent involvement" means where a parent, guardian, or employer has verified in writing to the department of licensing that the driver license applicant, under eighteen years of age (as of 7/1/2001) has had at least fifty hours of guided practice driving experience, ten of which were at night, during which the driver was supervised

by a person at least twenty-one years of age who has had a valid driver's license for at least five years.

(7) "Implementation of guided practice" means the process which traffic safety personnel provides information on models for adult guided practice. This may include school policy on the requirement and delivery of guided practice.

(8) "Clock hour" of course work or instruction is defined as not less than sixty minutes of student instruction time.

(9) "Teacher trainer" is a person who has completed course work approved by the office of the superintendent of public instruction in teacher preparation for traffic safety education.

AMENDATORY SECTION (Amending Order 92-04, filed 1/22/92, effective 2/22/92)

WAC 392-153-014 State certificate of program approval of traffic safety education programs. (1) The superintendent of public instruction shall approve traffic safety education programs on an annual basis. Only programs meeting the requirements of this chapter shall be approved. Only approved programs shall be entitled to completion certificates for issuance to students under eighteen years of age for completing an approved traffic safety program.

(2) Upon an annual review for program approval, current traffic safety education programs and program applicants will receive notification of program approval status.

AMENDATORY SECTION (Amending Order 92-04, filed 1/22/92, effective 2/22/92)

WAC 392-153-015 State reimbursement to school districts. State reimbursement to school districts operating approved traffic safety education programs shall be provided pursuant to WAC 392-122-300 through 392-122-322 and WAC 392-122-905 through 392-122-910. The superintendent of public instruction may provide per-pupil reimbursements to school districts only where all the traffic educators have satisfied the continuing education requirements of RCW 28A.220.030(4).

NEW SECTION

WAC 392-153-017 Reporting. (1) All school districts, private and commercial schools shall report to the superintendent of public instruction any traffic related infractions, deferred prosecution, and/or convictions concerning certificated employees or its traffic safety education programs. Any approved traffic safety education program that does not comply with requirements of reporting may have its program approval denied, reprimanded, suspended, or revoked pursuant to WAC 392-153-022.

(2) In all proceedings, where public schools contract the behind the wheel portion to a commercial school, any and all portions of contracted activity shall be considered to be under the jurisdiction of the public school program.

AMENDATORY SECTION (Amending Order 96-18, filed 11/27/96, effective 12/28/96)

WAC 392-153-020 Teacher ~~((and instructor))~~ qualifications. (1) A teacher certificated under provisions of chapter 28A.410 RCW shall be eligible to be endorsed or receive a letter of authorization issued by the superintendent of public instruction to teach the classroom or laboratory phases of the traffic safety education program if he/she possesses the following qualifications in addition to those required under chapter 28A.410 RCW:

(a) Possesses a valid Washington state driver's license or a valid license issued by an adjacent state provided the person is a legal resident of the adjacent state and is employed by a Washington school district, commercial or private school.

(b) Provides a complete record(s) or complete abstract, to the employing school district or commercial or private school, on an annual basis from the Washington state department of licensing and/or other driver licensing jurisdiction for a five-year period showing:

(i) Not more than one moving traffic violation within the preceding 12 months or more than two moving traffic violations in the preceding 24 months;

(ii) No alcohol related traffic violation, conviction or infraction within the preceding ~~((three))~~ five years;

(iii) No driver's license suspension, cancellation, revocation or denial within the preceding three years.

(c) Verification by the employing school district, private or commercial driving school that the applicant complies with all of the requirements for teaching traffic safety education as set forth in this chapter.

(d) Has completed ~~((the equivalent of four 3-quarter credit hour courses in traffic safety education))~~ 12 quarter hours (8 semester hours) of course work from a regionally accredited institution as defined in WAC 180-78A-010(6) and as approved by the office of the superintendent of public instruction.

~~((d))~~ (e) Possesses a valid traffic safety education endorsement issued by the superintendent of public instruction.

(2) Any person endorsed by the superintendent of public instruction to teach traffic safety education in the state of Washington prior to May 27, 1969, and who possesses a conditional certificate but does not hold a valid teaching certificate required by WAC 392-153-010(4), shall continue to be qualified to teach both classroom and laboratory phase of traffic safety education in this state on the condition that he or she renew such conditional certificate on a two-year basis and maintain a satisfactory driving record as set forth above in WAC 392-153-020 (1)(a) and (1)(b). Such endorsed person must fulfill all requirements relating to continuing education.

(3) ~~((The laboratory phase of the traffic safety education course may be taught by a commercial instructor licensed by the department of licensing pursuant to chapter 46.82 RCW or an instructor who, although not certificated pursuant to chapter 28A.410 RCW or chapter 46.82 RCW, serves under the supervision of the district traffic safety education program coordinator or his/her designee and who meets the following qualifications:~~

(a) Possesses a valid Washington state driver's license.

(b) Is at least 21 years of age.

(c) Has at least 5 years of driving experience.

(d) Holds a high school diploma or its equivalent.

(e) Provides a record(s) from the Washington state department of licensing and/or other driver licensing jurisdiction for a 5 year period showing a satisfactory driving record as set forth above in WAC 392-153-020 (1)(b).

(f) Provides evidence of the following:

(i) Completion of at least sixty 60-minute clock hours of study in the field of driving instruction as required by RCW 46.82.330 and as approved by the office of the superintendent of public instruction and the department of licensing;

(ii) Completion of behind-the-wheel supervised practice in instructing;

(iii) A recommendation for a certificate from a school district superintendent or designee, or from a commercial school approved by the office of the superintendent of public instruction.

(g) Passes practical and knowledge examinations developed and administered by the department of licensing and required under provisions of chapter 46.82 RCW for commercial instructors.

(h) Provides evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies:

(i) Uses teaching methods which allow for individual student driving abilities, reduces student anxieties, and involves backseat observers;

(ii) Communicates clearly, using appropriate technical vocabulary;

(iii) Select routes for on-street and on-site lessons and conducts student learning activities from simple to complex which correspond with the learner's mental, physical and emotional performance capabilities in coordination with classroom activities;

(iv) Maintains a position within the vehicle for awareness of the traffic scene and utilizes control instruments to maintain safety and facilitate instruction;

(v) Applies uniform evaluation criteria in assessing needs and progress of students during and after each lesson.

(i) Persons desiring to teach in the simulator or on the multiple car driving range shall provide evidence of having completed an additional thirty clock hours of study which includes supervised practice in instructing in each area as approved by the office of the superintendent of public instruction and the department of licensing: Provided, That a person who holds a valid certificate under the provisions of chapter 28A.410 RCW and meets the requirements for traffic safety certification set forth under WAC 392-153-020(1) who is employed as a paraprofessional shall not be required to meet any of the requirements set forth above in WAC 392-153-020(3).

(4) The superintendent of public instruction may issue the conditional certificate to any person who files an application, pays the appropriate fee(s), and meets the requirements set forth in WAC 392-153-020 (2) or (3) for certification as an instructor of the laboratory phase of traffic safety education.

(5) Certificates issued to teach the laboratory phase of traffic safety education under provisions of chapter 392-153

WAC shall be valid for two years or less and only for the activity specified. Reissuance of such certificates shall be subject to the following requirements:

(a) Verification of employment or intent to employ;

(b) Verification of a satisfactory driving record;

(c) Verification of having completed 60 clock hours of course work since the issuance of the most recent certificate as approved by the employing school district or employing driving school.

(6) The fee for the conditional certificate shall be \$10.00 which shall be remitted to an educational service district.

(7) When no person with regular certification endorsed in traffic safety education is available as verified by the school district or education service district or commercial school the classroom phase may be taught by an instructor licensed by the department of licensing and holds or has held a conditional certificate from the superintendent of public instruction and meets the following qualifications:

(a) Possesses a valid Washington state driver's license.

(b) Is at least 21 years of age.

(c) Has at least 5 years of driving experience.

(d) Holds a high school diploma or its equivalent.

(e) Provides a record or records from the Washington state department of licensing and/or other driver licensing jurisdiction for a 5 year period showing a satisfactory driving record as set forth in subsection (1)(b) of this section.

(f) Provides evidence of the following:

(i) Completion of at least 1,000 hours of behind-the-wheel teaching experience.

(ii) Completion of an 80-hour instructor training program approved by the office of the superintendent of public instruction.

(iii) The 80-hour instructor training course shall consist of not less than the following content areas: Teaching techniques, classroom management, use of technology and media, course content covering WAC 392-153-032, student evaluation and classroom teaching experience.

(iv) A recommendation for a classroom conditional certificate from the district superintendent or designee or the commercial school owner.

(8) Certificates issued to teach the classroom phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for two years or less and only for the activity specified. Reissuing of such certificates shall be subject to the following requirements:

(a) Verification of employment or intent to employ.

(b) Verification of a satisfactory driving record.

(c) Verification of having completed 60 hours of course work since the issuance of the most recent certificate as approved by the employing school district or employing commercial driving school.)) The course work requirement for certificated teachers endorsed in traffic safety education shall be forty clock hours every five years or equivalent college credit in traffic safety education.

NEW SECTION

WAC 392-153-021 Conditional instructor qualifications. (1) The behind-the-wheel conditional course is to be taught by a regionally accredited college as defined in WAC

180-78A-010(6), state approved teacher training program, or teacher trainer approved by the superintendent of public instruction.

(2) The laboratory phase of the traffic safety education course may be taught by a commercial instructor licensed by the department of licensing pursuant to chapter 46.82 RCW or an instructor who, although not certificated pursuant to chapter 28A.410 or 46.82 RCW, serves under the supervision of the Washington state school district traffic safety education program coordinator or his/her designee and who meets the following qualifications:

- (a) Possesses a valid Washington state driver's license.
- (b) Is at least twenty-one years of age.
- (c) Has at least five years of driving experience.
- (d) Holds a high school diploma or its equivalent.
- (e) Provides a complete record(s) or complete abstract, to the employing school district, commercial, or private school, on an annual basis from the Washington state department of licensing and/or other driver licensing jurisdiction for a five-year period as set forth in WAC 392-153-020.

(f) Provides evidence of the following:

(i) Completion of at least sixty hours of course work as defined in WAC 392-153-010(5) in the field of driving instruction taught by a teacher-trainer as approved by the office of the superintendent of public instruction and the department of licensing;

(ii) Completion of behind-the-wheel supervised practice in instructing;

(iii) A request for a certificate from a school district or private school superintendent or designee, or from a commercial school owner approved by the office of the superintendent of public instruction that wishes to employ the instructor.

(g) Passes practical and knowledge examinations developed and administered by the department of licensing and required under provisions of chapter 46.82 RCW for commercial instructors.

(h) Provides evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies:

(i) Uses teaching methods which allow for individual student driving abilities, reduces student anxieties, and involves backseat observers;

(ii) Communicates clearly, using appropriate technical vocabulary;

(iii) Establishes, utilizes and/or follows teaching lesson plans, selects routes for behind the wheel lessons and conducts student learning activities from simple to complex which correspond with the learner's mental, physical and emotional performance capabilities in coordination with classroom activities;

(iv) Maintains a position within the vehicle for awareness of the traffic environment and utilizes visual skills and physical control instruments to maintain safety and facilitate instruction;

(v) Applies uniform evaluation criteria in assessing needs and progress of students during and after each lesson and gives appropriate prescription for additional driving experience and/or parent guided practice.

(i) Persons desiring to teach in the simulator or on the multiple car driving range shall provide evidence of having completed an additional thirty hours of course work as defined by WAC 392-153-010(5) which includes supervised practice in instructing in each area as approved by the office of the superintendent of public instruction and the department of licensing: Provided, That a person who holds a valid certificate under the provisions of chapter 28A.410 RCW and meets the requirements for traffic safety certification set forth under WAC 392-153-020(1) who is employed as a conditionally certificated person shall not be required to meet any of the requirements set forth in WAC 392-153-020(3).

(3) The superintendent of public instruction may issue the conditional certificate to any person who completes all course work, and complies with chapter 180-79A WAC. An applicant must meet all the requirements set forth in WAC 392-153-020 (2) or (3) for certification as an instructor of the laboratory phase of traffic safety education and provide evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies listed in WAC 392-153-020.

(4) The classroom conditional teacher-training course is to be taught by a regionally accredited college as defined in WAC 180-78A-010(6), state approved teacher training program, or teacher trainer approved by the superintendent of public instruction.

(5) Conditional certificates issued to teach the laboratory phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for two years or less and only for the activity specified. Reissuance of such certificates shall be subject to the following requirements:

(a) Verification of employment or intent to employ;

(b) Verification of a satisfactory driving record as outlined in WAC 392-153-020;

(c) Verification of having completed sixty clock hours of course work since the issuance of the most recent certificate as approved by the employing school district or employing driving school in accordance with WAC 392-153-010(5).

(6) The conditional certificate fee and requirements shall be in accordance with chapter 180-79A WAC.

(7) When no person with regular certification endorsed in traffic safety education is available as verified by the school district or education service district or commercial school, the classroom phase may be taught by an instructor licensed by the department of licensing and who holds or has held a conditional certificate from the superintendent of public instruction and meets the following qualifications:

(a) Possesses a valid Washington state driver's license.

(b) Is at least twenty-one years of age.

(c) Has at least five years of driving experience.

(d) Holds a high school diploma or its equivalent.

(e) Provides a complete record or records from the Washington state department of licensing and/or other driver licensing jurisdiction for a five-year period showing a satisfactory driving record as set forth in subsection (2)(e) of this section.

(f) Provides evidence of the following: Provides evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies:

(i) Completion of at least 1,000 hours of behind-the-wheel teaching experience over a two-year period.

(ii) Completion of an eighty clock hours instructor training course is to be taught by a regionally accredited college as defined in WAC 180-78A-010(6), state approved teacher training program, or teacher trainer approved by the superintendent of public instruction.

(iii) The 80-hour instructor training course shall consist of not less than the following content areas: Teaching techniques, classroom management, use of technology and media, course content covering WAC 392-153-032, student evaluation, classroom teaching experience and writing lesson plans.

(iv) A recommendation for a classroom conditional certificate from the school district superintendent or designee, private school administrator or designee, or the commercial school owner.

(8) Certificates issued to teach the classroom phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for two years or less and only for the activity specified. Reissuing of such certificates shall be subject to the following requirements:

(a) Verification of employment or intent to employ.

(b) Verification of a satisfactory driving record.

(c) Verification of having completed 60 hours of course work since the issuance of the most recent certificate as approved by the employing school district or employing commercial driving school in accordance with WAC 392-153-010(5).

NEW SECTION

WAC 392-153-022 Discipline—Grounds for denial, reprimand, suspension, or revocation of certification endorsement or program approval. (1) A request for program approval may be denied or a program approval issued under this chapter may be suspended, reprimanded, or revoked for failure to meet any of the minimum requirements set forth in this chapter.

(2) Conduct by an owner or instructor which does not meet a realistic level of effort as described in WAC 392-153-032 or that amounts to a behavior problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues, is grounds for denial, reprimand, suspension, or revocation of program approval whether or not the conduct constitutes a crime. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to denial, reprimand, suspension, or revocation action.

(3)(a) Any instructor in traffic safety education for public, private, or commercial driving school in voluntary treatment for alcohol or other drug misuse shall have his or her certification endorsement suspended until successful treatment is satisfactorily completed and the completion is confirmed by a state-approved alcohol or other drug treatment program at which time the certification endorsement will be reinstated.

(b) In all cases of alcohol related infractions, deferred prosecution and/or convictions under chapter 10.05 RCW, the certification endorsement shall be suspended until the

court confirms successful completion of the court approved treatment program at which time the certification endorsement will be reinstated.

NEW SECTION

WAC 392-153-023 Discipline—Emergency suspension. If the superintendent of public instruction finds that public health, safety, or welfare of students, instructors, teachers, or general public is threatened or compromised and requires an emergency action, and incorporates a finding to that effect in its order, emergency suspension of the program approval for public, private, or commercial driving schools may be ordered pending proceedings for revocation or other action. In all cases in this section, the superintendent of public instruction shall expedite all due process actions as quickly as possible.

NEW SECTION

WAC 392-153-024 Discipline—Appeals—Adjudicative proceedings. (1) Any person desiring to appeal a decision of a traffic safety education program denial, reprimand, suspension, or revocation of approval, may do so to the superintendent of public instruction or designee in accordance with the adjudicative proceedings in RCW 34.05.413 through 34.05.494 and the administrative practices and procedures of the superintendent of public instruction in chapter 392-101 WAC.

(2) The superintendent of public instruction may assign the adjudicative proceeding to the office of administrative hearings and may delegate final decision-making authority to the administrative law judge conducting the hearing.

(3) The superintendent of public instruction may appoint a person to review initial orders and to prepare and enter final agency orders in accordance with RCW 34.05.464.

(4) Any person who disagrees with the superintendent of public instruction or its designee's determination of failure to meet any traffic safety education program approval qualifications, may request that the school district or driving school forward the pertinent records to the superintendent of public instruction. After review or investigation, the superintendent of public instruction will grant, deny, reprimand, suspend, or revoke the program approval.

AMENDATORY SECTION (Amending Order 96-18, filed 11/27/96, effective 12/28/96)

WAC 392-153-025 Traffic safety education vehicles. All vehicles loaned by an automobile dealer shall comply with subsections (1), (2), (3) and (4) of this section. District-owned vehicles shall comply with subsections (1), (2) and (4) of this section only.

(1) Equipment. Every vehicle used in on-street instruction shall be equipped with a dual control brake, rear view mirror for the instructor, and seat belts for each occupant.

(2) Signing. Every vehicle used in on-street instruction shall have a sign where the lettering and background colors shall be of contrasting shades so as to be clearly readable at one hundred feet in clear daylight. The sign shall be readable

from the rear with normal vision from a safe following distance. The sign shall designate the vehicle as a traffic safety education vehicle or a vehicle driven by a student driver (~~or display a recognizable symbol designating student driver~~). The sign shall have letter size not less than two inches high.

(3) Use. A traffic safety education vehicle shall be used exclusively for traffic safety education purposes while the course is in session.

(4) Inspection. Every vehicle used in the public, commercial and private traffic safety education program shall pass ~~((the))~~ a safety inspection requirement pursuant to WAC 392-143-070 and 392-153-025. Commercial and private programs, in lieu of chapter 46.32 RCW, shall use the superintendent of public instruction approved self-inspection form unless providing a contracted service for the laboratory phase to a public school. The approved self-inspection form shall be submitted annually to the superintendent of public instruction for each vehicle used for behind-the-wheel instruction and shall be on file at the commercial or private driving school.

AMENDATORY SECTION (Amending Order 96-18, filed 11/27/96, effective 12/28/96)

WAC 392-153-032 Realistic level of effort. (1) Each school district, private school, and commercial driving school shall have a locally written curriculum guide available to each teacher and such guide shall be used by each teacher in the traffic safety education program. A student shall not enroll in a traffic safety education class after classroom instruction has started. The exception is public school transferring students where there is a sufficient amount of time to complete traffic safety education instruction.

The student shall be taught at least the following program concepts: introduction to highway transportation system; preparing and controlling the vehicle; maneuvering in limited space; signs, signals, and pavement markings; vehicle characteristics; human functions used in driving; roadway variations; intersections; management of time and space; lane changes; passing; nonmotorized traffic; internal factors affecting driving performance; physical factors affecting driving performance; alcohol and drugs; vehicle maintenance; planning for travel; limited visibility; reduced traction; special driving conditions; vehicle malfunctioning; avoiding and minimizing impact; post-crash responsibilities; legal responsibilities; highway transportation system improvement; fuel conservation; and motorcycle awareness. The guide shall also include:

(a) The performance objectives appropriate for the area of instruction.

(b) The methods of instruction used by the teacher in presenting the material where direct instruction does not constitute less than fifty percent of the classroom instruction as approved by the superintendent of public instruction.

(c) The student activities that will enable a student to accomplish the objectives and to the extent possible allow for individual differences.

(d) The level of competency each student is to successfully complete for each objective.

(e) The evaluation criteria for the classroom and laboratory phase.

(f) A flow chart that indicates how the classroom and laboratory lessons are sequenced and integrated.

(2) A student enrolled in a traffic safety education program must have a valid driver's permit issued before or within seven days after the start date of the traffic safety education classroom instruction. A student shall meet the objectives and competencies listed in the district, private and commercial driving school curriculum guide, as approved by the office of the superintendent of public instruction, as a condition of successful completion of the traffic safety education program. Effective January 31, 2003, all completing students must pass a comprehensive written and driving test as verified by providing results of achieving a criteria of not less than eighty percent accuracy rate. Comprehensive written exams must be approved or provided by the superintendent of public instruction.

For the purposes of school district reporting and state reimbursement a completing student means a person under twenty-one years of age at the time of enrollment who has enrolled in an approved course and has met one of the following criteria:

(a) Has completed all the program objectives as required by the school district and approved by the state superintendent of public instruction and has received a passing grade; or

(b) Has received a failing grade after attending more than fifty percent of the program's scheduled classes but achieved less than ninety percent of the program objectives; or

(c) Has officially withdrawn, dropped, or transferred after attending more than fifty percent of the program's scheduled classes.

(3) A student taking the course more than once because of a failing grade on the first and subsequent attempts may be counted as a completing student for each attempt.

The traffic safety education course including the classroom and the laboratory phase shall be provided for students in a time period not to exceed eighteen school weeks nor be less than ~~((nine))~~ eight school weeks in length equaling not less than fifty-six days during the school year: Provided, That ~~((summer school course offerings))~~ public, private, and commercial driving schools offering a summer school course must deliver an approved program that shall not be less than five weeks in length and equaling not less than thirty-five days in length. A minimum course of instruction is defined as not less than thirty hours of contact time in a classroom setting with a certified teacher and not less than four hours of actual driving behind the wheel. Where simulation and/or off-street multiple car driving ranges are utilized, not less than three hours of actual driving behind the wheel per student shall occur. When simulation instruction is used, four hours of instruction equates to one hour of actual driving. When multiple car off-street driving ranges are used for instruction, two hours of instruction equates to one hour of actual driving. In addition, the traffic safety education course shall:

(a) Provide students with no more than two hours of classroom instruction and one hour of on-street instruction during any twenty-four hour period. Where simulation and/or

off-street multiple car driving ranges are utilized, not more than one additional hour per student per day shall be allowed.

(b) Provide laboratory instruction only to students who are currently participating in classroom instruction.

(c) Provide a course where any break time given shall not be counted as classroom sessions or instruction.

(d) Provide a course where any missed classroom sessions shall be made up with assignments and instruction which pertain to the missed lesson(s) according to WAC 392-153-035(2) and does not exceed maximum duration of program.

(e) Provide a course where a student shall not enroll in a traffic safety education class after classroom instruction has started. The exception is public school transferring students where there is a sufficient amount of time for completion of traffic safety education instruction.

(f) Provide a program where driving time is verified by the school's driving routes, lesson plans and student record cards.

(g) Provide not less than four hours of behind-the-wheel observation time to all students enrolled in a traffic safety education class.

AMENDATORY SECTION (Amending Order 80-24, filed 7/9/80)

WAC 392-153-035 Scheduling. (1) Any portions of a traffic safety education course may be taught after regular school hours or on Saturdays, as well as on regular school days or as a summer school course, at the option of the school district.

(2) Classroom and laboratory instruction shall be offered concurrently. Classroom treatment of concepts, where applicable, shall be followed by laboratory treatment of those concepts before other concepts are introduced in the classroom portion of instruction in the traffic safety education course.

(3) Classroom and laboratory instruction shall be conducted during daylight hours: Provided, That such instruction may be extended to the hours of ~~((5:00))~~ 8:00 p.m. during winter months even though darkness may occur prior to ~~((5:00))~~ 8:00 p.m.: Provided further, That classroom instruction may be conducted at night for those students who are currently not enrolled in a high school but are otherwise eligible to attend or where the school district conducts one or more educational offerings at night for high school students.

(4) Night driving experiences may be offered as a part of the traffic safety education course: Provided, That (a) a student has previously completed sufficient daytime driving experience, and (b) such night driving experience shall in no case exceed fifty percent of the student's total driving experience.

On-street instruction shall be included in all programs.

(5) The traffic safety education course including the classroom and the laboratory phase shall be provided for students in a time period not to exceed eighteen school weeks nor be less than eight school weeks in length equaling not less than fifty-six days during the school year: Provided, That public school summer school course offerings, private and commercial driving schools offering an approved program shall not be less than five weeks in length and equaling not

less than thirty-five days in length. A minimum course of instruction is defined as not less than thirty hours of contact time in a classroom setting with a certified teacher and not less than four hours of actual driving behind the wheel. Where simulation and/or off-street multiple car driving ranges are utilized, not less than three hours of actual driving behind the wheel per student shall occur. When simulation instruction is used, four hours of instruction equates to one hour of actual driving. When multiple car off-street driving ranges are used for instruction, two hours of instruction equates to one hour of actual driving. In addition, the traffic safety education course shall:

(a) Provide students with no more than two hours of classroom instruction and one hour of on-street instruction during any twenty-four hour period. Where simulation and/or off-street multiple car driving ranges are utilized, not more than one additional hour per student per day shall be allowed.

(b) Provide laboratory instruction only to students who are currently participating in classroom instruction.

(c) Provide a course where any break time given shall not be counted as classroom sessions or instruction during a thirty-hour minimum classroom course offering.

(d) Provide a course where any missed classroom sessions shall be made up with assignments and instruction which pertain to the missed lesson(s) according to WAC 392-153-035(2) and does not exceed maximum duration of program.

(e) Provide a course where a student shall not enroll in a traffic safety education class after classroom instruction has started. The exception is public school transferring students where there is a sufficient amount of time for completion of traffic safety education instruction.

(f) Provide a program where driving time is verified by the school's driving routes and lesson plans.

(g) Provide not less than four hours of behind-the-wheel observation time to all students enrolled in a traffic safety education class.

AMENDATORY SECTION (Amending Order 80-24, filed 7/9/80)

WAC 392-153-040 Administration. (1) Each school district, private, or commercial driving school shall appoint a supervisor, coordinator, master teacher or other person to be in charge of the district's, private, or commercial driving school's traffic safety education program. The person appointed pursuant to this section shall be responsible for ensuring that the requirements of this chapter governing the operation of an approved traffic safety education course are adequately maintained on a continuing basis.

(2) Each school district, private, or commercial driving school shall adopt a written policy including, but not limited to, enrollment criteria, student fees, student fee refunds, failures, repeats, and for public schools written policies of access for part-time and home-based students.

(3) Each school district, private, or commercial driving school shall maintain individual student records on forms provided by the superintendent of public instruction or an equivalent form approved by the superintendent of public

instruction which includes the student's progress, time involvement and evaluation results.

Records shall include information pertaining to attendance, classroom and behind-the-wheel, starting and ending dates. Time of instruction shall be included on student records. Records shall also include, for commercial and private traffic safety education programs, the office of the superintendent of public instruction teacher and instructor certificates which shall be posted in a conspicuous place at the location where instruction takes place. Registration of public school traffic safety education teacher and instructor certificates shall be referred to chapter 28A.410 RCW.

(4) Each school district shall maintain accurate cost records as required by F-196, Part II, as now or hereafter amended and such further information and records as may be required by *The Accounting Manual for Public School Districts of the State of Washington*.

(5) Every school district, private, or commercial driving school is to submit in writing all reportable traffic safety education motor vehicle collisions and injury and fatality collisions to the superintendent of public instruction within forty-eight hours of occurrence.

NEW SECTION

WAC 392-153-045 Burden and standard of proof. (1) If an application for a new program approval or a program under new ownership has been denied for lack of compliance with this chapter, the evidence submitted by the applicant must prove by a preponderance of the evidence that the program meets approval standards.

(2) In all other program approvals and proceedings, including denials, reprimands, suspensions, and revocations, the superintendent of public instruction must prove by a preponderance of the evidence that the program in question fails to meet approval standards.

WSR 01-16-005

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed July 19, 2001, 10:36 a.m.]

Date of Adoption: July 19, 2001.

Purpose: This rule adopts the current versions of National Institute of Standards and Technology (NIST) Handbooks. Specifically NIST Handbook 130 entitled, *Uniform Laws and Regulations in the areas of legal metrology and motor fuel quality* and NIST Handbook 44 entitled, *Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices*.

Citation of Existing Rules Affected by this Order: Amending WAC 16-662-105 and 16-662-110.

Statutory Authority for Adoption: RCW 19.94.195.

Adopted under notice filed as WSR 01-11-045 on May 10, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 19, 2001

William E. Brookreson

Deputy Director

AMENDATORY SECTION (Amending WSR 00-14-005, filed 6/23/00, effective 7/24/00)

WAC 16-662-105 Adoption—Weighing and measuring equipment requirements—Package checking—Packaging and labeling—Method of sale—Price verification.

(1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment shall be those contained in the ((2000)) 2001 Edition of the National Institute of Standards and Technology (NIST) Handbook 44, published by the U.S. Department of Commerce, entitled the *National Institute of Standards and Technology Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices*.

(2) The procedures for checking the accuracy of the net contents of packaged goods shall be those contained in the Third Edition of National Bureau of Standards (NBS) Handbook 133 published by the United States Department of Commerce, entitled the *National Bureau of Standards Handbook 133 - Third Edition - Checking the Net Contents of Packaged Goods* as modified by NIST Handbook 133 Supplements 1, 2, 3, and 4, issued in 1990, 1991, 1992, and 1994 respectively.

(3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification shall be those contained in the ((2000)) 2001 Edition of National Institute of Standards and Technology Handbook 130, entitled the *NIST Handbook 130 - Uniform Laws And Regulations in the areas of legal metrology and motor fuel quality*, specifically:

(a) Weights and measures requirements for all food and nonfood commodities in package form shall be the *Uniform Packaging and Labeling Regulation* requirements as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2000)) 2001 Edition.

(b) Weights and measures requirements for the method of sale of food and nonfood commodities shall be those found

in the *Uniform Regulation for the Method of Sale of Commodities* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2000)) 2001 Edition.

(c) Weights and measures requirements for price verification shall be the *Examination Procedures for Price Verification* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2000)) 2001 Edition.

AMENDATORY SECTION (Amending WSR 99-07-056, filed 3/16/99, effective 4/16/99)

WAC 16-662-110 Modifications to NIST Handbook 44. The following modifications are made to Handbook 44, identified in WAC 16-662-105:

(1) General Code:

(a) Section G-T. Tolerances. In paragraphs (b), (c), and (d) of subsection G-T.1. "Acceptance Tolerances", change "30 days" to "90 days."

(b) Section G-UR. User Requirements. In the last sentence of subsection G-UR.4.1. "Maintenance of Equipment", change "device user" to "device owner or operator."

(2) Scale Code: Section UR.3. Use Requirements. At the end of subsection UR.3.7.(a) add "and homeowner refuse."

(3) ~~(Vehicle Tank Meters Code: Section UR.2.2 Ticket Printer, Customer Ticket. Change the effective dates in brackets at the end of the section to read as follows (Nonretroactive as of June 30, 1999. To become retroactive as of January 1, 2001.)~~

(4)) Appendix D Definitions, Direct Sale. Replace with the following: "A sale in which both parties in the transaction are present when the quantity is being determined."

WSR 01-16-007

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed July 19, 2001, 3:33 p.m.]

Date of Adoption: June 29, 2001.

Purpose: WAC 246-817-440 Continuing education requirements for dentists.

Statutory Authority for Adoption: RCW 18.32.0365.

Adopted under notice filed as WSR 01-11-164 on May 23, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 29, 2001

George T. McIntyre

Chairman

Dental Quality

Assurance Commission

NEW SECTION

WAC 246-817-440 Continuing education requirements. (1) **Purpose.** The dental quality assurance commission (DQAC) has determined that the public health, safety and welfare of the citizens of the state will be served by requiring all dentists, licensed under chapter 18.32 RCW, to continue their professional development via continuing education after receiving such licenses.

(2) **Effective date.** The effective date for the continuing education requirement for dentists is July 1, 2001. The first reporting cycle for verifying completion of continuing education hours will begin with renewals due July 1, 2002, and each renewal date thereafter. Every licensed dentist will be required to sign an affidavit attesting to the completion of the required number of hours as a part of their annual renewal requirement.

(3) **Requirements.** Licensed dentists must complete twenty-one clock hours of continuing education, each year, in conjunction with their annual renewal date. DQAC may randomly audit up to twenty-five percent of practitioners for compliance after the credential is renewed as allowed by chapter 246-12 WAC, Part 7.

(4) **Acceptable continuing education - Qualification of courses for continuing education credit.** DQAC will not authorize or approve specific continuing education courses. Continuing education course work must contribute to the professional knowledge and development of the practitioner, or enhance services provided to patients.

For the purposes of this chapter, acceptable continuing education shall be defined as courses offered or authorized by industry recognized state, private, national and international organizations, agencies or institutions of higher learning. Examples of sponsors, or types of continuing education courses may include, but are not limited to:

(a) The American Dental Association, Academy of General Dentistry, National Dental Association, American Dental Hygienists' Association, National Dental Hygienists' Association, American Dental Association specialty organizations, including the constituent and component/branch societies.

(b) Basic first aid, CPR, BLS, ACLS, OSHA/WISHA, or emergency related training; such as courses offered or authorized by the American Heart Association or the American Cancer Society; or any other organizations or agencies.

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(c) Educational audio or videotapes, films, slides, Internet, or independent reading, where an assessment tool is required upon completion are acceptable but may not exceed three hours per year.

(d) Teaching a seminar or clinical course for the first time is acceptable but may not exceed ten hours per year.

(e) Nonclinical courses relating to dental practice organization and management, patient management, or methods of health delivery may not exceed seven hours per year. Estate planning, financial planning, investments, and personal health courses are not acceptable.

(f) Dental examination standardization and calibration workshops.

(g) Provision of clinical dental services in a formal volunteer capacity may be considered for continuing education credits when preceded by an educational/instructional training prior to provision of services. Continuing education credits in this area shall not exceed seven hours per renewal cycle.

(5) Refer to chapter 246-12 WAC, Part 7, administrative procedures and requirements for credentialed health care providers for further information regarding compliance with the continuing education requirements for health care providers including:

- (a) When is continuing education required?
- (b) How to prove compliance.
- (c) Auditing for compliance.
- (d) What is acceptable audit documentation?
- (e) When is a practitioner exempt from continuing education?
- (f) How credit hours for continuing education courses are determined.
- (g) Carrying over continuing education credits.
- (h) Taking the same course more than once during a reporting cycle.

WSR 01-16-008

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed July 19, 2001, 3:36 p.m.]

Date of Adoption: June 23, 2001.

Purpose: Adopt rules for completion of prescriptive authority for Schedule II-IV drugs for advanced registered nurse practitioners. Rules outline qualifications, criteria for joint practice agreements, termination of joint practice agreements, the limit on dispensing, education and jurisdiction of the board/commissions.

Statutory Authority for Adoption: RCW 18.57.005 and 18.57.280.

Adopted under notice filed as WSR 01-10-128 on May 2, 2001.

Changes Other than Editing from Proposed to Adopted Version: Grammatical corrections made to WAC 246-853-222 Criteria for joint practice arrangement, subsections (1) and (2), to ensure they are correct sentences.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 7, Amended 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 7, 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.

July 3, 2001

Mark E. Hunt, D.O., Chair
Board of Osteopathic
Medicine and Surgery

NEW SECTION

WAC 246-853-221 How do advanced registered nurse practitioners qualify for prescriptive authority for Schedule II - IV drugs? Applicants must:

- (1) Hold a valid and unrestricted registered nurse license.
- (2) Hold or be eligible for an advanced registered nurse practitioner license with authority for legend drugs and Schedule V drugs. (See also WAC 246-840-410.) As noted in RCW 18.79.250, each advanced registered nurse practitioner prescribes within his or her scope of practice for a particular license specialty.
- (3) Have a joint practice arrangement that meets requirements of WAC 246-853-222 with a physician or physicians licensed under chapter 18.71 or 18.57 RCW who holds a license without restrictions related to prescribing scheduled drugs.

(4) Submit a completed application form for Schedule II - IV endorsement on a form provided by the department of health, nursing care quality assurance commission accompanied by a fee as specified in WAC 246-840-990.

NEW SECTION

WAC 246-853-222 Criteria for joint practice arrangement. The joint practice arrangement shall include:

- (1) The names of both the licensed advanced registered nurse practitioner and the licensed physician, both license numbers and both practice addresses;
- (2) A written agreement that describes how collaboration will occur between the practitioners; and
- (3) The description of the collaboration will vary according to the relationship between the advanced registered nurse practitioner and physician, but must include a description of:
 - (a) When the advanced registered nurse practitioner will consult with a physician;
 - (b) How consultation will occur (e.g., face-to-face, phone, fax, e-mail, etc.);
 - (c) How consultation will be documented.

(4) Joint practice arrangements may be made with more than one physician.

NEW SECTION

WAC 246-853-223 Endorsement of joint practice arrangements for ARNP licensure. (1) The joint practice arrangement shall be submitted by the advanced registered nurse practitioner to the department of health, nursing care quality assurance commission at the time of initial licensure or endorsement and biennially with renewal.

(2) A notice of the joint practice arrangement shall be forwarded by the nursing care quality assurance commission to either the medical quality assurance commission or to the board of osteopathic medicine and surgery for review to assure the physician's license is unrestricted. The medical quality assurance commission or the board of osteopathic medicine and surgery will notify the nursing care quality assurance commission in the event a physician who has signed a joint practice arrangement, has a license with restrictions related to prescribing scheduled drugs.

(3) The advanced registered nurse practitioner can only begin prescribing Schedule II - IV drugs after his or her license endorsement has been issued and he or she has obtained the appropriate Drug Enforcement Administration registration.

NEW SECTION

WAC 246-853-224 Process for joint practice arrangement termination. (1) The joint practice arrangement between the advanced registered nurse practitioner and the physician shall provide for written notice of termination of the arrangement. The nursing care quality assurance commission shall be notified of the termination. Once the joint practice arrangement is terminated, the advanced registered nurse practitioner must submit a new joint practice arrangement before resuming prescribing Schedule II - IV drugs.

(2) The nursing care quality assurance commission will notify either the medical quality assurance commission or the board of osteopathic medicine and surgery that the joint practice arrangement has been terminated.

(3) A joint practice arrangement may be terminated as a result of disciplining action taken by a disciplining authority.

(4) In the event either the advanced registered nurse practitioner or the physician is disciplined, the disciplining authority for the other party will be notified that the joint practice arrangement no longer exists due to disciplinary action.

(5) If an advanced registered nurse practitioner has multiple approved joint practice arrangements and one is terminated, he or she may continue to prescribe Schedule II - IV drugs under the other joint practice arrangement(s).

NEW SECTION

WAC 246-853-225 Seventy-two-hour limit. (1) Advanced registered nurse practitioners can dispense up to a seventy-two-hour supply of Schedule II - IV drugs.

(2) The seventy-two-hour limit on dispensing does not apply to prescribing Schedule II - IV drugs.

NEW SECTION

WAC 246-853-226 Education for prescribing Schedule II - IV drugs. Special education for advanced registered nurse practitioners is strongly recommended in the areas of pain management and drug seeking behaviors and/or addiction. Continuing education credit in these subjects may be applied to the biennial pharmacotherapeutics requirement found in WAC 246-840-450.

NEW SECTION

WAC 246-853-227 Jurisdiction. Nothing in WAC 246-853-221 through 246-853-226 shall be interpreted as giving a disciplining authority jurisdiction over a practitioner not licensed by that commission or board.

**WSR 01-16-009
PERMANENT RULES
DEPARTMENT OF HEALTH**

[Filed July 19, 2001, 3:39 p.m.]

Date of Adoption: July 11, 2001.

Purpose: The proposed changes adjust the fee that medical providers may charge for searching and duplicating medical records. The adjustment is based on the change in the consumer price index for all consumers for the Seattle/Tacoma area.

Citation of Existing Rules Affected by this Order:
Amending WAC 246-08-400.

Statutory Authority for Adoption: RCW 70.02.010.

Other Authority: RCW 43.70.040.

Adopted under notice filed as WSR 01-12-097 on June 6, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 18, 2001

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 99-13-083, filed 6/14/99, effective 7/15/99)

WAC 246-08-400 How much can a medical provider charge for searching and duplicating medical records? RCW 70.02.010(12) allows medical providers to charge fees for searching and duplicating medical records. The fees a provider may charge cannot exceed the fees listed below:

- (1) Copying charge per page:
 - (a) No more than (~~seventy-nine~~) eighty-three cents per page for the first thirty pages;
 - (b) No more than (~~sixty~~) sixty-three cents per page for all other pages.
- (2) Additional charges:
 - (a) The provider can charge (~~an eighteen~~) a nineteen dollar clerical fee for searching and handling records;
 - (b) If the provider personally edits confidential information from the record, as required by statute, the provider can charge the usual fee for a basic office visit.
- (3) This section is effective July 1, (~~1999~~) 2001, through June 30, (~~2001~~) 2003.

WSR 01-16-010
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Medical Quality Assurance Commission)
 [Filed July 19, 2001, 3:40 p.m.]

Date of Adoption: June 23, 2001.

Purpose: Adopt rules for completion of prescriptive authority for Schedule II-IV drugs for advanced registered nurse practitioners. Rules outline qualifications, criteria for joint practice agreements, termination of joint practice agreements, the limit on dispensing, education and jurisdiction of the board/commissions.

Statutory Authority for Adoption: RCW 18.71.017.

Other Authority: RCW 18.71.370.

Adopted under notice filed as WSR 01-10-129 on May 2, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-919-841 was amended to read "The joint practice arrangement shall include:" so the sentences following would be complete sentences.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 7, Amended 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 7, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 29, 2001

Maryella E. Jansen

Acting Executive Director

NEW SECTION

WAC 246-919-840 How do advanced registered nurse practitioners qualify for prescriptive authority for Schedule II - IV drugs? Applicants must:

- (1) Hold a valid and unrestricted registered nurse license.
- (2) Hold or be eligible for an advanced registered nurse practitioner license with authority for legend drugs and Schedule V drugs. (See also WAC 246-840-410.) As noted in RCW 18.79.250, each advanced registered nurse practitioner prescribes within his or her scope of practice for a particular license specialty.
- (3) Have a joint practice arrangement that meets requirements of WAC 246-919-841 with a physician or physicians licensed under chapter 18.71 or 18.57 RCW who holds a license without restrictions related to prescribing scheduled drugs.
- (4) Submit a completed application form for Schedule II - IV endorsement on a form provided by the department of health, nursing care quality assurance commission accompanied by a fee as specified in WAC 246-840-990.

NEW SECTION

WAC 246-919-841 Criteria for joint practice arrangement. The joint practice arrangement shall include:

- (1) The names of both the licensed advanced registered nurse practitioner and the licensed physician, both license numbers and both practice addresses;
- (2) A written agreement that describes how collaboration will occur between the practitioners; and
- (3) The description of the collaboration will vary according to the relationship between the advanced registered nurse practitioner and physician, but must include a description of:
 - (a) When the advanced registered nurse practitioner will consult with a physician;
 - (b) How consultation will occur (e.g., face-to-face, phone, fax, e-mail, etc.);
 - (c) How consultation will be documented.
- (4) Joint practice arrangements may be made with more than one physician.

NEW SECTION

WAC 246-919-842 Endorsement of joint practice arrangements for ARNP licensure. (1) The joint practice arrangement shall be submitted by the advanced registered nurse practitioner to the department of health, nursing care quality assurance commission at the time of initial licensure or endorsement and biennially with renewal.

- (2) A notice of the joint practice arrangement shall be forwarded by the nursing care quality assurance commission

to either the medical quality assurance commission or to the board of osteopathic medicine and surgery for review to assure the physician's license is unrestricted. The medical quality assurance commission or the board of osteopathic medicine and surgery will notify the nursing care quality assurance commission in the event a physician who has signed a joint practice arrangement, has a license with restrictions related to prescribing scheduled drugs.

(3) The advanced registered nurse practitioner can only begin prescribing Schedule II - IV drugs after his or her license endorsement has been issued and he or she has obtained the appropriate Drug Enforcement Administration registration.

NEW SECTION

WAC 246-919-843 Process for joint practice arrangement termination. (1) The joint practice arrangement between the advanced registered nurse practitioner and the physician shall provide for written notice of termination of the arrangement. The nursing care quality assurance commission shall be notified of the termination. Once the joint practice arrangement is terminated, the advanced registered nurse practitioner must submit a new joint practice arrangement before resuming prescribing Schedule II - IV drugs.

(2) The nursing care quality assurance commission will notify either the medical quality assurance commission or the board of osteopathic medicine and surgery that the joint practice arrangement has been terminated.

(3) A joint practice arrangement may be terminated as a result of disciplining action taken by a disciplining authority.

(4) In the event either the advanced registered nurse practitioner or the physician is disciplined, the disciplining authority for the other party will be notified that the joint practice arrangement no longer exists due to disciplinary action.

(5) If an advanced registered nurse practitioner has multiple approved joint practice arrangements and one is terminated, he or she may continue to prescribe Schedule II - IV drugs under the other joint practice arrangement(s).

NEW SECTION

WAC 246-919-844 Seventy-two-hour limit. (1) Advanced registered nurse practitioners can dispense up to a seventy-two-hour supply of Schedule II - IV drugs.

(2) The seventy-two-hour limit on dispensing does not apply to prescribing Schedule II - IV drugs.

NEW SECTION

WAC 246-919-845 Education for prescribing Schedule II - IV drugs. Special education for advanced registered nurse practitioners is strongly recommended in the areas of pain management and drug seeking behaviors and/or addiction. Continuing education credit in these subjects may be applied to the biennial pharmacotherapeutics requirement found in WAC 246-840-450.

NEW SECTION

WAC 246-919-846 Jurisdiction. Nothing in WAC 246-919-840 through 246-919-845 shall be interpreted as giving a disciplining authority jurisdiction over a practitioner not licensed by that commission or board.

WSR 01-16-011

PERMANENT RULES

DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed July 19, 2001, 3:42 p.m.]

Date of Adoption: June 23, 2001.

Purpose: Adopt rules for completion of prescriptive authority for Schedule II-IV drugs for advanced registered nurse practitioners. Rules outline qualifications, criteria for joint practice agreements, termination of joint practice agreements, the limit on dispensing, education and jurisdiction of the board/commissions.

Statutory Authority for Adoption: RCW 18.79.240, chapter 64, Laws of 2000.

Other Authority: RCW 18.79.320.

Adopted under notice filed as WSR 01-10-127 on May 2, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-840-422 was amended to add, "the joint practice agreement shall include:" so that the following sentences would be complete sentences.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 7, Amended 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 7, 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.

June 23, 2001

Frank T. Maziariski, Chair
Nursing Care Quality
Assurance Commission

NEW SECTION

WAC 246-840-421 How do advanced registered nurse practitioners qualify for prescriptive authority for Schedule II - IV drugs? Applicants must:

(1) Hold a valid and unrestricted registered nurse license.

(2) Hold or be eligible for an advanced registered nurse practitioner license with authority for legend drugs and Schedule V drugs. (See also WAC 246-840-410.) As noted in RCW 18.79.250, each advanced registered nurse practitioner prescribes within his or her scope of practice for a particular license specialty.

(3) Have a joint practice arrangement that meets requirements of WAC 246-840-422 with a physician or physicians licensed under chapter 18.71 or 18.57 RCW who holds a license without restrictions related to prescribing scheduled drugs.

(4) Submit a completed application form for Schedule II - IV endorsement on a form provided by the department of health, nursing care quality assurance commission accompanied by a fee as specified in WAC 246-840-990.

NEW SECTION

WAC 246-840-422 Criteria for joint practice arrangement. The joint practice arrangement shall include:

(1) The names of both the licensed advanced registered nurse practitioner and the licensed physician, both license numbers and both practice addresses;

(2) A written agreement that describes how collaboration will occur between the practitioners; and

(3) The description of the collaboration will vary according to the relationship between the advanced registered nurse practitioner and physician, but must include a description of:

(a) When the advanced registered nurse practitioner will consult with a physician;

(b) How consultation will occur (e.g., face-to-face, phone, fax, e-mail, etc.);

(c) How consultation will be documented.

(4) Joint practice arrangements may be made with more than one physician.

NEW SECTION

WAC 246-840-423 Endorsement of joint practice arrangements for ARNP licensure. (1) The joint practice arrangement shall be submitted by the advanced registered nurse practitioner to the department of health, nursing care quality assurance commission at the time of initial licensure or endorsement and biennially with renewal.

(2) A notice of the joint practice arrangement shall be forwarded by the nursing care quality assurance commission to either the medical quality assurance commission or to the board of osteopathic medicine and surgery for review to assure the physician's license is unrestricted. The medical quality assurance commission or the board of osteopathic medicine and surgery will notify the nursing care quality assurance commission in the event a physician who has signed a joint practice arrangement, has a license with restrictions related to prescribing scheduled drugs.

(3) The advanced registered nurse practitioner can only begin prescribing Schedule II - IV drugs after his or her license endorsement has been issued and he or she has obtained the appropriate Drug Enforcement Administration registration.

NEW SECTION

WAC 246-840-424 Process for joint practice arrangement termination. (1) The joint practice arrangement between the advanced registered nurse practitioner and the physician shall provide for written notice of termination of the arrangement. The nursing care quality assurance commission shall be notified of the termination. Once the joint practice arrangement is terminated, the advanced registered nurse practitioner must submit a new joint practice arrangement before resuming prescribing Schedule II - IV drugs.

(2) The nursing care quality assurance commission will notify either the medical quality assurance commission or the board of osteopathic medicine and surgery that the joint practice arrangement has been terminated.

(3) A joint practice arrangement may be terminated as a result of disciplining action taken by a disciplining authority.

(4) In the event either the advanced registered nurse practitioner or the physician is disciplined, the disciplining authority for the other party will be notified that the joint practice arrangement no longer exists due to disciplinary action.

(5) If an advanced registered nurse practitioner has multiple approved joint practice arrangements and one is terminated, he or she may continue to prescribe Schedule II - IV drugs under the other joint practice arrangement(s).

NEW SECTION

WAC 246-840-425 Seventy-two-hour limit. (1) Advanced registered nurse practitioners can dispense up to a seventy-two-hour supply of Schedule II - IV drugs.

(2) The seventy-two-hour limit on dispensing does not apply to prescribing Schedule II - IV drugs.

NEW SECTION

WAC 246-840-426 Education for prescribing Schedule II - IV drugs. Special education for advanced registered nurse practitioners is strongly recommended in the areas of pain management and drug seeking behaviors and/or addiction. Continuing education credit in these subjects may be applied to the biennial pharmacotherapeutics requirement found in WAC 246-840-450.

NEW SECTION

WAC 246-840-427 Jurisdiction. Nothing in WAC 246-840-421 through 246-840-466 shall be interpreted as giving a disciplining authority jurisdiction over a practitioner not licensed by that commission or board.

WSR 01-16-016
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Rehabilitative Services)
 (Developmental Disabilities Division)

[Filed July 19, 2001, 4:30 p.m., effective November 1, 2001]

Date of Adoption: July 16, 2001.

Purpose: Repeal of several sections of chapter 388-820 WAC, Community residential services and support. The Developmental Disabilities Division has rewritten and reorganized chapter 388-820 WAC. A proposal for this revision (CR-102) was filed on April 18, 2001, as WSR 01-04-081. The policy contained in these sections proposed for repeal has been incorporated into the main proposal and therefore these sections are no longer necessary.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-820-005, 388-820-015, 388-820-025, 388-820-035, 388-820-045, 388-820-055, 388-820-065, 388-820-075, 388-820-085, 388-820-095, 388-820-105, 388-820-115, and 388-820-125.

Adopted under preproposal statement of inquiry filed as WSR 01-10-061 on April 27, 2001.

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 13.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 13.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 13.

Effective Date of Rule: November 1, 2001.

July 16, 2001

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

- WAC 388-820-065 Individual service plan.
- WAC 388-820-075 Health services.
- WAC 388-820-085 Client records.
- WAC 388-820-095 Notice of fine and appeal rights.
- WAC 388-820-105 Physical requirements.
- WAC 388-820-115 Payment for service.
- WAC 388-820-125 Change of ownership.

WSR 01-16-022
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND

[Filed July 20, 2001, 9:14 a.m.]

Date of Adoption: June 7, 2001.

Purpose: To implement federal regulatory changes enacted March 12, 1999, resulting from the 1997 amendments to the Individuals with Disabilities Education Act and conform procedures to state law.

Citation of Existing Rules Affected by this Order: Amending WAC 72-171-001, 72-171-010, 72-171-015, 72-171-016, 72-171-110, 72-171-120, 72-171-131, 72-171-140, 72-171-150, 72-171-210, 72-171-220, 72-171-230, 72-171-240, 72-171-410, 72-171-500, 72-171-510 and 72-171-650; and repealing WAC 72-171-100, 72-171-130, 72-171-200, 72-171-400, 72-171-420, 72-171-430, 72-171-600, 72-171-610, 72-171-620, 72-171-630, 72-171-640, and 72-171-700.

Statutory Authority for Adoption: RCW 72.40.022.

Adopted under notice filed as WSR 01-09-019 on April 9, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 72-171-150, added "annual review" to title and corrected statutory references in subsection (8). Renamed heading formerly called "Hearings" which appears before WAC 72-171-601.

Number of Sections Adopted in Order to Comply with Federal Statute: New 9, Amended 14, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 10, Amended 13, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

PERMANENT

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-820-005 Purpose.
- WAC 388-820-015 Exemptions.
- WAC 388-820-025 Review and evaluation.
- WAC 388-820-035 Eligibility for residential services and support.
- WAC 388-820-045 Administration.
- WAC 388-820-055 Staffing.

Effective Date of Rule: Thirty-one days after filing.

July 17, 2001

Dr. Dean O. Stenehjem
Superintendent

AMENDATORY SECTION (Amending WSR 90-16-008, filed 7/19/90, effective 8/19/90)

WAC 72-171-001 Purposes. The purposes of this chapter are:

(1) To implement chapter 72.40 RCW in a manner that is compatible with chapter ((28A.13)) 28A.155 RCW and in compliance with the Individuals with Disabilities Education ((for All Handicapped Children)) Act, 20 U.S.C. Sec. ((1401)) 1400 et seq.;

(2) ((To assure that all handicapped children have an opportunity for a free appropriate public education which emphasizes special education and related services designed to meet their unique needs;

(3) To assure that the rights of handicapped children and their parents are protected; and

(4) ~~To assess and assure the effectiveness of efforts to educate the handicapped students;)~~ To meet the obligations of additional federal and state civil rights laws (e.g. 29 U.S.C. Sec. 794, 42 U.S.C. Sec. 12132, RCW 49.60.030) that apply to students who have a disability regardless of the student's eligibility for special education and related services.

AMENDATORY SECTION (Amending WSR 90-16-008, filed 7/19/90, effective 8/19/90)

WAC 72-171-010 Definitions. ((As used in this chapter:

(1) "Eligible student" means a student or handicapped student not otherwise incompetent, who has reached eighteen years of age.

(2) "Handicapped student" and "student" (depending upon the context in which the term is used) means:

(a) A person under the age of twenty one, who has been determined pursuant to this chapter to have one or more of the disabilities set forth in WAC 72-171-015 or 72-171-016 and to be in need of special education and related services: Provided, That a student enrolled at the Washington state school for the blind may continue past the age of twenty one at the superintendent's discretion; or

(b) A person under the age of twenty one who has become a focus of concern and who may have one or more of the disabilities set forth in WAC 72-171-015 or 72-171-016 in the judgment of the school superintendent or his or her designee, or the parent(s), or the eligible student; or

(c) The foregoing categories of persons notwithstanding the fact the person(s) may not be enrolled in or attending school in the normal sense of the term "student."

(3) "Parent" means a natural parent, a legal guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with WAC 72-171-650, who represents a nonadult student. The term does not include the state if the child is a dependent of the state.

(4) ~~"School" means Washington state school for the blind.~~

(5) ~~"Assessment" means procedures used in accordance with WAC 72-171-110 through 72-171-130 to determine whether a student is visually handicapped or deaf-blind and/or the nature and extent of the special education and related services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class.~~

~~The purposes of assessment are to:~~

(a) ~~Measure the student's present level of educational performance to identify the student's unique needs, abilities, and limitations;~~

(b) ~~Draw conclusions regarding the significance of the findings as related to the student's instructional program;~~

(c) ~~Provide appropriate personnel with information for determining appropriate placement and developing the individualized education program in accordance with WAC 72-171-240; and~~

(d) ~~Assure appropriate identification of the handicapping condition.~~

(6) ~~"Current assessment" means:~~

(a) ~~Intellectual assessment data shall be considered current if obtained during a one calendar year period prior to the formal assessment or if obtained during the formal assessment period.~~

(b) ~~Academic assessment data, including perceptual assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.~~

(c) ~~Psychological and social assessment data shall be considered "current" if obtained during a thirty calendar day period prior to formal assessment or if obtained during the formal assessment period.~~

(d) ~~Adaptive behavior assessment data, including vocational and career assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.~~

(e) ~~Speech/language (communication skills) assessment data shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.~~

(f) ~~Vision screening and audiological assessment data shall be considered "current" if obtained during a one calendar year period prior to formal assessment or if obtained during the formal assessment period.~~

(g) ~~Medical assessment data shall be considered "current" if obtained during a one hundred eighty calendar day period prior to formal assessment or if obtained during the formal assessment period.~~

(7) ~~"Reassessment" means procedures used in accordance with WAC 72-171-110 through 72-171-130 to determine the student's eligibility for and need for continuing special education and related services pursuant to WAC 72-171-430(2).~~

(8) ~~"Consent" means that:~~

(a) ~~The parent (or eligible student) has been fully informed of all information relevant to the activity for which~~

consent is sought, in his or her native language or other mode of communication, including being informed of existing assessment data to be used within the definitions of current assessment;

(b) The parent (or eligible student) understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and

(e) The parent (or eligible student) understands that the granting of consent is voluntary on the part of the parent (or eligible student) and may be revoked at any time.

(9) "Special education" has the meaning given that term by WAC 392-171-315.

(10) "Related services" has the meaning given that term by WAC 392-171-320.

(11) "Superintendent" means the superintendent of the Washington state school for the blind. The definitions set forth in WAC 392-172-035, 392-172-040, 392-172-045, 392-172-055, 392-172-065, 392-172-070, 392-172-073, and 392-172-075 are hereby incorporated by reference into this chapter and should be referred to if necessary. The Washington state school for the blind, a "public agency" as defined in WAC 392-172-035 (6)(c), is a "state-operated program."

AMENDATORY SECTION (Amending WSR 90-16-008, filed 7/19/90, effective 8/19/90)

WAC 72-171-015 Definition and eligibility criteria for visually handicapped. ((WAC 392-171-446 shall be applicable to all students provided for by this chapter.)) The definition and eligibility criteria in WAC 392-172-142 are adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-008, filed 7/19/90, effective 8/19/90)

WAC 72-171-016 Definition and eligibility criteria for deaf-blind. ((WAC 392-171-451 shall be applicable to all students provided for by this chapter.)) The definition and eligibility criteria in WAC 392-172-144 are adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-008, filed 7/19/90, effective 8/19/90)

WAC 72-171-110 General areas of ~~(assessment)~~ evaluation. ((The assessment of a student shall be in all areas related to the suspected disability. The assessment procedures outlined in this chapter are to be considered minimal, required procedures. Where concerns are indicated as judged by the multidisciplinary team, additional or more in-depth assessment in each of the following areas shall be conducted.

(1) Scholastic assessment. This area may include assessment of the intellectual, language and communication, academic and cognitive development of the student, and any other scholastic area as deemed appropriate by the multidisciplinary team.

(2) Physical assessment. This area may include a review of the general health status of the student, vision screening

and complete audiological examination, oral-peripheral examination, evaluation of musculo-skeletal, neurological, and developmental modalities, and any other physical area as deemed necessary by the multidisciplinary team.

(3) Adjustment assessment. This area may include assessment of the social skills and emotional status of the student, career and vocational assessment, and assessment of adaptive behaviors (e.g., self-help, interpersonal communication, survival skills, and practical application of academic skills:)) WAC 392-172-106 is adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-008, filed 7/19/90, effective 8/19/90)

WAC 72-171-120 ((General assessment safeguards— Personnel, materials, and)) Evaluation procedures. ((Every student who is assessed or reassessed shall be assessed according to the procedures established in this chapter.

(1) The initial assessment of a student shall be made by a multidisciplinary team (i.e., a group of professionals) including at least one special education teacher and at least one person qualified to conduct individual diagnostic assessment in the area of suspected disability. In a reassessment of a student, the multidisciplinary team also shall include a representative from each service area involved in the student's individualized education program and such other professional service providers as recommended by any professional involved in the reassessment. Each member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules.

(2) No single test instrument or single procedure shall be the sole criterion for determining a student's eligibility and/or for determining the appropriate educational program for a student.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally or educationally discriminatory.

(4) All tests and other evaluation materials shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the tests purport to measure. If properly validated tests are unavailable, the professional judgment of each member of the multidisciplinary team may determine eligibility for special education based on other evidence of the existence of a specific handicap and need. This professional judgment shall be documented in a written narrative.

(5) All tests and other evaluation materials shall be administered by qualified personnel in conformance with the instructions of their producer. Tests designed to measure intellectual functioning shall be administered and interpreted by a qualified psychologist. Provided, That cognitive tests for developmentally delayed students other than an intelligence quotient test shall be administered by a qualified psychologist or by professionals with other titles who have considerable training and experience in individual psychological or psychoeducational assessment.

~~(6) Assessment materials, procedures, or instruments shall be provided and administered in a student's native language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as to ensure that the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).~~

~~(7) In interpreting assessment data and in making placement recommendations, the assessment team shall:~~

~~(a) Collect and review information from a variety of sources, including but not limited to all available existing academic, medical, and other records pertinent to the suspected handicapping condition(s) of the student, aptitude and achievement tests, teacher recommendations or recommendations of related service providers, physical condition, social or cultural background, and adaptive behavior;~~

~~(b) Ensure that information obtained from all of these sources is documented and carefully considered.~~

~~(8) Assessment data shall be summarized in writing, dated, and signed by each person conducting an assessment. Information used to support the assessment, but which is not incorporated into the file, (e.g., review of health record), shall be referenced as to date of record, location, and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement.)) The evaluation or reevaluation of any student shall be performed using the procedures established in chapter 392-172 WAC except as specifically provided otherwise in this chapter.~~

Evaluations may include assessments to identify students who present a moderate or high risk of sexually aggressive behavior or who may be vulnerable to victimization by such students, as required by RCW 72.40.270. Evaluations will be conducted by a group of qualified professionals selected by the Washington school for the blind who are knowledgeable about the student, the suspected area of disability, and in cases where assessment is required by RCW 72.40.270, sexual abuse and assault.

NEW SECTION

WAC 72-171-131 Evaluation report and documentation of determination of eligibility. WAC 392-172-10905 is adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-008, filed 7/19/90, effective 8/19/90)

WAC 72-171-140 Independent educational ((assessment)) evaluation. ~~((1)(a) The parent(s) of a student (or an eligible student) assessed or any student reassessed has the right to obtain an independent educational assessment, subject to subsections (3) and (4) of this section.~~

~~(b) The school shall provide to parent(s) (or eligible student), on request, information about where an independent educational assessment may be obtained.~~

~~(c) For the purposes of this section:~~

~~(i) "Independent educational assessment" means an assessment conducted by a qualified examiner who is not employed by the school responsible for the education of the student in question; and~~

~~(ii) "Public expense" means that the school either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent (or eligible student).~~

~~(2) A parent (or eligible student) has the right to an independent educational assessment at public expense if the parent (or eligible student) disagrees with the assessment results obtained by the school, as follows:~~

~~(a) The parent(s) (or eligible student) shall provide a written notice to the superintendent which:~~

~~(i) Specifies the portion(s) of the assessment results with which the parent(s) (or eligible student) disagrees; and~~

~~(ii) Requests an independent educational assessment at public expense;~~

~~(b) The school shall have the prior opportunity to initiate mediation or an adjudicative proceeding pursuant to WAC 72-171-600 et seq., to show that its assessment is appropriate: Provided, That the school shall provide the parent(s) (or eligible student) written notice of the election to initiate mediation or an adjudicative proceeding no later than the tenth day after the date of receipt of the parent's (or eligible student's) written notice of disagreement;~~

~~(c) If the final decision is that the school assessment is appropriate, the parent (or eligible student) still has the right to an independent educational assessment, but not at public expense; and~~

~~(d) If the school elects not to initiate an adjudicative proceeding or is not upheld by the final decision, the independent assessment requested by the parent (or eligible student) shall be provided at public expense in accordance with the same criteria which the school uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.~~

~~(3) If the parent (or eligible student) obtains an independent educational assessment at private expense, the results of the assessment:~~

~~(a) Shall be considered by the school in any decision made with respect to the provision of special education and related services to the student; and~~

~~(b) May be presented as evidence at the adjudicative proceeding regarding that student.~~

~~(4) If the administrative law judge requests an independent educational assessment as part of the adjudicative proceeding, such assessment shall be at public expense.)) WAC 392-172-150 is adopted by reference.~~

AMENDATORY SECTION (Amending WSR 90-16-008, filed 7/19/90, effective 8/19/90)

WAC 72-171-150 Admission and placement—Annual review. ~~((In accordance with the least restrictive environment mandate of Public Law 94-142: A student may~~

~~be admitted and enrolled at the Washington state school for the blind when:~~

~~(1) The school district of that student's residence refers the student or agrees that the student can be served at the Washington state school for the blind;~~

~~(2) The student's parents request that their child be served through the educational program available at the Washington state school for the blind;~~

~~(3) Assessment pursuant to the procedures in this chapter has been completed and vision loss or impairment is documented;~~

~~(4) Upon completion of assessment pursuant to this chapter, the multidisciplinary team described in WAC 72-171-120(1), the parents and a representative of the school district of the student's residence shall meet and consider the following to determine the most appropriate placement for the student:~~

~~(a) The summaries of assessment data pursuant to WAC 72-171-130;~~

~~(b) The nature and extent of the specific special education and related services needed by the student, if any;~~

~~(c) Any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any;~~

~~(d) The availability and identity of current educational programs appropriate to the student's needs; and~~

~~(e) The parent(s) and school district's commitment to work in cooperation to meet the student's needs; and~~

~~(5) The multidisciplinary team described in WAC 72-171-120(1) recommends placement at the Washington state school for the blind.)) (1) Upon a referral for admission and placement from a parent, legal guardian, emancipated minor, adult student, or local educational agency (LEA), a Washington state school for the blind admissions team will assess the appropriateness of placement of a visually impaired student residing in the state of Washington as provided for under this chapter.~~

~~(2) Applications for placement shall be in writing and shall include the reason for referral. Reasons for referral to the state school for the blind may include, but are not limited to: Vision specific services not readily available in the local school district, need for more intensive vision specific services, adaptive aids and appliances, greater array of vision support services, social skill development, leisure time skill development, and organization skill development.~~

~~(3) The LEA will be notified if the referral is from a parent and the student's records will be requested. The following records must be received prior to review by the school's admissions team: Complete application materials, most recent IEP, most recent three-year summary assessment or evaluation, psychological records, transcripts (for high school students), all records subject to disclosure under RCW 28A.225.330, including, but not limited to: History of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students.~~

~~(4) The admissions team shall review the records and if the information is complete, determine whether to proceed with or terminate the application.~~

(5) Placement of a student at the state school for the blind shall be determined at a meeting conducted pursuant to WAC 72-171-210.

(6) The determination of the appropriate placement for a student shall be based upon:

(a) The student's individualized education program (IEP);

(b) The least restrictive environment requirements of WAC 392-172-172;

(c) The placement option(s) that provides a reasonably high probability of assisting the student to attain his or her annual goals;

(d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs; and

(e) The status of the student as an adjudicated sex offender classified as risk Level II or III in the state of Washington or the equivalent under the laws of the state in which the student resides.

(7) The decision on the educational placement shall be made by a group of persons, including the parents, the LEA, and other persons knowledgeable about the student, the evaluation data, and the placement options.

(8) Pursuant to RCW 72.40.040(4) and 72.40.050(2), admission and retention at the Washington state school for the blind may be denied for a student who is an adjudicated sex offender.

(9) The educational placement of each student shall be determined at least annually at a meeting conducted pursuant to WAC 72-171-210.

AMENDATORY SECTION (Amending WSR 90-16-008, filed 7/19/90, effective 8/19/90)

WAC 72-171-210 IEP meetings. ((1) The school shall hold a meeting for the purpose of developing a student's individualized education program within thirty calendar days of the determination that the student is in need of special education and related services currently available at the school.

(2) Meetings consistent with this section shall be held by the school at least once a year for the purpose of reviewing and revising as necessary each student's IEP.)) WAC 392-172-156 is adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-008, filed 7/19/90, effective 8/19/90)

WAC 72-171-220 Participants in IEP meetings. ((1) Each IEP meeting shall include the following participants:

(a) A representative of the school other than the student's teacher who is qualified to provide or supervise the provision of special education and related services;

(b) The student's teacher;

(c) One or both parents, subject to WAC 72-171-230;

(d) The student, if appropriate or the eligible student; and

(e) Other individuals at the discretion of the school, parent(s), or eligible student. Either the teacher or school representative should be qualified in the area of the student's disability.

~~(2) IEP meetings involving a student who has been assessed for the first time shall include the following participant in addition to those enumerated as follows: A member of the student's assessment team who is knowledgeable about the assessment procedures used and is familiar with the results of the evaluation.)) WAC 392-172-153 is adopted by reference.~~

Involvement and participation of the LEA at meetings in which a decision is to be made relating to the educational placement of the student is considered essential for meaningful discussion to occur. A representative of the student's LEA will be invited to meetings involving an IEP, transition services, or placement. The LEA representative should be an individual who is knowledgeable about the availability of resources of the LEA, authorized to allocate resources, or develop collaborative requests for funding to establish programs to meet the extraordinary program needs. If the LEA representative is unable to attend the meeting, Washington state school for the blind staff shall keep the representative informed of the meeting and obtain information that will assist in the provision of services.

AMENDATORY SECTION (Amending WSR 90-16-008, filed 7/19/90, effective 8/19/90)

WAC 72-171-230 Parent participation and involvement. ((1) The school shall take steps to ensure (in the case of nonadult students) that one or both parents of the handicapped student are present at each meeting or are afforded the opportunity to participate, including:

- (a) Notifying the parent(s) of the meeting early enough to ensure his or her participation; and
 - (b) Scheduling the meeting at a mutually agreed upon place and time.
- (2) The notice to the parent(s) shall include the purpose, time, and location of the meeting and who will be in attendance.

(3) If a parent cannot attend, the school shall use other methods to ensure participation, including individual or conference telephone calls.

(4) A meeting may be conducted (in the case of a nonadult student) without a parent in attendance if the school is unable to convince the parents they should attend. In such a case the school shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

- (a) Detailed records of telephone calls made or attempted and the results of those calls;
- (b) Copies of correspondence sent to the parent(s) and any responses received; and
- (c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(5) The school shall take whatever action is necessary to ensure that the parent (or eligible student) understands the proceedings at a meeting, including arranging for an interpreter for parents (or eligible students) who are deaf or whose native language is other than English.

(6) The school shall document the parent(s) and other IEP participants' presence at the IEP meeting.

(7) The school shall provide the parent a copy of the IEP upon request.)) WAC 392-172-15700 and 392-172-15705 are adopted by reference.

Inclusion of an LEA representative in meetings with the parent(s) will be encouraged and appropriate notice to the parent(s) will be provided.

AMENDATORY SECTION (Amending WSR 90-16-008, filed 7/19/90, effective 8/19/90)

WAC 72-171-240 ((Content of the IEP.)) Individualized education program. ((The individualized education program shall be developed on the basis of assessment analysis and parent input, where it is provided, and shall include:

(1) A statement of the student's present levels of educational performance;

(2) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(3) A statement of the specific special education and related services needed by the student, and the extent to which the student will be able to participate in the regular educational program, including physical education;

(4) The IEP developed for a handicapped student whose chronological age is fourteen or above shall also include career development and/or vocational education goals and short-term instructional objectives, where appropriate. Provided, That if the career development and/or vocational education is specially designed instruction, goals and short-term instructional objectives shall be included;

(5) The projected dates for the initiation of services and the anticipated duration of the services, including the number of school days, and the number of hours per day; and

(6) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.

Nothing in this chapter may be construed as promising or guaranteeing that a handicapped student will in fact achieve the growth projected in his or her annual goals and short-term objectives.)) WAC 392-172-160 is adopted by reference.

NEW SECTION

WAC 72-171-242 Individualized education program—Implementation. WAC 392-172-158 is adopted by reference.

NEW SECTION

WAC 72-171-244 Individualized education program—Development, review, revision—Consideration of special factors. WAC 392-172-159 is adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-008, filed 7/19/90, effective 8/19/90)

WAC 72-171-410 ((Reassessment.)) Reevaluation. ((1) Each student shall be reassessed in accordance with the

procedures specified in WAC 72-171-110 through 72-171-130:

(a) At a minimum, once every three years unless conditions warrant earlier reassessment; or

(b) Upon the request of the parents, an eligible student, teacher, or IEP team.

(2) If reassessment is the result of the three-year reassessment requirement, the multidisciplinary team, based on the professional judgment of the members, to a reasonable degree of professional certainty, shall determine and document the following:

(a) Whether the student is appropriately classified;

(b) Whether the student meets the continuing eligibility criteria of WAC 392-171-325(3) or 392-171-331. The basis for this determination shall be documented in a written narrative including any relevant data or assessment process used;

(c) Whether the current program is appropriate to the student's unique needs, abilities, and limitations;

(d) Whether assessment procedures should be replicated or conducted by members of the multidisciplinary team or other professionals not represented on the multidisciplinary team to provide reasonable professional certainty that the reassessment results are accurate. In making such determination, members of the multidisciplinary team shall be governed by the generally recognized professional practice standards of their respective disciplines. Members of the multidisciplinary team shall defer to the professional judgment of a team member who requests the replication or conduction of a particular assessment procedure:)) WAC 392-172-182 through 392-172-190 are adopted by reference.

The student's LEA should continue to be involved in the planning for any student who is enrolled at the Washington state school for the blind, therefore, the group of individuals referred to in the reevaluation procedures adopted by reference should include a representative of the LEA.

((NOTICE REQUIREMENTS)) PROCEDURAL SAFEGUARDS

AMENDATORY SECTION (Amending WSR 90-16-008, filed 7/19/90, effective 8/19/90)

WAC 72-171-500 When prior notice must be given. ((Written notice in accordance with WAC 72-171-510 shall be given to the parent(s) (or the eligible student) a reasonable time before the school:

(1) Proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter; or

(2) Refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter.)) WAC 392-172-302 is adopted by reference. Where the adopted rule refers to WAC 392-172-306, refer to WAC 72-171-510.

AMENDATORY SECTION (Amending WSR 90-16-008, filed 7/19/90, effective 8/19/90)

WAC 72-171-510 Contents of ~~((the))~~ prior written notice. ~~((1))~~ The notice required by WAC 72-171-500 shall include:

(a) A full explanation of all of the procedural safeguards available to the parent(s) (or eligible student) under this chapter;

(b) A description of the action proposed or refused by the school, and explanation of why the school proposes or refuses to take the action, and a description of any options the school considered and the reasons why those options were rejected;

(c) A description of each evaluation procedure, test, record, or report used as a basis for the proposal or refusal; and

(d) A description of any other factors which are relevant to the school's proposal or refusal.

(2) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent (or eligible student) or other mode of communication used by the parent (or eligible student), unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent (or eligible student) is not a written language, the school shall take steps to ensure that:

(a) The notice is translated orally or by other means to the parent (or eligible student) in his or her native language or other mode of communication;

(b) The parent (or eligible student) understands the content of the notice; and

(c) There is written evidence that the requirements in (a) and (b) of this subsection have been met.)) WAC 392-172-306 is adopted by reference. Where the adopted rule refers to WAC 392-172-302, refer to WAC 72-171-500.

NEW SECTION

WAC 72-171-512 Parent consent. WAC 392-172-304 is adopted by reference. Where the adopted rule refers to WAC 392-172-185 (reevaluation), refer to WAC 72-171-120.

NEW SECTION

WAC 72-171-514 Transfer of parental rights at age of majority. WAC 392-172-309 is adopted by reference.

NEW SECTION

WAC 72-171-550 Mediation. In order to ensure that mediation is available to resolve disagreements concerning the identification, evaluation, educational placement of the student or provision of FAPE to the student, and disputes involving any matter where a hearing is requested under this chapter, WAC 392-172-310 through 392-172-317 are adopted and incorporated by reference.

~~((HEARINGS))~~ **DUE PROCESS PROCEDURES**

NEW SECTION

WAC 72-171-601 Due process rights and procedures.

(1) Hearing rights and procedures shall be consistent with the requirements applicable to public agencies in WAC 392-172-350 through 392-172-364, which are adopted by reference.

(2) A parent, adult student, or the superintendent (or designee) may initiate a hearing in any of the matters and for the purposes stated in WAC 392-172-350(1).

(3) Where the adopted rule refers to WAC 392-172-150 (independent educational evaluation), refer to WAC 72-171-140.

NEW SECTION

WAC 72-171-605 Request for hearing, notice by parent. In addition to the information required in WAC 392-172-350(2), the parent, adult student, or the attorney representing the student must provide notice (which must remain confidential) to the Washington state school for the blind in a request for a hearing to the office of the superintendent of public instruction. The notice must include:

- (1) The name of the student;
- (2) The address of the residence of the student;
- (3) The name of the school the student is attending;
- (4) A description of the nature of the problem of the student relating to the proposed initiation or change, including facts relating to the problem; and
- (5) A proposed resolution of the problem to the extent known and available to the parents at the time.

AMENDATORY SECTION (Amending WSR 90-23-055, filed 11/19/90, effective 12/20/90)

WAC 72-171-650 Surrogate parents. ~~((1) The school shall ensure that the rights of the nonadult student are protected when:~~

- ~~(a) No parent (as defined in WAC 72-171-010(3)) can be identified;~~
- ~~(b) The school, after reasonable efforts, cannot discover the whereabouts of a parent; or~~
- ~~(c) The student is a ward of the state.~~
- ~~(2) Duty of school. The duty of the school under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:~~
 - ~~(a) For determining whether a nonadult student needs a surrogate parent; and~~
 - ~~(b) For assigning a surrogate parent to the student.~~
 - ~~(3) Criteria for selection of surrogates. The school shall ensure that a person selected as a surrogate:~~
 - ~~(a) Has no interest that conflicts with the interests of the student he or she represents; and~~
 - ~~(b) Has knowledge and skills that assure adequate representation of the student.~~
 - ~~(4) Nonemployee requirement—Compensation:~~

~~(a) A person assigned as a surrogate may not be an employee of the school and/or other agency which is involved in the education or care of the student; and~~

~~(b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school and/or other agency solely because he or she is paid by the school and/or agency to serve as a surrogate parent.~~

~~(5) Responsibilities. A surrogate parent may represent the student in all matters relating to:~~

~~(a) The identification, assessment, and educational placement of the student; and~~

~~(b) The provision of free special education and related services to the student.)~~ **WAC 392-172-308 is adopted by reference. The definition of "parent" in WAC 392-172-035(5) is adopted by reference in WAC 72-171-010.**

NEW SECTION

WAC 72-171-710 Aversive interventions. WAC 392-172-388 through 392-172-396 are adopted by reference.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 72-171-100	Initial assessment.
WAC 72-171-130	Summary analysis of assessment data.
WAC 72-171-200	Definition.
WAC 72-171-400	Annual review of placement and student progress—Program evaluation.
WAC 72-171-420	Reassessment purposes.
WAC 72-171-430	Reassessment notice.
WAC 72-171-600	Right to initiate.
WAC 72-171-610	Hearing rights.
WAC 72-171-620	Timeline for decision.
WAC 72-171-630	Petition for review.
WAC 72-171-640	Student's status during proceedings.
WAC 72-171-700	Administration of medication.

WSR 01-16-023
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND
 [Filed July 20, 2001, 9:15 a.m.]

Date of Adoption: June 7, 2001.
 Purpose: To implement federal regulatory changes regarding discipline enacted March 12, 1999, resulting from

PERMANENT

the 1997 amendments to the Individuals with Disabilities Education Act and conform procedures to state law.

Citation of Existing Rules Affected by this Order: Amending WAC 72-120-100, 72-120-200, 72-120-220, 72-120-225, 72-120-230, 72-120-234, and 72-120-236.

Statutory Authority for Adoption: RCW 72.4.011 [72.40.022].

Adopted under notice filed as WSR 01-09-057 on April 16, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 72-120-100, modified new language in first paragraph describing when a student may be found to aid, abet or be an accomplice to a violation. WAC 72-120-225, substituted "grievance" for "brief adjudicative proceeding" in subsection (3). WAC 72-120-306, renumbered subsection (2)(a) and (b). WAC 72-120-311, corrected reference in subsection (5)(b).

Number of Sections Adopted in Order to Comply with Federal Statute: New 15, Amended 2, Repealed 0; Federal Rules or Standards: New 15, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 15, Amended 5, 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.

July 17, 2001

Dr. Dean O. Stenehjem
Superintendent

AMENDATORY SECTION (Amending WSR 90-16-005, filed 7/19/90, effective 8/19/90)

WAC 72-120-100 Conduct violations. A student who, either as actor, aider, abettor, or accomplice (~~as defined in RCW 9A.08.020~~), violates any provision of this chapter shall be subject to the disciplinary actions herein adopted. A student may be an accomplice, or found to have aided and abetted in committing a violation of the student conduct code if he or she associates with, encourages, promotes, or counsels another student in the commission of an offense, or participates in it as something he or she wishes to bring about, and seeks by his or her action to make it succeed.

The following offenses are prohibited:

(1) Physical abuse. Actual, attempted, or threatened physical abuse of any person or conduct which threatens or endangers the health and safety of any person or which intentionally causes a reasonable apprehension of harm to any person.

(2) Destroying or damaging property. Destroying, defacing, or damaging school property or the property of others on school premises or at school-sponsored activities.

(3) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(4) Disruption. Disorderly or abusive behavior which interferes with the rights of others, school, or school-sponsored activities; obstructing the free movement of people or vehicles; inciting others to engage in prohibited conduct; or threatening disruption.

(5) Disturbing the peace. Creating noise in such a way as to interfere with school functions.

(6) Insubordination. Refusal or failure to follow instructions and proper orders of school officials, while on school premises or at school-sponsored activities, thereby infringing upon the rights and privileges of others, and/or refusal to desist from prohibited conduct.

(7) False alarms. Falsely setting off, improper use or disabling of any safety equipment, alarm, exit sign, or other device.

(8) False information. Filing a formal complaint which falsely accuses another with violation of this chapter, falsifying information to school officials, or forging or tendering any forged instrument to the school.

(9) Theft. Actual or attempted theft of property or services belonging to the school, any student, school employee or school visitor, including knowing possession of stolen property.

(10) Conversion. Unauthorized use of school equipment or services.

(11) Academic dishonesty. All forms of cheating, plagiarism and fabrication, including submitting any work product that the student misrepresents as his/her work product for the purpose of fulfilling any assignment or task required as part of the student's course of studies.

(12) Unlawful entry and trespassing. Entering and/or remaining in any administrative or other employee office or any locked or otherwise closed school facility, in any manner, at any time, without permission.

(13) Smoking. The Washington state school for the blind supports the goal of the governor's nonsmoking policy and the policy of the public schools mandating a total ban on the use of all tobacco products by September 1, 1991. Students are not allowed to smoke or use tobacco products on school premises or during school-sponsored activities.

(14) Alcohol. Use, possession, distribution of, or visible intoxication from alcoholic beverages is prohibited on school property or at school-sponsored activities.

(15) Drugs and controlled substances. Use, possession, distribution, or being visibly under the influence of any (~~narco-~~ ~~otic or~~) controlled substance or illegal drug as defined in (~~the Uniform Controlled Substances Act, chapter 69.50 RCW, as amended~~) WAC 72-120-300, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

(16) Weapons and dangerous chemicals. Unauthorized use, possession or storage of any weapon, explosives, danger-

ous chemicals, substances or instruments, which may be used to inflict bodily harm on another or damage upon school property or personal property.

(17) Other conduct. Any other conduct or action, the terms and violations of which are published annually in the student/parent handbook, in which the school can demonstrate a clear and distinct interest and which substantially threatens the educational process or other legitimate function of the school or the health or safety of any member of the school community is prohibited.

~~((DISCIPLINARY PROCESS AND PROCEDURES))~~
DISCIPLINE

AMENDATORY SECTION (Amending WSR 90-16-005, filed 7/19/90, effective 8/19/90)

WAC 72-120-200 Policy. The Washington state school for the blind has established standards of conduct for students and the disciplinary process to protect members of the school community, maintain and advance its educational mission, and provide for the orderly conduct of the school's activities. Disciplinary procedures used by the school are considered part of its educational process. School policy and rules of conduct shall be applicable to all students in any program or activity conducted by the Washington state school for the blind. In every case of misconduct, the nature and circumstances of the violation will be considered and appropriate disciplinary actions will be administered on a less restrictive alternative basis, including but not limited to time out, detention, behavior contracts, restriction of privileges, reprimand, restitution, or suspension.

AMENDATORY SECTION (Amending WSR 90-16-005, filed 7/19/90, effective 8/19/90)

WAC 72-120-220 Short-term suspension. (1) As used in this chapter "short-term suspension" shall mean a denial of attendance at any class or admission to or entry upon school property for up to and not exceeding ten consecutive school days.

(2) ~~((Unless otherwise prohibited;))~~ Short-term suspensions may be imposed upon a student for violation(s) of rules adopted in WAC 72-120-100.

(3) A student may be suspended for a short term after another less restrictive form of disciplinary action, reasonably calculated to modify his or her conduct, has been imposed as a consequence of misconduct of the same nature: Provided, That the school may resort to immediate short-term suspension in cases involving exceptional misconduct notwithstanding the fact that prior alternative corrective action or discipline has not been imposed. For the purposes of this section, "exceptional misconduct" means misconduct, other than absenteeism, of such frequent occurrence, notwithstanding prior attempts by the school to control such misconduct through the use of other forms of disciplinary action, and/or so serious in nature and/or so serious in terms of disruptive effect upon the operation of the school as to warrant immediate resort to short-term suspension.

(4) Any student subject to short-term suspension shall be provided the opportunity upon return to make up assignments and tests missed by reason of the suspension if such assignments or tests have a substantial effect upon the semester grade.

AMENDATORY SECTION (Amending WSR 90-16-005, filed 7/19/90, effective 8/19/90)

WAC 72-120-225 Short-term suspension—Notice and conference—Grievance procedure. (1) Prior to the short-term suspension of any student pursuant to WAC 72-120-220, a conference shall be conducted with the student as follows:

(a) An oral or written notice of the alleged misconduct and violation(s) of school rules shall be provided to the student;

(b) An oral or written explanation of the evidence in support of the allegation(s) shall be provided to the student;

(c) An oral or written explanation of the ~~((disciplinary action))~~ corrective action or discipline which may be imposed shall be provided to the student; and

(d) The student shall have the opportunity to present his/her explanation.

(2) In the event a suspension is to exceed one calendar day the parent(s) or guardian(s) of the student shall be notified of the reason for the student's suspension and the duration of the suspension orally and/or by letter deposited in the United States mail as soon as reasonably possible. The notice shall also inform the parent or guardian of the right to ~~((a brief adjudicative proceeding))~~ an informal conference pursuant to subsection (3) of this section and that the suspension may possibly be reduced as a result of such ~~((proceeding))~~ conference.

(3) Any student, parent, or guardian aggrieved by the imposition of a short-term suspension ~~((pursuant to WAC 72-120-220;))~~ shall have the right to ~~((a brief adjudicative proceeding in accordance with WAC 72-108-100))~~ an informal conference with the principal or his or her designee for the purpose of resolving the grievance. The school personnel member whose action is being grieved shall be notified of the initiation of a ~~((brief adjudicative proceeding))~~ grievance as soon as reasonably possible. During the ~~((brief adjudicative proceeding the parties shall be entitled to question school personnel involved in the matter))~~ conference, the student, parent, or guardian shall be subject to questioning by the principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent who shall notify the student, parent, or guardian of his or her response to the grievance within ten school business days after receipt of the written or oral grievance. The disciplinary action may continue notwithstanding the implementation of the grievance procedure set forth in this section.

AMENDATORY SECTION (Amending WSR 90-16-005, filed 7/19/90, effective 8/19/90)

WAC 72-120-230 Long-term suspension. (1) As used in this chapter "long-term suspension" shall mean a denial of attendance at any class or admission to or entry upon school property in excess of ten consecutive school days.

(2) ~~((Unless otherwise prohibited,))~~ Long-term suspensions may be imposed on a student for violation(s) of rules adopted in WAC 72-120-100.

(3) When a student engages in conduct that would warrant long-term suspension, ~~((the student, parent(s) or guardian(s) shall be notified immediately (within twenty-four hours) of the nature and circumstances of the misconduct, the disciplinary action proposed, and the time and location of any individualized education program (IEP) team meeting review.~~

(4) If long-term suspension is recommended, the school shall convene a meeting to review the student's individualized education program (IEP) pursuant to WAC 72-171-210. The IEP team shall determine whether the misconduct is a manifestation of or is substantially related to the student's handicapping condition(s).

(5) If the IEP team concludes that the misconduct is not a manifestation of the student's handicapping condition(s), the student may be disciplined under the procedures set forth in WAC 72-120-234 through 72-120-236.

(6) If the IEP team concludes that the misconduct is a manifestation of the student's handicapping condition(s), suspension for more than ten days shall not be imposed unless:

(a) The school and parent(s) or guardian(s) agree otherwise; or

(b) The IEP team recommends a change of placement.

(7) A student involved in the complaint shall remain at the school during the pendency of any administrative or judicial proceeding, unless:

(a) The student's misconduct poses an immediate threat to the safety of others or where maintaining the student in his/her current placement at the school has a substantial likelihood of resulting in injury either to the student or to others; or

(b) The school, student, and parent(s) agree otherwise.

(8) A party may request a hearing pursuant to WAC 72-171-600, on any matter described in this section.

(9) Nothing in this section shall be construed to limit the superintendent's ability to seek injunctive relief in appropriate cases from a court of competent jurisdiction)) requirements and procedures for disciplinary exclusion, found at WAC 72-120-300 through 72-120-313 shall be followed.

AMENDATORY SECTION (Amending WSR 90-16-005, filed 7/19/90, effective 8/19/90)

WAC 72-120-234 Long-term suspension—Misconduct ~~((unrelated to handicapping condition(s)))~~ not a manifestation of disability—Notice. (1) Following a determination that behavior which warrants a long-term suspension was not a manifestation of the student's disability, a student may be suspended for a long term after another less restrictive form of disciplinary action, reasonably calculated

to modify his or her conduct, has been imposed as a consequence of misconduct of the same nature: Provided, That the school may resort to immediate long-term suspension in cases involving exceptional misconduct notwithstanding the fact that prior alternative corrective action or discipline has not been imposed. For the purposes of this section, "exceptional misconduct" means misconduct, other than absenteeism, of such frequent occurrence, notwithstanding prior attempt by the school to control such misconduct through the use of other forms of disciplinary action, and/or so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school as to warrant immediate resort to long-term suspension.

(2) Prior to the long-term suspension of any student for misconduct ~~((unrelated to his/her handicapping condition(s):~~

(a) ~~A conference shall be conducted with the student according to the procedures in WAC 72-120-225(1);~~

(b) ~~Written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and parent(s) or guardian(s). The notice shall:~~

(i) ~~Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible;~~

(ii) ~~Specify the alleged misconduct and the rule(s) alleged to have been violated;~~

(iii) ~~Set forth the disciplinary action proposed;~~

(iv) ~~Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s);~~

(v) ~~State that a written request for a hearing must be received by the school employee designated, or by his or her office within twenty days after receipt of the notice of opportunity for a hearing; and~~

(vi) ~~State that if such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed long-term suspension may be imposed))~~ which was not a manifestation of the student's disability, written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and parent(s) or guardian(s). The notice shall:

(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible;

(b) Specify the alleged misconduct and the rule(s) alleged to have been violated;

(c) Set forth the disciplinary action proposed;

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s);

(e) State that a written request for a hearing must be received by the school employee designated, or by his or her office within three school business days after receipt of the notice of opportunity for a hearing; and

(f) State that if such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed long-term suspension may be imposed. A schedule of school business days should be included with the notice.

(3) If a request for a hearing is not received within the required three school business day period, the school may

deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the proposed long-term suspension may be imposed.

AMENDATORY SECTION (Amending WSR 90-16-005, filed 7/19/90, effective 8/19/90)

WAC 72-120-236 Long-term suspension—Misconduct (~~((unrelated to handicapping condition(s)))~~) **not a manifestation of disability—Hearing.** (1) If a request for a hearing is received pursuant to WAC 72-120-234 within the required time period, the superintendent or his or her designee shall schedule a hearing to commence within seven school days after the date upon which the request for a hearing was received according to the requirements in chapter 10-08 WAC adopted in WAC 72-108-010.

(2) The hearing shall be ~~((a))~~ a brief adjudicative proceeding ~~((governed by the Administrative Procedure Act, chapter 34.05 RCW and chapter 72-108 WAC))~~ in accordance with WAC 72-108-100, the hearing process described in WAC 180-40-270, applicable to long-term suspensions involving students without disabilities, should apply as guidelines for the conduct of the brief adjudicative proceeding.

(3) During the pendency of any administrative or judicial proceeding involving suspension under this section, unless the school and the parent(s) of the student (or the eligible student as defined in WAC 72-171-010(1)) agree otherwise, the student shall remain in the educational placement he or she was in when the request for hearing was made.

(4) Nothing in this section shall be construed to limit the superintendent's ability to seek injunctive relief in appropriate cases from a court of competent jurisdiction.

DISCIPLINARY EXCLUSION

NEW SECTION

WAC 72-120-300 Disciplinary exclusion—Definitions. The following definitions apply to this section only:

(1) "Controlled substance" means a drug or other substance identified under Schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. Sec. 812(c)).

(2) "Illegal drug" means a controlled substance, but does not include, a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

(3) "Weapon" has the meaning given the term "dangerous weapon" under section 930 (g)(2) of Title 18 U.S.C.: "Dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches in length.

(4) "Substantial evidence" means beyond a preponderance of the evidence.

NEW SECTION

WAC 72-120-301 Change of placement for disciplinary removals. For purposes of removals of a student from the student's current educational placement under this section, a change of placement occurs if:

(1) The removal is for more than ten consecutive school days; or

(2) The student is subjected to a series of removals that constitute a pattern because they cumulate to more than ten school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

NEW SECTION

WAC 72-120-302 Removals—Ten school days or less. School personnel may order the removal of a student from the student's current placement for not more than ten consecutive school days for any violation of school rules, including the student conduct code, and additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement under WAC 72-120-202.

NEW SECTION

WAC 72-120-303 Required services. (1) In the case of a student who has been removed from his or her current placement for more than ten cumulative school days in the same school year, the school, for the remainder of the removals, shall provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and advance toward achieving the goals set out in the student's individualized education program.

(2) When there is no change of placement, school personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

NEW SECTION

WAC 72-120-304 Change of placement—Removals for weapons or drugs. School personnel may order a change in placement of a student to an appropriate interim alternative educational setting for not more than forty-five calendar days, if the student:

(1) Possesses a weapon, or carries a weapon to school or to a school function under the jurisdiction of the state school for the blind; or

(2) Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of the state school for the blind.

NEW SECTION

WAC 72-120-305 Functional behavioral assessment and intervention plan. Within ten business days after first removing a student for more than ten consecutive school days in a school year or placing the student in an interim alternative educational setting, the following actions shall be taken by the school:

(1) If the school did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the student before the behavior that resulted in the removal occurred, an individualized education program meeting will be convened to develop an assessment plan.

(2) If the student already has a behavioral intervention plan, the individualized education program team shall meet to review the plan and its implementation to determine whether modifications are necessary.

(3) As soon as practicable after developing the assessment plan described in subsection (1) of this section, and completing the assessments required by the plan, an IEP meeting will be convened to develop appropriate behavioral interventions to address the behavior that resulted in removal and to implement those interventions.

(4) If a student has a behavioral intervention plan and has been removed from the current educational placement for more than ten cumulative school days in a school year, and is subsequently subjected to a removal that does not constitute a change of placement under WAC 72-120-301, the IEP team may review the behavioral intervention plan and its implementation to determine if modifications are necessary.

(5) If one or more of the IEP team members believe that modifications to an existing behavioral intervention plan are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

NEW SECTION

WAC 72-120-306 Dangerous behavior—Authority of hearing officer. A hearing officer, described in WAC 392-172-352 (adopted by reference in WAC 72-171-601), may order a change in the placement of a student to an appropriate interim alternative educational setting for not more than forty-five days if the hearing officer, in an expedited due process hearing:

(1) Determines that the school has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others;

(2)(a) Considers the appropriateness of the student's current placement;

(b) Including, when necessary, the requirements and limitations imposed by RCW 72.40.040(4), 72.40.050(2), 72.40.250(2), and 72.40.270;

(3) Considers whether the school has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

(4) Determines that the interim alternative educational setting that is proposed by school personnel who have con-

sulted with the student's special education teacher meets the requirements of WAC 72-120-307.

NEW SECTION

WAC 72-120-307 Determination of interim alternative educational setting. The individualized education program team shall determine an interim alternative educational setting. Any interim alternative educational setting in which a student is placed under WAC 72-120-304 and 72-120-306 shall:

(1) Be selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current individualized education program, that will enable the student to meet the goals set out in that individualized education program; and

(2) Include services and modifications designed to address and prevent the recurrence of the behavior described in WAC 72-120-304 or 72-120-306.

NEW SECTION

WAC 72-120-308 Manifestation determination review requirements. If school personnel or a hearing officer contemplates action that involves removing a student for behavior described in WAC 72-120-304 or behavior that is substantially likely to result in injury to the student or to others, or other behavior that violates any rule or code of conduct which results in a change of placement under WAC 72-120-301, the school shall:

(1) Not later than the date on which the decision to take action is made, notify the parents of the school's decision and provide the procedural safeguards notice described under WAC 392-172-307; and

(2) Immediately, if possible, but in no case later than ten school days after the date on which the decision to remove the student is made, conduct a review of the relationship between the student's disability and the behavior subject to the disciplinary action.

NEW SECTION

WAC 72-120-309 Procedures for conducting a manifestation determination. The individualized education program team and other qualified personnel in a meeting shall conduct a manifestation determination review. In carrying out the review, the team may determine that the behavior of the student was not a manifestation of the student's disability only if the team:

(1) First considers, in terms of the behavior subject to disciplinary action, all relevant information, including:

(a) Evaluation and diagnostic results, including the results of other relevant information supplied by the parents of the student;

(b) Observations of the student; and

(c) The student's individualized education program and placement.

(2) Then determines that:

(a) In relationship to the behavior subject to disciplinary action, the student's individualized education program and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's individualized education program and placement;

(b) The student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and

(c) The student's disability did not impair the ability of the student to control the behavior subject to disciplinary action.

(3) If the team determines that any of the above standards in this section were not met, the behavior must be considered a manifestation of the student's disability.

(4) The manifestation determination review described in this section may be conducted at the same individualized education program meeting that is convened to address a functional behavioral assessment and behavioral intervention plan.

(5) If the review identifies deficiencies in the student's IEP or placement or in their implementation, the school will take immediate steps to remedy those deficiencies.

NEW SECTION

WAC 72-120-310 Determination that behavior was not manifestation of disability. (1) If the results of the manifestation determination review indicate that the behavior of the student was not a manifestation of the student's disability, the student may be subject to the same disciplinary measures applicable to students without disabilities, including long-term suspensions and expulsions, except that a free appropriate public education shall continue to be made available to those students consistent with 34 CFR Sec. 300.121(d).

(2) The student's IEP team determines the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP if the student is removed because of behavior that has been determined not to be a manifestation of the student's disability.

(3) If a parent requests a hearing to challenge the determination that the behavior of the student was not a manifestation of the student's disability, then the student shall remain in the current educational placement or interim alternative educational setting consistent with WAC 72-120-312, whichever applies.

NEW SECTION

WAC 72-120-311 Expedited due process hearings.

(1) "Expedited due process hearing" means a hearing that is conducted by a due process hearing officer, in accordance with WAC 72-171-601 (impartial due process hearing rights) and this section, and may be requested in any of the following situations:

(a) The parent disagrees with a determination that the student's behavior was not a manifestation of the student's disability.

(b) The parent disagrees with the school's decision regarding the student's disciplinary change of placement under WAC 72-120-304.

(c) The school maintains that it is dangerous for the student to return to the current placement (placement prior to removal to the interim alternative educational setting) after the expiration of the student's placement in an interim alternative educational setting or to be in the current placement (placement prior to removal to the interim alternative educational setting) during the pendency of the due process proceedings.

(2) Pursuant to WAC 392-172-350 (adopted by reference in WAC 72-171-601) the office of the superintendent of public instruction shall arrange for an expedited hearing in any case described in subsection (1) of this section if requested by the parent.

(3) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the school has demonstrated that the student's behavior was not a manifestation of the student's disability consistent with the requirements of WAC 72-120-309.

(4) In reviewing a decision to place the student in an interim alternative educational setting, the hearing officer shall apply the standards under WAC 72-120-306.

(5) An expedited due process hearing shall:

(a) Result in a written decision being mailed to the parties within forty-five days of the office of the superintendent of public instruction's receipt of the request for the hearing without exceptions or extensions. The timeline established in this subsection shall be the same for hearings requested by parents or the school;

(b) Meet the requirements of WAC 392-172-354 (adopted by reference in WAC 72-171-601) except that the time periods identified for the disclosure of records and evaluations for purposes of expedited due process hearings are not less than two business days prior to the hearing; and

(c) Be conducted by a due process hearing officer who satisfies the impartiality requirements of WAC 392-172-352 (adopted by reference in WAC 72-171-601).

(6) The decisions on expedited due process hearings are appealable under the state's due process appeal procedures (see WAC 72-171-601 and 392-172-360).

NEW SECTION

WAC 72-120-312 Placement during appeals. (1) If a parent requests a hearing regarding a disciplinary action described in WAC 72-120-304 or 72-120-306 to challenge the interim alternative educational setting or the manifestation determination, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five day time period provided for, whichever occurs first, unless the parent and the school agree otherwise.

(2) If a student is placed in an interim alternative educational setting pursuant to this section and school personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the student must remain in the current placement (the stu-

dent's placement prior to the interim alternative educational setting), except as provided for below.

(3) In determining whether the student may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards under WAC 72-120-306.

(4) A placement ordered pursuant to this section may not be longer than forty-five days.

(5) The procedure in this section may be repeated as necessary.

NEW SECTION

WAC 72-120-313 Referral to and action by law enforcement and judicial authorities. (1) Nothing in Part B of the Individuals with Disabilities Education Act, or this chapter prohibits the Washington state school for the blind from reporting a crime committed by a student to appropriate authorities, or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student.

(2) When reporting a crime committed by a student, the school shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime.

(3) When reporting a crime under this section, the school may transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

NEW SECTION

WAC 72-120-314 Aversive interventions. WAC 392-172-388 through 392-172-396 are adopted by reference.

WSR 01-16-032
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed July 23, 2001, 1:37 p.m.]

Date of Adoption: July 20, 2001.

Purpose: The rules provide the application, inspection, sampling, fee schedule and certification criteria for obtaining organic and transitional certification.

Citation of Existing Rules Affected by this Order: Chapter 16-156 WAC, amending WAC 16-156-004, 16-156-030, 16-156-035, 16-156-050, and 16-156-060.

Statutory Authority for Adoption: Chapter 15.86 RCW.

Adopted under notice filed as WSR 01-12-100 on June 6, 2001.

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 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 5, 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.

June 20, 2001

William E. Brookreson

for Jim Jesernig

Director

Chapter 16-156 WAC

~~ORGANIC PRODUCER AND ((TRANSITION TO ORGANIC))~~ TRANSITIONAL PRODUCER CERTIFICATION

AMENDATORY SECTION (Amending Order 6011, filed 12/20/96, effective 1/20/97)

WAC 16-156-004 Definitions. As used in this chapter:

(1) "Crop" means a plant or part of a plant intended to be marketed as an agricultural product or fed to livestock.

(2) "Department" means the department of agriculture of the state of Washington.

~~((2))~~ (3) "Director" means the director of the department of agriculture or his or her duly authorized representative.

~~((4))~~ (4) "Drift" is defined as the movement of prohibited substances by air, water or soil from the intended target and results in residues of prohibited substances on organic or transition to organic food in excess of five percent of the EPA tolerance level.

~~((4))~~ (5) "Gross sales" means the sales of organic ~~((and transition to organic))~~ food sold during the calendar year.

~~((5))~~ (6) "Labeling" means all written, printed, or graphic matter upon any article or any of its containers or wrappers, or accompanying such article, or used in the advertisement of such article.

~~((6))~~ (7) "New applicant" means any person or organization who or which applies for organic or ~~((transition to organic))~~ transitional certification for the first time, or when previous certification status has expired for at least one year.

~~((7))~~ (8) "Organic food" means any agricultural product, including meat, dairy, and beverage, that:

(a) Is marketed using the term organic or any derivative of organic in its labeling or advertising; and

(b) That has had no applications of prohibited substances within three years prior to the harvest of the crop; and

(c) That is produced in compliance with standards defined in chapter 15.86 RCW and rules adopted thereunder.

~~((8))~~ (9) "Pasture" means ground covered with vegetation that is used by animals for grazing purposes.

PERMANENT

(10) "Producer" means any person or organization who or which grows, raises or produces an agricultural product.

~~((9))~~ (11) "Prohibited substance" means a material which is disallowed in organic food production, handling, or processing.

~~((10))~~ (12) "Renewal applicant" means any person or organization who or which has applied for organic or ~~((transition to organic))~~ transitional certification in the previous year.

~~((11))~~ (13) "Site" means a ~~((defined))~~ designated farm field, orchard, block, pasture, paddock, garden, circle, plot or other ((designed area)) contiguous area under the same management (e.g., organic or transitional). A site may contain multiple crops.

~~((12))~~ ~~"Transition to organic")~~ (14) "Transitional food" means any agricultural product that:

(a) Is marketed using the term ~~((transition to organic or))~~ transitional in its labeling and advertising; and

(b) Satisfies all of the requirements of organic food except that it has had no applications of prohibited substances within one year prior to the harvest of the crop.

AMENDATORY SECTION (Amending Order 6011, filed 12/20/96, effective 1/20/97)

WAC 16-156-030 Certification. (1) ~~((Washington state department of agriculture certification means that:))~~ The conditions for obtaining organic and transitional food producer certification are as follows:

(a) Inspection of the producer by the department of agriculture showed no use of prohibited practices as defined in chapter 15.86 RCW or unless adopted thereunder; and

(b) Recordkeeping practices meet the requirements specified in WAC 16-156-040 or rules adopted under chapter 15.86 RCW; and

(c) Soil building programs, organic pest control programs, and buffer zones required under chapter 16-154 WAC were established on each site; and

(d) Completion of the organic farm plan and verification that it has been implemented; and

(e) Analysis of samples taken by the department of agriculture showed no prohibited substance usage or drift from other contaminants; and

~~((e))~~ (f) No application of prohibited substances, as defined in chapter 16-154 WAC, have been used for:

- At least three years prior to the harvest of organic food; or
- At least one year prior to the harvest of ~~((transition to organic))~~ transitional food.

(2) For each site, the director must review the application, inspection report and results of any samples collected to determine that the producer has complied with the conditions for certification on that site.

(3) For each site, a certificate will be issued when the director determines that the producer has complied with the conditions for organic or transitional food producer certification on that site.

(4) Beginning in the year 2002, prior to the issuance of an organic food producer certificate:

(a) The site must have been previously certified as organic; or

(b) The site must have been certified as second year transitional in the previous year; or

(c) The producer has documentation that verifies that the site was in pasture or not being farmed during the previous two years.

(5) Beginning in the year 2003, prior to the issuance of a second year transitional food producer certificate:

(a) The site must have been certified as first year transitional in the previous year; or

(b) The producer has documentation that verifies that the site was in pasture or not being farmed during the previous year.

(6) Producers of organic food who ~~((apply))~~ are certified under this program will be able to use the words, "produced in accordance with the Washington state department of agriculture organic food certification program" in their labeling as long as their practices comply with chapter 15.86 RCW or any rules adopted thereunder.

Food produced under this organic food certification program may be identified by the use of ~~((one of))~~ the attached organic logo~~((s))~~ (WAC 16-156-060~~((, Illus. 1, 1A))~~). ~~((These))~~ This logo~~((s))~~ shall only be used for food produced by producers who have been certified organic by the Washington state department of agriculture ~~((organic food certification program))~~.

~~((3))~~ (7) Producers of ~~((transition to organic))~~ transitional food who ~~((apply))~~ are certified under this program will be able to use the words "produced in accordance with the Washington department of agriculture ~~((transition to organic))~~ transitional food certification program" in their labeling as long as their practices comply with this chapter and chapter 15.86 RCW and rules adopted thereunder.

Food produced under this ~~((transition to organic))~~ transitional food certification program may be identified by use of ~~((one of))~~ the attached transitional logo~~((s))~~ (WAC 16-156-060~~((, Illus. 2, 2A))~~). These logos shall only be used for ~~((transition to organic))~~ transitional food produced by producers who have been certified transitional by the Washington state department of agriculture ~~((s organic food certification program))~~.

~~((4))~~ (8) In no event shall food be sold as Washington certified organic or Washington certified ~~((transition to organic))~~ transitional prior to the issuing of an organic or ~~((transition to organic))~~ transitional food producer certificate by the department of agriculture for that crop year. First year applicants and new sites shall be inspected by the department before an organic or ~~((transition to organic))~~ transitional food producer certificate is issued.

~~((5))~~ (9) The logos to identify organic food and ~~((transition to organic))~~ transitional food shall not be changed except for increases or decreases in size, as appropriate.

AMENDATORY SECTION (Amending Order 6011, filed 12/20/96, effective 1/20/97)

WAC 16-156-035 Decertification. Whenever the director finds that a producer who has been certified under this program has:

(1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;

(2) Filed an application for certification which is false or misleading in any particular;

(3) Violated any of the provisions of this chapter; ~~((or))~~

(4) Failed to provide records as required by this chapter, WAC 16-154-060 or 16-162-100; or

(5) Failed to allow inspection to take place.

The director may issue an order revoking that producer's certification under this program or he may issue an order directing the producer to take other appropriate action to correct the violation. If appropriate action is taken, the producer will be returned to its previous status under the program.

Any producer who has received notice that its certification may be revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending Order 6011, filed 12/20/96, effective 1/20/97)

WAC 16-156-050 Application for certification. ~~((Producers who wish to apply for the organic food certification program must apply to the department by March 1 of each year. The application, accompanied by the appropriate fee shall be submitted to the department on forms furnished by the department. This application must include a sworn statement that they fully comply with the statute and rules for production of organic food and/or transition to organic food. Organic food producer and transition to organic food producer certificates shall expire on March 31st of the year following their issuance.~~

~~Applications made after the set deadline may be processed as the department can schedule the initial inspections. Except for producers who sell no more than five thousand dollars annually in value of agricultural products directly to consumers, all producers of organic or transition to organic food must be certified by the department.)~~ (1) All producers of organic food products must be certified by the department or through a recognized organic certification agency, except for producers that sell less than five thousand dollars annually in value of agricultural products directly to consumers.

(2) Applications to the department for organic food certification must be made on an annual basis at least sixty days prior to the harvest of organic food products. The application, accompanied by the appropriate fee, must be submitted to the department on forms furnished by the department.

(3) Organic food producer and transitional food producer certificates shall expire on March 31st of the year following their issuance.

AMENDATORY SECTION (Amending WSR 97-24-006, filed 11/21/97, effective 12/22/97)

WAC 16-156-060 Fee schedule. (1) The cost per application shall be based on the following fee schedule.

~~((For))~~ Renewal applicants -

Application fees shall be based on the previous calendar year's gross sales of organic ~~((and transition to organic))~~

food. In the event that the current calendar year's gross sales exceed the previous year's gross sales, the department may bill the producer for the additional fee. In the event that the current calendar year's gross sales is less than the previous year's gross sales, the producer may request a refund for the reduced fee. In addition, renewal applications postmarked after March 1, shall pay a late fee of fifty dollars. Renewal applicants that are adding additional sites to their organic certification must pay a new site fee of fifty dollars for each additional site.

~~((For))~~ New applicants -

Application fees shall be based on an estimate of the current year's gross sales of organic ~~((and transition to organic))~~ food. In the event that the current calendar year's gross sales exceed the estimate, the department may bill the producer for the additional fee. In the event that the current calendar year's gross sales is less than the estimate, the producer may request a refund for the reduced fee. In addition, new applicants pay a seventy-five dollar new applicant fee. New applicants that are seeking organic certification for more than one site must pay a site fee of fifty dollars for each additional site. The fee shall accompany the application.

Gross Sales	Annual Fee
\$ 0 - \$ 12,000	\$ 165
\$ 12,001 - \$ 15,000	\$ 200
\$ 15,001 - \$ 20,000	\$ 220
\$ 20,001 - \$ 25,000	\$ 275
\$ 25,001 - \$ 30,000	\$ 330
\$ 30,001 - \$ 35,000	\$ 385
\$ 35,001 - \$ 42,500	\$ 465
\$ 42,501 - \$ 50,000	\$ 550
\$ 50,001 - \$ 65,000	\$ 660
\$ 65,001 - \$ 80,000	\$ 825
\$ 80,001 - \$ 100,000	\$ 990
\$ 100,001 - \$ 125,000	\$ 1,100
\$ 125,001 - \$ 150,000	\$ 1,150
\$ 150,001 - \$ 175,000	\$ 1,320
\$ 175,001 - \$ 200,000	\$ 1,375
\$ 200,001 - \$ 240,000	\$ 1,540
\$ 240,001 - \$ 280,000	\$ 1,595
\$ 280,001 - \$ 325,000	\$ 1,650
\$ 325,001 - \$ 375,000	\$ 1,720
\$ 375,001 - \$ 425,000	\$ 2,200
\$ 425,001 - \$ 500,000	\$ 2,300
\$ 500,001 - \$ 750,000	\$ 2,750
\$ 750,001 and up	\$ 2,000

plus one-tenth of one percent (0.10%) of gross organic sales

PERMANENT

(2) Transitional acreage fee - Each applicant shall pay a fee of five dollars per acre for the land for which they are requesting transition to organic certification.

(3) Two inspections per year within the state of Washington are provided for under the above fee schedule. Additional inspections (in addition to two inspections provided for), if required for certification or maintenance of certification by the director, or requested by the producer, shall be at \$30/hr. plus mileage set at the rate established by the state office of financial management.

Out-of-state inspections, if necessary or requested, shall be at the rate of \$30/hr. plus transportation costs.

~~((3))~~ (4) One sample per year is provided for under the above fee schedule. Additional samples (in addition to one sample provided for), if required for certification or maintenance of certification by the director, or requested by the organic producer, shall cost an additional lab fee of one hundred ten dollars. If an additional visit must be arranged to obtain a sample, it shall be at \$30/hr. plus mileage set at the rate established by the state office of financial management.



PERMANENT

NEW SECTION

WAC 16-156-070 Export and transaction certificates. (1) Organic export and transaction certificates are issued to verify that a specific shipment of organic food products has been produced, processed, and handled in accordance with chapter 15.86 RCW and rules adopted thereunder.

(2) Applications for export and transaction certificates must be submitted on forms furnished by the department. The applicant must furnish all information requested on the application. A separate application must be made for each export and transaction certificate.

(3) The fee for export and transaction certificates shall be thirty dollars per application.

WSR 01-16-033**PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

[Filed July 23, 2001, 2:15 p.m.]

Date of Adoption: July 23, 2001.

Purpose: Repeal of the Washington red raspberry grades and standards, chapter 16-143 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapter 16-143 WAC.

Statutory Authority for Adoption: Chapter 69.04 RCW.

Other Authority: Chapter 15.17 RCW.

Adopted under notice filed as WSR 01-16-001 on July 18, 2001.

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 11.

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.

July 23, 2001

Jim Jesernig

Director

REPEALER

The following chapter is hereby repealed:

Chapter 16-143 WAC, Red raspberry grades and standards

WSR 01-16-034**PERMANENT RULES****PUGET SOUND****CLEAN AIR AGENCY**

[Filed July 23, 2001, 2:36 p.m., effective September 1, 2001]

Date of Adoption: July 12, 2001.

Purpose: To reduce the number of permit applications for sources with a de minimis impact on air quality; and to remove references to the notice of construction program from the spray-coating operations section.

Citation of Existing Rules Affected by this Order: Amending Sections 6.03, 6.04, 6.09, 6.10, and 9.16 of Regulation I.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 01-11-101 on May 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: In 6.03 (a)(1), removed: "Subpart JJJ (Petroleum Dry Cleaners)."

In 6.03 (a)(2), added: "Subpart B (Radon from Underground Uranium Mines), Subpart H (Emissions of Radionuclides other than Radon from Department of Energy Facilities), Subpart I (Radionuclides from Federal Facilities other than Nuclear Regulatory Commission Licensees and not covered by Subpart H), Subpart K (Radionuclides from Elemental Phosphorus Plants), Subpart Q (Radon from Department of Energy Facilities), Subpart R (Radon from Phosphogypsum Stacks), Subpart T (Radon from Disposal of Uranium Mill Tailings), Subpart W (Radon from Operating Mill Tailings)."

In 6.03(b), added: "provided that a complete notification is filed with the Agency prior to initial startup."

In 6.03 (b)(3), added: "All the conditions in the previously issued Order of Approval remain in effect." in place of "A copy of the Order of Approval is required in order to use this exemption."

In 6.03(b), added: "(9) Replacement of existing paint spray booths."

In 6.03 (c)(3)(C), removed: "<200 hours per year (plus an additional 100 hours per year for maintenance and testing)" and replaced it with "<500 hours per year."In 6.03 (c)(53)(A), replaced: " ≤ 2 " with " ≤ 10 " gallons.In 6.03 (c)(53), added: "(D) With a solvent capacity ≤ 2 gallons and containing $\leq 5\%$ by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof."

In 6.03(c), added: "(54) Hand-wipe cleaning."

In 6.03(c), added: "(62) Ovens associated with a coating operation that are used exclusively to accelerate evaporation, if any combustion equipment is also exempt. (Note: The coating operation is not necessarily exempt.)"

In 6.03 (c)(94), added: "and <1,000 pounds per year of toxic air contaminants."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 2001.

July 17, 2001

James Nolan

Director - Compliance

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 01-17 issue of the Register.

WSR 01-16-078
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 25, 2001, 11:01 a.m.]

Date of Adoption: July 23, 2001.

Purpose: Amend rules to reflect changes in law made by the legislature during the 2000 session allowing students to conduct fundraising activities for private purposes subject to certain conditions.

Citation of Existing Rules Affected by this Order: Amending chapter 392-138 WAC.

Statutory Authority for Adoption: RCW 28A.325.020.

Adopted under notice filed as WSR 01-12-048 on May 31, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 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 16, Amended 3, Repealed 18.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 16, Amended 3, Repealed 18.

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.

July 23, 2001

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-138-003 Authority. The authority for this chapter is RCW 28A.325.020 which authorizes the superintendent of public instruction to ~~((promulgate))~~ adopt rules and regulations regarding the administration and control of associated student body moneys.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-138-005 Purposes. The purposes of this chapter are to:

- (1) Implement RCW 28A.325.020~~((;))~~;
- (2) Designate the powers and responsibilities of the board of directors of each school district regarding the efficient administration, management, and control of moneys, records, and reports of associated student body funds~~((; and))~~;
- (3) Encourage the supervised self-government of associated student bodies; and
- (4) Permit fund-raising activities by students in their private capacities for the purpose of generating nonassociated student body private moneys.

AMENDATORY SECTION (Amending Order 84-15, filed 6/13/84)

WAC 392-138-010 Definitions. (1) "Associated student body organization" means a formal organization of students, including subcomponents or affiliated student groups such as student clubs, which is formed with the approval, and operated subject to the control, of the board of directors of a school district in compliance with this chapter.

(2) "Associated student body program" means any activity which (a) is conducted in whole or part by or in behalf of an associated student body during or outside regular school hours and within or outside school grounds and facilities, and (b) is conducted with the approval, and at the direction or under the supervision, of the school district.

(3) "Central district office" means the board of directors and/or their official designee to whom authority has been delegated to act in their behalf.

(4) "Associated student body public moneys" means fees collected from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the school district which is of a cultural, social, recreational or athletic nature, revenues derived from "associated student body programs" as defined in subsection (2) of this section, and any other moneys received by an associated student body, not specified in subsection (5) of this section and WAC 392-138-100, for the support of an associated student body program.

(5) "~~((Associated))~~ Nonassociated student body private moneys" means ~~((bona fide voluntary donations that are identified as donations at the time of collection))~~ moneys generated by fund-raising activities or solicitation of donations by student groups in their private capacities for private purposes and/or private gifts and contributions.

PERMANENT

(6) "Associated student body governing body" means the student council, student activities board, or other officially recognized group of students appointed or elected to represent the entire associated student body within a school in accordance with procedures established by the board of directors of the school district.

(7) (~~"Bona fide voluntary donations" means collections of money freely given without commensurate goods or services being received directly or indirectly by the donor. Bona fide voluntary donations must be intentional, real, actual, genuine, and not feigned.~~) "Trust fund" means a fund used to account for assets held by the district in a trustee capacity for the specific purpose designated by the fund-raising group and described in the notice provided to donors prior to the fund-raising event. Such moneys must be accounted for separately from associated student body public moneys.

(8) "Held in trust" means held as private moneys either within a separate account within the associated student body fund or in a trust fund to be disbursed exclusively for an intended purpose.

NEW SECTION

WAC 392-138-011 Formation of associated student bodies required. The formation of an associated student body shall be mandatory and a prerequisite whenever one or more students of a school district engage in money-raising activities with the approval and at the direction or under the supervision of the district: Provided, That the board of directors of a school district may act, or delegate the authority to an employee(s) of the district to act, as the associated student body governing body for any school facility within the district containing no grade higher than the sixth grade.

NEW SECTION

WAC 392-138-013 Powers—Authority and policy of board of directors. (1) The board of directors of each school district shall:

(a) Retain and exercise the general powers, authority, and duties expressed and implied in law with respect to the administration of a school district and regulation of actions and activities of the associated student bodies of the district including, but not limited to RCW 28A.320.010 (Corporate powers), RCW 28A.150.070 (General public school system administration), RCW 28A.320.030 (Gifts, conveyances, etc., for scholarship and student aid purposes, receipts and administration), RCW 28A.600.010 (Government of schools, pupils, and employees), RCW 28A.320.040 (Bylaws of board and school government), RCW 28A.400.030 (2) and (3) (Superintendent's duties), RCW 28A.600.040 (Pupils to comply with rules and regulations), RCW 43.09.200 (Local government accounting—Uniform system of accounting), RCW 36.22.090 (Warrants of political subdivisions), and chapter 28A.505 RCW (School district budgets);

(b) Approve the constitution and bylaws of each district associated student body and establish policies and guidelines relative to:

(i) The identification of those activities which shall constitute the associated student body program;

(ii) The establishment of an official governing body representing the associated student body;

(iii) The methods and means by which students shall be permitted to raise and otherwise acquire associated student body moneys; and

(iv) The designation of the primary advisor to each associated student body and the authority of the primary advisor to designate advisors to the various student subgroup organizations affiliated with an associated student body;

(c) Assign accounting functions, or portions thereof, to the school building level to be performed by a designated representative of an associated student body or centralize the accounting functions at the district central administrative office level;

(d) Provide for the participation of the associated student body or bodies of the school district in the determination of the purposes for which associated student body public moneys and nonassociated student body private moneys if held as private moneys within the associated student body fund shall be budgeted and disbursed; and

(2) If the district permits students to conduct fund-raising activities and solicitation of donations in their private capacities, they shall establish policies to permit such activities and the allowable uses of such moneys. The board policy and/or procedures must include the approval process for such activities as well as provisions to ensure appropriate accountability for these funds, which are required to be held in trust.

NEW SECTION

WAC 392-138-014 Accounting procedures and records. Associated student body public and nonassociated student body private moneys shall be accounted for as follows:

(1) Accounting methods and procedures shall comply with such rules and regulations and/or guidelines as are developed by the state auditor and the superintendent of public instruction and published in the *Accounting Manual for Public Schools in the State of Washington* and/or other publications;

(2) Whenever two or more associated student bodies exist within a school district, the accounting records shall be maintained in such a manner as to provide a separate accounting for the transactions of each associated student body in the associated student body program fund;

(3) The fiscal and accounting records of associated student body program moneys shall constitute public records of the school district, shall be available for examination by the state auditor, and shall be preserved in accordance with statutory provisions governing the retention of public records; and

(4) Nonassociated student body private moneys shall be held in trust by the school within the associated student body fund or within a trust fund and be disbursed exclusively for such purposes as the student group conducting the fund-raising activity shall determine, subject to applicable school board policies. The district shall either withhold or otherwise be compensated an amount from such moneys to pay its direct costs in providing the service. Such funds are private

moneys, not public moneys under section 7, Article VIII of the state Constitution.

NEW SECTION

WAC 392-138-017 Segregation of public and private moneys. When a school district has associated student body organizations that receive both public and private moneys as defined in WAC 392-138-010 (4) and (5), two separate sets of accounts shall be maintained. In addition, separate accounting records should be maintained by organization or purpose including clubs, classes, athletic activities, private purpose fund-raising events and general associated student body.

NEW SECTION

WAC 392-138-018 Petty cash funds. The board of directors of a school district may authorize the establishment and maintenance of associated student body petty cash funds for use in instances when it is impractical to make disbursement by warrant or check, subject to the following conditions:

- (1) A petty cash fund shall be initiated by warrant or check;
- (2) Paid-out receipts shall constitute invoices for the purpose of vouchering; and
- (3) An upper limit of the amount of the petty cash fund shall be established by the board of directors.

NEW SECTION

WAC 392-138-019 Compliance with bid law required. The statutory provisions of RCW 28A.335.190, the so-called "bid law" governing school district purchasing procedures, shall govern purchases payable from the associated student body funds.

NEW SECTION

WAC 392-138-021 Title to property—Dissolution of associated student body or affiliated group. Title to all such property acquired through the expenditure of associated student body public moneys shall be vested in the school district.

In the event a member organization affiliated with an associated student body elects to disband or ceases to exist for any reason, then:

- (1) The school district and parent associated student body shall cease carrying any money or account on behalf of or to the credit of the organization; and
- (2) The records of the organization shall be retained and disposed of in accordance with applicable state law regarding the retention and destruction of public records.

NEW SECTION

WAC 392-138-105 Fees optional noncredit extracurricular events. The board of directors of any common school district may establish and collect a fee from students and non-

students as a condition to their attendance at any optional noncredit extracurricular event of the district which is of a cultural, social, recreational, or athletic nature: Provided, That in so establishing such fee or fees, the district shall adopt policies for waiving and reducing such fees in the cases of those students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees and may likewise waive or reduce such fees for nonstudents of the age of sixty-five or over who, by reason of their low income, would have difficulty in paying the entire amount of such fees. An optional comprehensive fee may be established and collected for any combination or all of such events or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. The board of directors shall adopt policies which state that:

- (1) Attendance and the fee are optional; and
- (2) The district will waive and reduce fees for students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

Fees collected pursuant to this section shall be designated as associated student body public moneys and shall be deposited in the associated student body program fund of the school district. Such funds may be expended to defray the costs of optional noncredit extracurricular events of such a cultural, social, recreational, or athletic nature, or to otherwise support the public activities and programs of associated student bodies.

NEW SECTION

WAC 392-138-110 Associated student body public moneys—Associated student body program budget. Each associated student body of a school district, with the guidance of the primary advisor, and at such time as is designated by the central district office, annually shall prepare and submit a financial plan (budget) for support of the associated student body program to the district superintendent or his/her designee for consolidation into a district associated student body program fund budget and then present such budget to the board of directors of the district for its review, revision, and approval: Provided, That revisions of the budget submitted by an associated student body and revisions of the budget approved by the board of directors shall first be reviewed by the associated student body and, in the case of an approved budget, shall be subject to the requirements of chapter 28A.505 RCW regarding emergency expenditures or budget extensions. The budget as approved shall constitute an appropriation and authorization for the disbursement of funds for the purposes established in the budget.

NEW SECTION

WAC 392-138-115 Associated student body public moneys—Deposit and investment. All associated student body public moneys, upon receipt, shall be transmitted intact to the district depository bank and then to the county treasurer or directly to the county treasurer for deposit to the credit of the "associated student body program fund" of the school district and shall be accounted for, expended, and invested subject to the practices and procedures governing other moneys

of the district except as such practices and procedures are modified by or pursuant to this chapter.

NEW SECTION

WAC 392-138-120 Associated student body public moneys—Imprest bank checking account. The board of directors of a school district may authorize the establishment and maintenance of an associated student body imprest bank checking account for convenience and efficiency in expediting disbursements, subject to the following conditions:

(1) The maximum amount of such an account shall be no more than is necessary to provide for disbursements at the level of the month of highest estimated demand for disbursements;

(2) An imprest bank checking account shall be initiated by deposit of, and replenished by, a warrant drawn on the associated student body program fund;

(3) Disbursements from an imprest bank checking account shall be by check and shall be restricted to payments of invoices bearing evidence of student approval in accordance with associated student body bylaws;

(4) An imprest bank checking account shall be replenished at least once each month by a warrant drawn on the associated student body program fund in payment of an approved voucher in an amount equal to the sum total of the disbursements made by check from the imprest bank checking account during the preceding interval; and

(5) The replenishment voucher shall reflect such information as the central district office shall prescribe relative to identification of invoices, invoice approvals, codification of expenditures, cancelled checks, and other information deemed pertinent.

NEW SECTION

WAC 392-138-125 Associated student body public moneys—Disbursement approval—Total disbursements. Associated student body public moneys shall be disbursed subject to the following conditions:

(1) No disbursements shall be made except as provided for in the budget approved pursuant to WAC 392-138-040;

(2) Disbursements shall occur only upon presentation of properly prepared vouchers in such format and design as the central district office shall prescribe;

(3) All disbursements from the associated student body program fund or any imprest bank account established thereunder shall have the prior approval of the appropriate governing body representing the associated student body. Supporting documentation of the vouchers shall bear evidence of approval by the associated student body governing body in accordance with associated student body bylaws;

(4) When an account within the fund balance of an associated student body organization does not contain a sufficient balance to meet a proposed disbursement, such disbursement shall be limited to the fund balance: Provided, That a transfer of fund balance between associated student body organizations may be made pursuant to the associated student body bylaws and as approved by the associated student body governing body;

(5) Warrants shall not be issued in excess of the moneys on deposit with the county treasurer in the associated student body program fund; and

(6) All disbursements shall be made by warrant except for disbursements from imprest bank accounts and petty cash funds provided for in this chapter.

NEW SECTION

WAC 392-138-130 Associated student body public moneys—League and other joint activities. Athletic league and other forms of joint inter and intra school district associated student body programs are not precluded by this chapter. In the case of such joint programs, a single school district or associated student body or a board representing the participating associated student bodies shall manage associated student body moneys made available to it for the support of the joint program and received as a result of the conduct of such program, in compliance with this chapter and a written cooperative agreement authorized by the board(s) of directors of the district(s).

NEW SECTION

WAC 392-138-200 Nonassociated student body private moneys. The board of directors of a school district may permit student groups to raise moneys through fund-raising or solicitation in their private capacities when the following conditions are met:

(1) Prior to solicitation of such funds, the school board approves policies defining the scope and nature of fund-raising permitted. School board policy includes provisions to ensure appropriate accountability, including prompt deposit, holding the moneys in trust, and disbursement only for the intended purpose of the fund-raiser;

(2) Such funds are used for scholarship, student exchange, and/or charitable purposes. Charitable purposes do not include any activity related to assisting a campaign for election of a person to an office or promotion or opposition to a ballot proposition;

(3) Prior to solicitation of such funds notice is given. Such notice identifies the intended purpose of the fund-raiser, further it states the proceeds are nonassociated student body funds to be held in trust by the school district exclusively for the intended purposes;

(4) The school district withholds or otherwise is compensated an amount adequate to reimburse the district for its direct costs in handling these private moneys; and

(5) WAC 392-138-205 applies to moneys received, deposited, invested, and accounted for under this section.

Nonassociated student body private moneys shall not be deemed public moneys under section 7, Article VIII of the state Constitution.

WAC 392-138-035 shall apply to moneys received, deposited, invested, expended, and accounted for under this section.

NEW SECTION

WAC 392-138-205 Nonassociated student body private moneys—Deposit and investment. All nonassociated student body private moneys, upon receipt, shall be transmitted intact to the district depository bank and then to the county treasurer or directly to the county treasurer for deposit to the credit of the school district's trust fund or the associated student body fund, if held in trust within that fund within accounts as defined in WAC 392-138-010 and shall be accounted for, expended, and invested subject to applicable school board policy and/or procedures pursuant to WAC 392-138-200.

NEW SECTION

WAC 392-138-210 Nonassociated student body private moneys—Disbursement approval—Total disbursements. Nonassociated student body private moneys shall be disbursed subject to the following conditions:

(1) If such funds are held in trust within the associated student body fund, they shall be budgeted pursuant to WAC 392-138-013 (1)(d). No disbursements shall be made except as provided for in the budget approved pursuant to WAC 392-138-110. All disbursements shall have the prior written approval of the associated student body or such other authority designated in school district policy or procedures;

(2) If such funds are held in a trust fund, they are not budgeted. Disbursements shall occur only upon presentation of properly prepared vouchers in such format and design as the central district office shall prescribe, and as provided for in subsection (3) of this section;

(3) Vouchers authorizing disbursements shall be accompanied by written evidence of approval of disbursement by the associated student body or other authority designated in the school district's policies and procedures;

(4) Disbursements shall be made only for the intended purposes pursuant to WAC 392-138-200.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-138-012 Fees optional noncredit extracurricular events.
- WAC 392-138-016 Scholarships, student exchange and charitable purposes—ASB private moneys.
- WAC 392-138-025 Formation of associated student bodies required.
- WAC 392-138-030 Powers—Authority and policy of board of directors.
- WAC 392-138-035 Deposit and investment of associated student body moneys.
- WAC 392-138-040 Associated student body program budget.

- WAC 392-138-045 Accounting procedures and records.
- WAC 392-138-047 Segregation of accounts—Public and private moneys.
- WAC 392-138-050 Disbursement approval—Total disbursements.
- WAC 392-138-055 Imprest bank checking account.
- WAC 392-138-060 Petty cash funds.
- WAC 392-138-065 Compliance with bid law required.
- WAC 392-138-070 District assumption of existing indebtedness permitted.
- WAC 392-138-071 Public moneys—Previous law.
- WAC 392-138-075 Title to property—Dissolution of associated student body or affiliated group.
- WAC 392-138-080 Disposition of preexisting associated student body cash and investment.
- WAC 392-138-085 League and other joint activities.
- WAC 392-138-100 Student aid donations and other nonassociated student body moneys.

WSR 01-16-087
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed July 25, 2001, 3:56 p.m., effective September 1, 2001]

Date of Adoption: July 23, 2001.

Purpose: This WAC chapter advises clients about the letters they may receive from the department. It explains:

- When the department sends letters;
- What information is included on the letters;
- The timeframes for sending the letters; and
- The clients' rights regarding notification from the department.

Citation of Existing Rules Affected by this Order: Chapter 388-458 WAC, Notices and letters; and repealing WAC 388-458-0001, 388-458-0005, 388-458-0010, and 388-458-0015.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Adopted under notice filed as WSR 01-12-055 on June 1, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

PERMANENT

Rules or Standards: New 7, Amended 0, Repealed 3; 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 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 10, Amended 0, Repealed 4.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 2001.

July 23, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-458-0002 The department of social and health services (DSHS) sends you letters to tell you about your case. (1) When you apply for or get benefits, we send you letters to tell you about your case.

(2) If you speak another language and cannot read English, we send letters to you in your primary language.

(3) There are seven basic types of letters that we send to you:

- (a) Withdrawals;
- (b) Denials;
- (c) Approvals;
- (d) Requests;
- (e) Changes;
- (f) Terminations; and
- (g) Other.

NEW SECTION

WAC 388-458-0006 DSHS sends you a letter when you withdraw your application. (1) We send you a withdrawal letter when you tell us that you no longer want to apply for benefits.

(2) On this letter, we tell you:

(a) The date we stopped processing your application; and
(b) Your right to have your case reviewed or ask for a fair hearing.

(3) We send this letter to you according to the rules in chapter 388-406 WAC.

NEW SECTION

WAC 388-458-0011 DSHS sends you a denial letter when you can't get benefits. (1) When we finish processing your application, we send you a denial letter if you cannot get benefits.

(2) On this letter, we tell you:

- (a) Why you cannot get benefits;
- (b) The rules that support our decision;

(c) The date we stopped processing your application; and
(d) Your right to have your case reviewed or ask for a fair hearing.

(3) If we are denying your application because you did not give us some information that we needed and we can't figure out if you are eligible without it, we also tell you on the letter:

- (a) What information you didn't give to us;
- (b) The date we asked for the information and the date it was due;
- (c) That we cannot figure out if you can get benefits without this information; and
- (d) That we will review your eligibility if:
 - (i) For cash and medical, you give us the information within thirty days of the date of the notice;
 - (ii) For food assistance, you give us the information within sixty days of the date you applied; and
 - (iii) Your circumstances have not changed.
- (4) We send denial letters to you according to the rules in chapter 388-406 WAC.

NEW SECTION

WAC 388-458-0016 DSHS sends you an approval letter when you can get benefits. (1) When we finish processing your application, we send you an approval letter if you can get benefits.

(2) On this letter, we tell you:

- (a) What kind of benefits you get;
- (b) If you applied for cash or food assistance, the amount of benefits you get;
- (c) If you applied for medical, what type of medical;
- (d) How long you will get the benefits; and
- (e) Your right to have your case reviewed or ask for a fair hearing.

(3) We send approval letters to you according to the rules in chapter 388-406 WAC.

NEW SECTION

WAC 388-458-0020 You get a request letter when we need more information. (1) We send a request letter to you when we need some information from you or you have to do something in order to get benefits.

(2) On the letter, we tell you:

- (a) What is needed;
- (b) The date it is due; and
- (c) What will happen to your benefits if you don't do what we ask.

(3) You get at least ten days to give us the information or do the activity. You can ask for more time if you need it.

(4) If the tenth day is on a weekend or holiday, you have until the next business day to do what we need.

(5) If we don't get what we need by the due date, we may deny, reduce, or stop your benefits. We will send you another letter if this happens.

NEW SECTION

WAC 388-458-0025 We send you a change letter if the amount of benefits you are getting is changing. (1) We send you a change letter if the amount of benefits you are getting is changing.

(2) On the letter, we tell you:

- (a) What your benefits are changing to;
- (b) When the change is going to happen;
- (c) The reason for the change;
- (d) The rules that support our decision; and
- (e) Your right to have your case reviewed or ask for a fair hearing.

(3) We send the letter to you before the change happens. If your benefits are going down, we give you at least ten days notice unless:

- (a) You ask us to reduce your benefits;
- (b) We have to change benefits for a lot of people at once because of a law change;

(c) For cash and food assistance:

(i) We told you on your approval letter that your benefits might change every month because you have fluctuating income; or

(ii) We already told you that the supplement would end.

(d) For cash assistance, we told you that the AREN payment described in WAC 388-436-0002 was for one month only.

(4) The ten-day count starts on the day we mail or give you the letter and ends on the tenth day.

(5) If we don't have to give you ten days notice, we send the letter to you:

- (a) For cash and medical, by the date of the action.
- (b) For food assistance, by the date you normally get your benefits.

NEW SECTION

WAC 388-458-0030 We send you a termination letter when your benefits stop. (1) We send you a termination letter when your benefits stop.

(2) On the letter, we tell you:

- (a) When your benefits are going to end;
- (b) The reason they are ending;
- (c) The rules that support our decision; and
- (d) Your right to have your case reviewed or ask for a fair hearing.

(3) We tell you at least ten days before your benefits end unless:

- (a) You asked us to stop your benefits;
- (b) We have proof that everyone in your assistance unit has moved to another state or will move to another state before the next benefits are issued;

(c) We have proof that everyone in your assistance unit has died;

(d) We have to change benefits for a lot of people at once because of a law change; or

(e) For food assistance, your certification period is ending.

(4) The ten-day count starts on the day we mail or give you the letter and ends on the tenth day.

(5) If we don't have to give you ten days notice, we send the letter to you:

- (a) For cash and medical, by the date of the action.
- (b) For food assistance, by the date you normally get your benefits.

NEW SECTION

WAC 388-458-0035 Why do you give me ten days notice before you reduce or stop my benefits? (1) We give you ten days notice before reducing or stopping your benefits so that you have some time to either:

- (a) Get the needed information to us; or
 - (b) Prepare yourself and your family for the change.
- (2) You can also use this time to request a fair hearing.

NEW SECTION

WAC 388-458-0040 What happens if I ask for a fair hearing before the change happens? (1) If you ask for a fair hearing within the ten-day notice period, you may keep getting the amount of benefits you were getting before the change. This is called continued benefits.

(2) If the tenth day falls on a weekend or holiday, you have until the next business day to ask for a fair hearing and still be able to get continued benefits.

(3) If the tenth day happens before the end of the month, you have until the end of the month to ask for a fair hearing and still be able to get continued benefits.

(4) For food assistance, you cannot get continued benefits if your certification period is ending.

(5) If you get continued benefits, you keep getting them through the end of the month the fair hearing decision is mailed unless:

- (a) You:
 - (i) Tell us in writing that you do not want continued benefits;
 - (ii) Withdraw your fair hearing request in writing; or
 - (iii) Do not follow through with the fair hearing process.
- (b) An administrative law judge (ALJ) tells us in writing to stop your continued benefits before the hearing.

(c) For food assistance, your certification period ends.

(6) After the fair hearing, you have to pay back continued benefits you get, as described in chapter 388-410 WAC, if the ALJ agrees with our decision.

NEW SECTION

WAC 388-458-0045 Will I get other kinds of letters? Yes. We also send you letters in special circumstances. These letters are specific to your situation. Here are some examples:

- (1) Appointment letters;
- (2) Overpayment letters; and
- (3) Fair Hearing letters.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-458-0001 How the department requests information or action needed when a client applies for assistance or reports a change.
- WAC 388-458-0005 Adequate notice of denial or withdrawal.
- WAC 388-458-0010 Adequate notice of adverse action to recipients.
- WAC 388-458-0015 Translation of written communications with limited English proficient clients.

**WSR 01-16-100
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF**

[Filed July 27, 2001, 9:16 a.m.]

Date of Adoption: July 10, 2001.

Purpose: To implement federal regulatory changes regarding discipline enacted March 12, 1999, resulting from the 1997 amendments to the Individuals with Disabilities Education Act and conform procedures to state law.

Citation of Existing Rules Affected by this Order: Amending WAC 148-120-200, 148-120-220, 148-120-225, 148-120-230, 148-120-234, and 148-120-236.

Statutory Authority for Adoption: RCW 72.40.011.

Adopted under notice filed as WSR 01-12-062 on June 4, 2001.

Changes Other than Editing from Proposed to Adopted Version: Proposed amendment to WAC 148-120-100 was not adopted at this date; a supplemental notice with additional amendments will be filed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 15, Amended 2, Repealed 0; Federal Rules or Standards: New 15, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 15, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 20, 2001

Len Aron

Superintendent

**((DISCIPLINARY PROCESS AND PROCEDURES))
DISCIPLINE**

AMENDATORY SECTION (Amending WSR 94-13-058, filed 6/8/94, effective 7/9/94)

WAC 148-120-200 Policy. The Washington school for the deaf has established standards of conduct for students and the disciplinary process to protect members of the school community, maintain and advance its educational mission, and provide for the orderly conduct of the school's activities. Disciplinary procedures used by the school are considered part of its educational process. School policy and rules of conduct shall be applicable to all students in any program or activity conducted by the Washington school for the deaf. In every case of misconduct, the nature and circumstances of the violation will be considered and appropriate disciplinary actions will be administered on a less restrictive alternative basis, including but not limited to time out, detention, behavior contracts, restriction of privileges, reprimand, restitution, suspension or expulsion.

AMENDATORY SECTION (Amending WSR 94-13-058, filed 6/8/94, effective 7/9/94)

WAC 148-120-220 Short-term suspension. (1) As used in this chapter, "short-term suspension" shall mean a denial of attendance at any class or admission to or entry upon school property for up to and not exceeding ten consecutive school days.

(2) ~~((Unless otherwise prohibited,))~~ Short-term suspension may be imposed upon a student for violation(s) of student conduct code rules.

(3) A student may be suspended for a short-term after another less restrictive form of disciplinary action, reasonably calculated to modify his or her conduct, has been imposed as a consequence of misconduct of the same nature: Provided, That the school may resort to immediate short-term suspension in cases involving exceptional misconduct notwithstanding the fact that prior alternative corrective action or discipline has not been imposed. For the purposes of this section, "exceptional misconduct" means misconduct, other than absenteeism, (a) of such frequent occurrence, notwithstanding prior attempts by the school to control such misconduct through the use of other forms of disciplinary action, as to warrant immediate resort to short-term suspension, and/or (b) so serious in nature and/or in terms of the disruptive effect upon the operation of the school, as to warrant immediate resort to short-term suspension.

(4) Any student subject to short-term suspension shall be provided the opportunity upon return to make up assignments and tests missed by reason of the suspension if such assignments or tests have a substantial effect upon academic standing.

PERMANENT

AMENDATORY SECTION (Amending WSR 94-13-058, filed 6/8/94, effective 7/9/94)

WAC 148-120-225 Short-term suspension—Notice and conference—Grievance procedure. (1) Prior to the short-term suspension of any student pursuant to WAC 148-120-220, a conference shall be conducted with the student as follows:

(a) Notice of the alleged misconduct and violation(s) of school rules shall be provided to the student in writing or the mode of communication of the student;

(b) An explanation of the evidence in support of the allegation(s) shall be provided to the student in writing or the mode of communication of the student;

(c) An explanation of the ~~((disciplinary))~~ corrective action or discipline which may be imposed shall be provided to the student in writing or the mode of communication of the student; and

(d) The student shall have the opportunity to present his/her explanation.

(2) In the event a suspension is to exceed one calendar day the parent(s) or guardian(s) of the student shall be notified of the reason for the student's suspension and the duration of the suspension orally and/or by letter deposited in the United States mail as soon as reasonably possible. The notice shall also inform the parent or guardian of the right to ~~((a brief adjudicative proceeding))~~ an informal conference pursuant to subsection (3) of this section and that the suspension may possibly be reduced as a result of such ~~((proceeding))~~ conference.

(3) Any student, parent, or guardian aggrieved by the imposition of a short-term suspension ~~((pursuant to WAC 148-120-220,))~~ shall have the right to ~~((a brief adjudicative proceeding under WAC 148-108-100 as soon as reasonably possible))~~ an informal conference with the principal or his or her designee for the purpose of resolving the grievance. During the conference, the student, parent, or guardian shall be subject to questioning by the principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent who shall notify the student, parent, or guardian of his or her response to the grievance within ten school business days after receipt of the written or oral grievance. The disciplinary action may continue notwithstanding the implementation of the ~~((brief adjudicative proceeding))~~ grievance procedure set forth in this section.

~~((4) The presiding officer shall give a written decision including a brief statement of the reasons for the decision within ten days of the brief adjudicative proceeding.))~~

AMENDATORY SECTION (Amending WSR 94-13-058, filed 6/8/94, effective 7/9/94)

WAC 148-120-230 Long-term suspension. (1) As used in this chapter, "long-term suspension" shall mean a denial of attendance at any class or admission to or entry

upon school property in excess of ten consecutive school days.

(2) ~~((Unless otherwise prohibited,))~~ Long-term suspensions may be imposed on a student for violation(s) of student conduct code rules.

(3) When a student engages in conduct that would warrant long-term suspension, the ~~((student, parent(s) or guardian(s) shall be notified immediately of the misconduct, the disciplinary action proposed, and the time and location of any individualized education program (IEP) team meeting review.~~

~~((4) If long-term suspension is recommended, the school shall convene a meeting to review the student's IEP pursuant to WAC 148-171-210. The IEP team shall determine whether the misconduct is a manifestation of or is substantially related to the student's handicapping condition(s).~~

~~((5) If the IEP team concludes that the misconduct is not a manifestation of the student's handicapping condition(s), the student may be disciplined under the procedures set forth in WAC 148-120-234 through 148-120-236.~~

~~((6) If the IEP team concludes that the misconduct is a manifestation of the student's handicapping condition(s), suspension for more than ten days shall not be imposed unless:~~

~~((a) The school and parent(s) or guardian(s) agree otherwise; or~~

~~((b) The IEP team recommends a change of placement.~~

~~((7) A student involved in the complaint shall remain at the school during the pendency of any administrative or judicial proceeding, unless:~~

~~((a) The student's misconduct poses an immediate threat to the safety of others or where maintaining the student in his/her current placement at the school has a substantial likelihood of resulting in injury either to the student or to others; or~~

~~((b) The school, student, and parent(s) agree otherwise.~~

~~((8) A party may request a hearing pursuant to WAC 148-171-600, on any manner described in this section.~~

~~((9) Nothing in this section shall be construed to limit the superintendent's ability to seek injunctive relief in appropriate cases from a court of competent jurisdiction.))~~ requirements and procedures for disciplinary exclusion, found in WAC 148-120-300 through 148-120-313 shall be followed.

AMENDATORY SECTION (Amending WSR 94-13-058, filed 6/8/94, effective 7/9/94)

WAC 148-120-234 Long-term suspension—Misconduct ~~((unrelated to handicapping condition(s)))~~ not a manifestation of disability—Notice. (1) Following a determination that behavior which warrants a long-term suspension was not a manifestation of the student's disability, a student may be suspended for a long term after another less restrictive form of disciplinary action, reasonably calculated to modify his or her conduct, has been imposed as a consequence of misconduct of the same nature: Provided, That the school may resort to immediate long-term suspension in cases involving exceptional misconduct notwithstanding the fact that prior alternative corrective action or discipline has not been imposed. For the purposes of this section, "except-

tional misconduct" means misconduct, other than absenteeism, (a) of such frequent occurrence, notwithstanding prior attempts by the school to control such misconduct through the use of other forms of disciplinary action, as to warrant immediate resort to long-term suspension, and/or (b) so serious in nature and/or in terms of the disruptive effect upon the operation of the school, as to warrant immediate resort to long-term suspension.

(2) Prior to the long-term suspension of any student for misconduct (~~(unrelated to his/her handicapping condition(s))~~) which was not a manifestation of the student's disability, written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and parent(s) or guardian(s). The notice shall:

(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible;

(b) Specify the alleged misconduct and the rule(s) alleged to have been violated;

(c) Set forth the disciplinary action proposed;

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s).

(e) State that a written request for a hearing must be received by the school employee designated, or by his or her office within three school business days after receipt of the notice of opportunity for a hearing; and

(f) State that if such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed long-term suspension may be imposed. A schedule of school business days should be included with the notice.

(3) If a request for a hearing is not received within the required three school business day period, the school may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the proposed long-term suspension may be imposed.

AMENDATORY SECTION (Amending WSR 94-13-058, filed 6/8/94, effective 7/9/94)

WAC 148-120-236 Long-term suspension—Misconduct (~~(unrelated to handicapping condition(s))~~) not a manifestation of disability—Hearing (~~(—Appeal)~~). (1) If a request for a hearing is received pursuant to WAC 148-120-234 within the required time period, the school shall schedule a hearing to commence within seven school days after the date upon which the request for a hearing was received.

(2) (~~The student and parent(s) or guardian(s) has the right to:~~

(a) ~~Inspect in advance of the hearing any documentary and other physical evidence which the school intends to introduce at the hearing;~~

(b) ~~Be advised or represented by an attorney;~~

(c) ~~Present relevant evidence, confront and compel the attendance of witnesses.~~

(3) The designee of the school assigned to present the school's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which

the student and parent(s) or guardian(s) intends to introduce at the hearing;

(4) The person(s) hearing the case shall not be a witness and the decision on the suspension shall be based solely on the evidence presented at the hearing.

(5) A written or electronic verbatim record of the hearing shall be made.

(6) A written decision setting forth findings of fact, conclusions, and the nature and duration of the long-term suspension or lesser form of disciplinary action to be imposed, if any, shall be provided to the student, parent(s) or guardian(s), and attorney.

(7) If a request for hearing is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed long-term suspension may be imposed without any further opportunity for the student or his or her parent(s) to contest the matter.

(8) A decision which imposes a long-term suspension upon a student shall be final and no further appeal within the school is provided.

(9)) The hearing shall be a brief adjudicative proceeding in accordance with WAC 148-108-100. The hearing process described in WAC 180-40-270, applicable to long-term suspensions involving students without disabilities, should apply as guidelines for the conduct of the brief adjudicative proceeding.

(3) During the pendency of any administrative or judicial proceeding involving suspension under this section, unless the school and the parent(s) of the student (or the ~~(adult)~~ eligible student as defined in WAC 148-171-010(1)) agree otherwise, the student shall remain in the educational placement he or she was in when the request for hearing was made: Provided, That nothing in this section shall be construed to limit the superintendent's ability to seek injunctive relief in appropriate cases from a court of competent jurisdiction.

DISCIPLINARY EXCLUSION

NEW SECTION

WAC 148-120-300 Disciplinary exclusion—Definitions. The following definitions apply to this section only:

(1) "Controlled substance" means a drug or other substance identified under Schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. Sec. 812(c)).

(2) "Illegal drug" means a controlled substance, but does not include, a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

(3) "Weapon" has the meaning given the term "dangerous weapon" under section 930 (g)(2) of Title 18 U.S.C.: "Dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches in length.

(4) "Substantial evidence" means beyond a preponderance of the evidence.

NEW SECTION

WAC 148-120-301 Change of placement for disciplinary removals. For purposes of removals of a student from the student's current educational placement under this section, a change of placement occurs if:

- (1) The removal is for more than ten consecutive school days; or
- (2) The student is subjected to a series of removals that constitute a pattern because they cumulate to more than ten school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

NEW SECTION

WAC 148-120-302 Removals—Ten school days or less. School personnel may order the removal of a student from the student's current placement for not more than ten consecutive school days for any violation of school rules, including the student conduct code, and additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement under WAC 148-120-202.

NEW SECTION

WAC 148-120-303 Required services. (1) In the case of a student who has been removed from his or her current placement for more than ten cumulative school days in the same school year, the school, for the remainder of the removals, shall provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and advance toward achieving the goals set out in the student's individualized education program.

(2) When there is no change of placement, school personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

NEW SECTION

WAC 148-120-304 Change of placement—Removals for weapons or drugs. School personnel may order a change in placement of a student to an appropriate interim alternative educational setting for not more than forty-five calendar days, if the student:

- (1) Possesses a weapon, or carries a weapon to school or to a school function under the jurisdiction of the school for the deaf; or
- (2) Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a

school function under the jurisdiction of the school for the deaf.

NEW SECTION

WAC 148-120-305 Functional behavioral assessment and intervention plan. Within ten business days after first removing a student for more than ten consecutive school days in a school year or placing the student in an interim alternative educational setting, the following actions shall be taken by the school:

(1) If the school did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the student before the behavior that resulted in the removal occurred, an individualized education program meeting will be convened to develop an assessment plan.

(2) If the student already has a behavioral intervention plan, the individualized education program team shall meet to review the plan and its implementation to determine whether modifications are necessary.

(3) As soon as practicable after developing the assessment plan described in subsection (1) of this section, and completing the assessments required by the plan, an IEP meeting will be convened to develop appropriate behavioral interventions to address the behavior that resulted in removal and to implement those interventions.

(4) If a student has a behavioral intervention plan and has been removed from the current educational placement for more than ten cumulative school days in a school year, and is subsequently subjected to a removal that does not constitute a change of placement under WAC 148-120-301, the IEP team may review the behavioral intervention plan and its implementation to determine if modifications are necessary.

(5) If one or more of the IEP team members believe that modifications to an existing behavioral intervention plan are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

NEW SECTION

WAC 148-120-306 Dangerous behavior—Authority of hearing officer. A hearing officer, described in WAC 392-172-352 (adopted by reference in WAC 148-171-601), may order a change in the placement of a student to an appropriate interim alternative educational setting for not more than forty-five days if the hearing officer, in an expedited due process hearing:

(1) Determines that the school has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others;

(2)(a) Considers the appropriateness of the student's current placement;

(b) Including, when necessary, the requirements and limitations imposed by RCW 72.40.040(4), 72.40.050(2), 72.40.250(2), and 72.40.270;

(3) Considers whether the school has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

(4) Determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the student's special education teacher meets the requirements of WAC 148-120-307.

NEW SECTION

WAC 148-120-307 Determination of interim alternative educational setting. The individualized education program team shall determine an interim alternative educational setting. Any interim alternative educational setting in which a student is placed under WAC 148-120-304 and 148-120-306 shall:

(1) Be selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current individualized education program, that will enable the student to meet the goals set out in that individualized education program; and

(2) Include services and modifications designed to address and prevent the recurrence of the behavior described in WAC 148-120-304 or 148-120-306.

NEW SECTION

WAC 148-120-308 Manifestation determination review requirements. If school personnel or a hearing officer contemplates action that involves removing a student for behavior described in WAC 148-120-304 or behavior that is substantially likely to result in injury to the student or to others, or other behavior that violates any rule or code of conduct which results in a change of placement under WAC 148-120-301, the school shall:

(1) Not later than the date on which the decision to take action is made, notify the parents of the school's decision and provide the procedural safeguards notice described under WAC 392-172-307; and

(2) Immediately, if possible, but in no case later than ten school days after the date on which the decision to remove the student is made, conduct a review of the relationship between the student's disability and the behavior subject to the disciplinary action.

NEW SECTION

WAC 148-120-309 Procedures for conducting a manifestation determination. The individualized education program team and other qualified personnel in a meeting shall conduct a manifestation determination review. In carrying out the review, the team may determine that the behavior of the student was not a manifestation of the student's disability only if the team:

(1) First considers, in terms of the behavior subject to disciplinary action, all relevant information, including:

(a) Evaluation and diagnostic results, including the results of other relevant information supplied by the parents of the student;

(b) Observations of the student; and

(c) The student's individualized education program and placement.

(2) Then determines that:

(a) In relationship to the behavior subject to disciplinary action, the student's individualized education program and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's individualized education program and placement;

(b) The student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and

(c) The student's disability did not impair the ability of the student to control the behavior subject to disciplinary action.

(3) If the team determines that any of the above standards in this section were not met, the behavior must be considered a manifestation of the student's disability.

(4) The manifestation determination review described in this section may be conducted at the same individualized education program meeting that is convened to address a functional behavioral assessment and behavioral intervention plan.

(5) If the review identifies deficiencies in the student's IEP or placement or in their implementation, the school will take immediate steps to remedy those deficiencies.

NEW SECTION

WAC 148-120-310 Determination that behavior was not manifestation of disability. (1) If the results of the manifestation determination review indicate that the behavior of the student was not a manifestation of the student's disability, the student may be subject to the same disciplinary measures applicable to students without disabilities, including long-term suspensions and expulsions, except that a free appropriate public education shall continue to be made available to those students consistent with 34 CFR Sec. 300.121(d).

(2) The student's IEP team determines the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP if the student is removed because of behavior that has been determined not to be a manifestation of the student's disability.

(3) If a parent requests a hearing to challenge the determination that the behavior of the student was not a manifestation of the student's disability, then the student shall remain in the current educational placement or interim alternative educational setting consistent with WAC 148-120-312, whichever applies.

NEW SECTION

WAC 148-120-311 Expedited due process hearings.

(1) "Expedited due process hearing" means a hearing that is conducted by a due process hearing officer, in accordance with WAC 148-171-601 (impartial due process hearing rights) and this section, and may be requested in any of the following situations:

(a) The parent disagrees with a determination that the student's behavior was not a manifestation of the student's disability.

(b) The parent disagrees with the school's decision regarding the student's disciplinary change of placement under WAC 148-120-304.

(c) The school maintains that it is dangerous for the student to return to the current placement (placement prior to removal to the interim alternative educational setting) after the expiration of the student's placement in an interim alternative educational setting or to be in the current placement (placement prior to removal to the interim alternative educational setting) during the pendency of the due process proceedings.

(2) Pursuant to WAC 392-172-350 (adopted by reference in WAC 148-171-601) the office of superintendent of public instruction shall arrange for an expedited hearing in any case described in subsection (1) of this section if requested by the parent.

(3) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the school has demonstrated that the student's behavior was not a manifestation of the student's disability consistent with the requirements of WAC 148-120-309.

(4) In reviewing a decision to place the student in an interim alternative educational setting, the hearing officer shall apply the standards under WAC 148-120-306.

(5) An expedited due process hearing shall:

(a) Result in a written decision being mailed to the parties within forty-five days of the office of superintendent of public instruction's receipt of the request for the hearing without exceptions or extensions. The timeline established in this subsection shall be the same for hearings requested by parents or the school;

(b) Meet the requirements of WAC 392-172-354 (adopted by reference in WAC 148-171-601) except that the time periods identified for the disclosure of records and evaluations for purposes of expedited due process hearings are not less than two business days prior to the hearing; and

(c) Be conducted by a due process hearing officer who satisfies the impartiality requirements of WAC 392-172-352 (adopted by reference in WAC 148-171-601).

(6) The decisions on expedited due process hearings are appealable under the state's due process appeal procedures (see WAC 148-171-601 and 392-172-360).

NEW SECTION

WAC 148-120-312 Placement during appeals. (1) If a parent requests a hearing regarding a disciplinary action described in WAC 148-120-304 or 148-120-306 to challenge the interim alternative educational setting or the manifestation determination, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five day time period provided for, whichever occurs first, unless the parent and the school agree otherwise.

(2) If a student is placed in an interim alternative educational setting pursuant to this section and school personnel propose to change the student's placement after expiration of

the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement, the student must remain in the current placement (the student's placement prior to the interim alternative educational setting), except as provided for below.

(3) In determining whether the student may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards under WAC 148-120-211.

(4) A placement ordered pursuant to this section may not be longer than forty-five days.

(5) The procedure in this section may be repeated as necessary.

NEW SECTION

WAC 148-120-313 Referral to and action by law enforcement and judicial authorities. (1) Nothing in Part B of the Individuals with Disabilities Education Act, or this chapter prohibits the Washington school for the deaf from reporting a crime committed by a student to appropriate authorities, or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student.

(2) When reporting a crime committed by a student, the school shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime.

(3) When reporting a crime under this section, the school may transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

NEW SECTION

WAC 148-120-314 Aversive interventions. WAC 392-172-388 through 392-172-396 are adopted by reference.

WSR 01-16-101
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF
[Filed July 27, 2001, 9:18 a.m.]

Date of Adoption: July 10, 2001.

Purpose: To implement federal regulatory changes enacted March 12, 1999, resulting from the 1997 amendments to the Individuals with Disabilities Education Act and conform procedures to state law.

Citation of Existing Rules Affected by this Order: Amending WAC 148-171-001, 148-171-010, 148-171-015, 148-171-110, 148-171-120, 148-171-131, 148-171-140, 148-171-150, 148-171-210, 148-171-220, 148-171-230, 148-171-240, 148-171-410, 148-171-500, 148-171-510 and 148-171-650; and repealing WAC 148-171-130, 148-171-200, 148-171-400, 148-171-420, 148-171-430, 148-171-600, 148-171-

610, 148-171-620, 148-171-630, 148-171-640, and 148-171-700.

Statutory Authority for Adoption: RCW 72.40.022.

Adopted under notice filed as WSR 01-12-061 on June 4, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 148-171-150, subsection (1), substituted "deaf or hard-of-hearing" for "visually impaired"; subsection (2) deleted references to "vision," qualified specific services in the local school district as those for "deaf or hard-of-hearing students," substituted "language development" for "vision specific services," substituted "assistive learning devices" for "adaptive aids and appliances," substituted "auditory" for "vision" support services; and subsection (3) eliminated the risk Level II or III classification for adjudicated sex offenders, any adjudicated sex offender status may be considered. Renamed heading formerly called "Hearings" which appears before WAC 148-171-601.

Number of Sections Adopted in Order to Comply with Federal Statute: New 8, Amended 15, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 8, Amended 15, 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.

July 20, 2001

Len Aron

Superintendent

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-001 Purposes. The purposes of this chapter are:

(1) To implement chapter 72.40 RCW in a manner that is compatible with chapter ~~((28A.13))~~ 28A.155 RCW and in compliance with the ~~((Education for All Handicapped Children))~~ Individuals with Disabilities Education Act, 20 U.S.C. Sec. ~~((1401))~~ 1400 et seq.; and

~~((To assure that all handicapped children have an opportunity for a free appropriate public education which emphasizes special education and related services designed to meet their unique needs;~~

~~((To assure that the rights of handicapped children and their parents are protected; and~~

~~((To assess and assure the effectiveness of efforts to educate the handicapped students))~~ To meet the obligations of additional federal and state civil rights laws (e.g., 29 U.S.C. Sec. 794, 42 U.S.C. Sec. 12132, RCW 49.60.030) that

apply to students who have a disability regardless of the student's eligibility for special education and related services.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-010 Definitions. ~~((As used in this chapter:~~

~~(1) "Adult student" means a student or handicapped student not otherwise incompetent, who has reached eighteen years of age.~~

~~(2) "Handicapped student" and "student" (depending upon the context in which the term is used) means:~~

~~(a) A person under the age of twenty-one, who has been determined pursuant to this chapter to have one or more of the disabilities set forth in WAC 148-171-015 and to be in need of special education and related services: Provided, That a student enrolled at the Washington state school for the deaf may continue past the age of twenty-one at the superintendent's discretion; or~~

~~(b) A person under the age of twenty-one who has become a focus of concern and who may have one or more of the disabilities set forth in WAC 148-171-015 in the judgment of the school superintendent or his or her designee, or the parent(s), or the adult student; or~~

~~(c) The foregoing categories of persons notwithstanding the fact the person(s) may not be enrolled in or attending school in the normal sense of the term "student."~~

~~(3) "Parent" means a natural parent, a legal guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with WAC 148-171-650, who represents a nonadult student. The term does not include the state if the child is a dependent of the state.~~

~~(4) "School" means Washington state school for the deaf.~~

~~(5) "Assessment" means procedures used in accordance with WAC 148-171-110 through 148-171-130 to determine whether a student is deaf or hard of hearing and/or the nature and extent of the special education and related services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class.~~

The purposes of assessment are to:

~~(a) Measure the student's present level of educational performance to identify the student's unique needs, abilities, and limitations;~~

~~(b) Draw conclusions regarding the significance of the findings as related to the student's instructional program;~~

~~(c) Provide appropriate personnel with information for determining appropriate placement and developing the individualized education program in accordance with WAC 148-171-240;~~

~~(d) Assure appropriate identification of the handicapping condition; and~~

~~(e) Determine the student's eligibility for funding for special education and related services.~~

~~(6) "Current assessment" means:~~

~~(a) Intellectual assessment data shall be considered current if obtained during a one calendar year period prior to the~~

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formal assessment or if obtained during the formal assessment period.

(b) Academic assessment data, including perceptual assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(c) Psychological and social assessment data shall be considered "current" if obtained during a thirty calendar day period prior to formal assessment or if obtained during the formal assessment period.

(d) Adaptive behavior assessment data, including vocational and career assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(e) Speech/language/sign language (communication skills) assessment data shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(f) Vision screening and audiological assessment data shall be considered "current" if obtained during a one calendar year period prior to formal assessment or if obtained during the formal assessment period.

(g) Medical assessment data shall be considered "current" if obtained during a one hundred eighty calendar day period prior to formal assessment or if obtained during the formal assessment period.

(7) "Reassessment" means procedures used in accordance with WAC 148-171-110 through 148-171-130 to determine the student's eligibility for and need for continuing special education and related services pursuant to WAC 148-171-430(2).

(8) "Consent" means that:

(a) The parent (or adult student) has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication, including being informed of existing assessment data to be used within the definitions of current assessment;

(b) The parent (or adult student) understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and

(c) The parent (or adult student) understands that the granting of consent is voluntary on the part of the parent (or adult student) and may be revoked at any time.

(9) "Special education" has the meaning given that term by WAC 392-171-315.

(10) "Related services" has the meaning given that term by WAC 392-171-320.

(11) "Superintendent" means the superintendent of the Washington state school for the deaf.) The definitions set forth in WAC 392-172-035, 392-172-040, 392-172-045, 392-172-055, 392-172-065, 392-172-070, 392-172-073, and 392-172-075 are hereby incorporated by reference into this chapter and should be referred to if necessary. The Washington school for the deaf, a "public agency" as defined in WAC 392-172-035 (6)(c), is a "state operated program."

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-015 Definition and eligibility criteria for ((deaf and hard of hearing)) deafness and hearing impairment. ((1) WAC 392-171-436 and 392-171-441 shall be applicable to all students provided for by this chapter.

(2) Assessments and evaluations conducted according to this section shall be performed by professionals qualified in the area of assessment who are specially trained and experienced in the area of deafness or deaf education.) The definitions and eligibility criteria in WAC 392-172-138 and 392-172-140 are adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-110 General areas of ((assessment)) evaluation. ((The assessment of a student shall be in all areas related to the suspected disability. The assessment procedures outlined in this chapter are to be considered minimal; required procedures. Where concerns are indicated as judged by the multidisciplinary team, additional or more in depth assessment in each of the following areas shall be conducted.

(1) Scholastic assessment. This area may include assessment of the intellectual, language and communication, academic and cognitive development of the student and any other scholastic area as deemed appropriate by the multidisciplinary team.

(2) Physical assessment. This area may include a review of the general health status of the student, vision screening and complete audiological examination, oral peripheral examination, evaluation of musculo skeletal, neurological, and developmental modalities, and any other physical area as deemed necessary by the multidisciplinary team.

(3) Adjustment assessment. This area may include assessment of the social skills and emotional status of the student, career and vocational assessment, and assessment of adaptive behaviors (e.g., self-help, interpersonal communication, survival skills, and practical application of academic skills.) WAC 392-172-106 is adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-120 ((General assessment safeguards—Personnel, materials, and)) Evaluation procedures. ((Every student who is assessed or reassessed shall be assessed according to the procedures established in this chapter.

(1) The initial assessment of a student shall be made by a multidisciplinary team (i.e., a group of professionals) including at least one qualified teacher of the deaf and at least one person qualified to conduct individual diagnostic assessment in the area of suspected disability. In a reassessment of a student, the multidisciplinary team also shall include a representative from each service area involved in the student's individualized education program and such other professional service providers as recommended by any professional involved in the reassessment. Each member of the team shall

be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules, and experienced in the area of deafness.

(2) ~~No single test instrument or single procedure shall be the sole criterion for determining a student's eligibility and/or for determining the appropriate educational program for a student.~~

(3) ~~Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally or educationally discriminatory.~~

(4) ~~All tests and other evaluation materials shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the tests purport to measure. If properly validated tests are unavailable, the professional judgment of each member of the multi-disciplinary team may determine eligibility for special education based on other evidence of the existence of a specific handicap and need. This professional judgment shall be documented in a written narrative.~~

(5) ~~All tests and other evaluation materials shall be administered by qualified personnel in conformance with the instructions of their producer. Tests designed to measure intellectual functioning shall be administered and interpreted by a qualified psychologist experienced in deafness. Provided, That cognitive tests for developmentally delayed students other than an intelligence quotient test shall be administered by a qualified psychologist or by professionals with other titles who have considerable training and experience in individual psychological or psychoeducational assessment and deafness.~~

(6) ~~Assessment materials, procedures, or instruments shall be provided and administered in a student's native language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as to ensure that the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).~~

(7) ~~In interpreting assessment data and in making placement recommendations, the assessment team shall:~~

(a) ~~Collect and review information from a variety of sources, including but not limited to all available existing academic, medical, and other records pertinent to the area of deafness, aptitude and achievement tests, teacher recommendations or recommendations of related service providers, physical condition, social or cultural background, and adaptive behavior;~~

(b) ~~Ensure that information obtained from all of these sources is documented and carefully considered.~~

(8) ~~Assessment data shall be summarized in writing, dated, and signed by each person conducting an assessment. Information used to support the assessment, but which is not incorporated into the file, (e.g., review of health record), shall be referenced as to date of record, location, and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are~~

~~interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement.)~~

The evaluation or reevaluation of any student shall be performed using the procedures established in chapter 392-172 WAC except as specifically provided otherwise in this chapter.

Evaluations may include assessments to identify students who present a moderate or high risk of sexually aggressive behavior or who may be vulnerable to victimization by such students, as required by RCW 72.40.270. Evaluations will be conducted by a group of qualified professionals selected by the Washington school for the deaf who are knowledgeable about the student, the suspected area of disability, and in cases where assessment is required by RCW 72.40.270, sexual abuse and assault.

NEW SECTION

WAC 148-171-131 Evaluation report and documentation of determination of eligibility. WAC 392-172-10905 is adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-140 Independent educational ((assessment)) evaluation. ~~((1)(a) The parent(s) of a student (or an adult student) assessed or any student reassessed has the right to obtain an independent educational assessment, subject to subsections (3) and (4) of this section.~~

~~(b) The school shall provide to parent(s), on request, information about where an independent educational assessment may be obtained.~~

~~(c) For the purposes of this section:~~

~~(i) "Independent educational assessment" means an assessment conducted by a qualified examiner who is not employed by the school responsible for the education of the student in question; and~~

~~(ii) "Public expense" means that the school either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent.~~

~~(2) A parent (or adult student) has the right to an independent educational assessment at public expense if the parent (or adult student) disagrees with the assessment results obtained by the school, as follows:~~

~~(a) The parent(s) (or adult student) shall provide a written notice to the superintendent which:~~

~~(i) Specifies the portion(s) of the assessment results with which the parent(s) (or adult student) disagrees; and~~

~~(ii) Requests an independent educational assessment at public expense;~~

~~(b) The school shall have the prior opportunity to initiate mediation or an adjudicative proceeding pursuant to WAC 148-171-600 et seq., to show that its assessment is appropriate. Provided, That the school shall provide the parent(s) (or adult student) written notice of the election to initiate mediation or an adjudicative proceeding no later than the tenth day after the date of receipt of the parent's (or adult student's) written notice of disagreement;~~

(e) If the final decision is that the school assessment is appropriate, the parent (or adult student) still has the right to an independent educational assessment, but not at public expense; and

(d) If the school elects not to initiate an adjudicative proceeding or is not upheld by the final decision, the independent assessment requested by the parent (or adult student) shall be provided at public expense in accordance with the same criteria which the school uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.

(3) If the parent (or adult student) obtains an independent educational assessment at private expense, the results of the assessment:

(a) Shall be considered by the school in any decision made with respect to the provision of special education and related services to the student; and

(b) May be presented as evidence at the adjudicative proceeding regarding that student.

(4) If the administrative law judge requests an independent educational assessment as part of the adjudicative proceeding, such assessment shall be at public expense.)) WAC 392-172-150 is adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-150 Admission and placement—Annual review. ((In accordance with the least restrictive environment mandate of Public Law 94-142: A student may be admitted and enrolled at the Washington state school for the deaf when:

(1) The school district of that student's residence refers the student or agrees that the student can be served at the Washington state school for the deaf;

(2) The student's parents request that their child be served through the educational program available at the Washington state school for the deaf;

(3) Assessment pursuant to the procedures in this chapter has been completed and is documented;

(4) Upon completion of assessment pursuant to this chapter, the multidisciplinary team described in WAC 148-171-120(1), the parents and a representative of the school district of the student's residence shall meet and consider the following to determine the most appropriate placement for the student:

(a) The summaries of assessment data pursuant to WAC 148-171-130;

(b) The nature and extent of the specific special education and related services needed by the student, if any;

(c) Any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any;

(d) The availability and identity of current educational programs appropriate to the student's needs; and

(e) The parent(s) and school district's commitment to work in cooperation to meet the student's needs; and

(5) The multidisciplinary team described in WAC 148-171-120(1) recommends placement at the Washington state school for the deaf.)) (1) Upon a referral for admission and placement from a parent, legal guardian, emancipated minor,

adult student, or local educational agency (LEA), a Washington school for the deaf admissions team will assess the appropriateness of placement of a deaf or hard-of-hearing student residing in the state of Washington as provided for under this chapter.

(2) Applications for placement shall be in writing and shall include the reason for referral. Reasons for referral to the school for the deaf may include, but are not limited to: Specific services not readily available in the local school district for deaf or hard-of-hearing students, need for more intensive language development, assistive listening devices, greater array of auditory support services, social skill development, leisure time skill development, and organization skill development.

(3) The LEA will be notified if the referral is from a parent and the student's records will be requested. The following records must be received prior to review by the school's admissions team: Complete application materials, most recent IEP, most recent three-year summary assessment or evaluation, psychological records, transcripts (for high school students), all records subject to disclosure under RCW 28A.225.330, including, but not limited to: History of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students.

(4) The admissions team shall review the records and if the information is complete, determine whether to proceed with or terminate the application.

(5) Placement of a student at the school for the deaf shall be determined at a meeting conducted pursuant to WAC 148-171-210.

(6) The determination of the appropriate placement for a student shall be based upon:

(a) The student's individualized education program (IEP);

(b) The least restrictive environment requirements of WAC 392-172-172;

(c) The placement option(s) that provides a reasonably high probability of assisting the student to attain his or her annual goals;

(d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs; and

(e) The status of the student as an adjudicated sex offender.

(7) The decision on the educational placement shall be made by a group of persons, including the parents, the LEA, and other persons knowledgeable about the student, the evaluation data, and the placement options.

(8) Pursuant to RCW 72.40.040(4) and 72.40.050(2), admission and retention at the Washington school for the deaf may be denied for a student who is an adjudicated sex offender.

(9) The educational placement of each student shall be determined at least annually at a meeting conducted pursuant to WAC 148-171-210.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-210 IEP meetings. ~~((1) The school shall hold a meeting for the purpose of developing a student's individualized education program within thirty calendar days of the determination that the student is in need of special education and related services currently available at the school.~~

~~(2) Meetings consistent with this section shall be held by the school at least once a year for the purpose of reviewing and revising as necessary each student's IEP.)~~ WAC 392-172-156 is adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-220 Participants in IEP meetings. ~~((1) Each IEP meeting shall include the following participants:~~

~~(a) A representative of the school other than the student's teacher who is qualified to provide or supervise the provision of special education and related services;~~

~~(b) The student's teacher;~~

~~(c) One or both parents, subject to WAC 148-171-230;~~

~~(d) The student, if appropriate or the adult student; and~~

~~(e) Other individuals at the discretion of the school, parent(s), or adult student. Either the teacher or school representative should be qualified in the area of the student's disability.~~

~~(2) IEP meetings involving a student who has been assessed for the first time shall include the following participant in addition to those enumerated as follows: A member of the student's assessment team who is knowledgeable about the assessment procedures used and is familiar with the results of the evaluation.)~~ WAC 392-172-153 is adopted by reference.

Involvement and participation of the LEA at meetings in which a decision is to be made relating to the educational placement of the student is considered essential for meaningful discussion to occur. A representative of the student's LEA will be invited to meetings involving an IEP, transition services, or placement. The LEA representative should be an individual who is knowledgeable about the availability of resources of the LEA, authorized to allocate resources, or develop collaborative requests for funding to establish programs to meet a student's extraordinary program needs. If the LEA representative is unable to attend the meeting, Washington school for the deaf staff shall keep the LEA representative informed of the proceedings and obtain information that will assist in the provision of services.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-230 Parent participation and involvement. ~~((1) The school shall take steps to ensure (in the case of nonadult students) that one or both parents of the handicapped student are present at each meeting or are afforded the opportunity to participate, including:~~

~~(a) Notifying the parent(s) of the meeting early enough to ensure his or her participation; and~~

~~(b) Scheduling the meeting at a mutually agreed upon place and time.~~

~~(2) The notice to the parent(s) shall include the purpose, time, and location of the meeting and who will be in attendance.~~

~~(3) If a parent cannot attend, the school shall use other methods to ensure participation, including individual or conference telephone calls.~~

~~(4) A meeting may be conducted (in the case of a non-adult student) without a parent in attendance if the school is unable to convince the parents they should attend. In such a case the school shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:~~

~~(a) Detailed records of telephone calls made or attempted and the results of those calls;~~

~~(b) Copies of correspondence sent to the parent(s) and any responses received; and~~

~~(c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.~~

~~(5) The school shall take whatever action is necessary to ensure that the parent (or adult student) understands the proceedings at a meeting, including arranging for an interpreter for parents (or adult students) who are deaf or whose native language is other than English.~~

~~(6) The school shall document the parent(s)' and other IEP participants' presence at the IEP meeting.~~

~~(7) The school shall provide the parent(s) a copy of the IEP upon request.)~~ WAC 392-172-15700 and 392-172-15705 are adopted by reference.

Inclusion of an LEA representative in meetings with the parent(s) will be encouraged and appropriate notice to the parent(s) will be provided.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-240 ((Content of the IEP)) Individualized education program. ~~((The individualized education program shall be developed on the basis of assessment analysis and parent input, where it is provided, and shall include:~~

~~(1) A statement of the student's present levels of educational performance;~~

~~(2) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;~~

~~(3) A statement of the specific special education and related services needed by the student, and the extent to which the student will be able to participate in the regular educational program, including physical education;~~

~~(4) The IEP developed for a handicapped student whose chronological age is fourteen or above shall also include career development and/or vocational education goals and short-term instructional objectives, where appropriate. Provided, That if the career development and/or vocational education is specially designed instruction, goals and short-term instructional objectives shall be included;~~

~~(5) The projected dates for the initiation of services and the anticipated duration of the services, including the number of school days, and the number of hours per day; and~~

~~(6) Appropriate objectives criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.~~

~~Nothing in this chapter may be construed as promising or guaranteeing that a handicapped student will in fact achieve the growth projected in his or her annual goals and short-term objectives.)) WAC 392-172-160 is adopted by reference.~~

NEW SECTION

WAC 148-171-242 Individualized education program—Implementation. WAC 392-172-158 is adopted by reference.

NEW SECTION

WAC 148-171-244 Individualized education program—Development, review, revision—Consideration of special factors. WAC 392-172-159 is adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-410 ((Reassessment)) Reevaluation.
~~((1) Each student shall be reassessed in accordance with the procedures specified in WAC 148-171-110 through 148-171-130:~~

~~(a) At a minimum, once every three years unless conditions warrant earlier reassessment; or~~

~~(b) Upon the request of the parents, an adult student, teacher, or IEP team.~~

~~(2) If reassessment is the result of the three-year reassessment requirement, the multidisciplinary team, based on the professional judgment of the members, to a reasonable degree of professional certainty, shall determine and document the following:~~

~~(a) Whether the student is appropriately classified;~~

~~(b) Whether the student meets the continuing eligibility criteria of WAC 392-171-325(3) or 392-171-331. The basis for this determination shall be documented in a written narrative including any relevant data or assessment process used;~~

~~(c) Whether the current program is appropriate to the student's unique needs, abilities, and limitations;~~

~~(d) Whether assessment procedures should be replicated or conducted by members of the multidisciplinary team or other professionals not represented on the multidisciplinary team to provide reasonable professional certainty that the reassessment results are accurate. In making such determination, members of the multidisciplinary team shall be governed by the generally recognized professional practice standards of their respective disciplines. Members of the multidisciplinary team shall defer to the professional judgment of a team member who requests the replication or conduction of a particular assessment procedure.)) WAC 392-172-182 through 392-172-190 are adopted by reference.~~

The student's LEA should continue to be involved in the planning for any student who is enrolled at the Washington school for the deaf; therefore, the group of individuals referred to in the reevaluation procedures adopted by reference should include a representative of the LEA.

((NOTICE REQUIREMENTS)) PROCEDURAL SAFEGUARDS

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-500 When prior notice must be given.
~~((Written notice in accordance with WAC 148-171-510 shall be given to the parent(s) (or the adult student) a reasonable time before the school:~~

~~(1) Proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter; or~~

~~(2) Refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter.)) WAC 392-172-302 is adopted by reference. Where the adopted rule refers to WAC 392-172-306, refer to WAC 148-171-510.~~

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-510 Contents of ~~((the))~~ prior written notice.
~~((1) The notice required by WAC 148-171-500 shall include:~~

~~(a) A full explanation of all of the procedural safeguards available to the parent(s) (or adult student) under this chapter;~~

~~(b) A description of the action proposed or refused by the school, and explanation of why the school proposes or refuses to take the action, and a description of any options the school considered and the reasons why those options were rejected;~~

~~(c) A description of each evaluation procedure, test, record, or report used as a basis for the proposal or refusal; and~~

~~(d) A description of any other factors which are relevant to the school's proposal or refusal.~~

~~(2) The notice shall be:~~

~~(a) Written in language understandable to the general public; and~~

~~(b) Provided in the native language of the parent (or adult student) or other mode of communication used by the parent (or adult student), unless it is clearly not feasible to do so.~~

~~(3) If the native language or other mode of communication of the parent (or adult student) is not a written language, the school shall take steps to ensure that:~~

~~(a) The notice is translated orally or by other means to the parent (or adult student) in his or her native language or other mode of communication;~~

(b) The parent (or adult student) understands the content of the notice; and

(c) There is written evidence that the requirements in (a) and (b) of this subsection have been met.) WAC 392-172-306 is adopted by reference. Where the adopted rule refers to WAC 392-172-302, refer to WAC 148-171-500.

NEW SECTION

WAC 148-171-512 Parent consent. WAC 392-172-304 is adopted by reference. Where the adopted rule refers to WAC 392-172-185 (reevaluation), refer to WAC 148-171-120.

NEW SECTION

WAC 148-171-514 Transfer of parental rights at age of majority. WAC 392-172-309 is adopted by reference.

NEW SECTION

WAC 148-171-550 Mediation. In order to ensure that mediation is available to resolve disagreements concerning the identification, evaluation, educational placement of the student or provision of FAPE to the student, and disputes involving any matter where a hearing is requested under this chapter, WAC 392-172-310 through 392-172-317 are adopted and incorporated by reference.

~~((HEARINGS))~~ DUE PROCESS PROCEDURES

NEW SECTION

WAC 148-171-601 Due process rights and procedures. (1) Hearing rights and procedures shall be consistent with the requirements applicable to public agencies in WAC 392-172-350 through 392-172-364, which are adopted by reference.

(2) A parent, adult student, or the superintendent (or designee) may initiate a hearing in any of the matters and for the purposes stated in WAC 392-172-350(1).

(3) Where the adopted rule refers to WAC 392-172-150 (independent educational evaluation), refer to WAC 148-171-140.

NEW SECTION

WAC 148-171-605 Request for hearing, notice by parent. In addition to the information required in WAC 392-172-350(2), the parent, adult student, or the attorney representing the student must provide notice (which must remain confidential) to the Washington school for the deaf in a request for a hearing to the office of the superintendent of public instruction. The notice must include:

- (1) The name of the student;
- (2) The address of the residence of the student;
- (3) The name of the school the student is attending;
- (4) A description of the nature of the problem of the student relating to the proposed initiation or change, including facts relating to the problem; and

(5) A proposed resolution of the problem to the extent known and available to the parents at the time.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-650 Surrogate parents. ~~((1) The school shall ensure that the rights of the nonadult student are protected when:~~

~~(a) No parent (as defined in WAC 148-171-010(3)) can be identified;~~

~~(b) The school, after reasonable efforts, cannot discover the whereabouts of a parent; or~~

~~(c) The student is a dependent of the state.~~

~~(2) Duty of school. The duty of the school under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:~~

~~(a) For determining whether a nonadult student needs a surrogate parent; and~~

~~(b) For assigning a surrogate parent to the student.~~

~~(3) Criteria for selection of surrogates. The school shall ensure that a person selected as a surrogate:~~

~~(a) Has no interest that conflicts with the interests of the student he or she represents; and~~

~~(b) Has knowledge and skills that assure adequate representation of the student.~~

~~(4) Nonemployee requirement—Compensation:~~

~~(a) A person assigned as a surrogate may not be an employee of the school and/or other agency which is involved in the education or care of the student; and~~

~~(b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school and/or other agency solely because he or she is paid by the school and/or agency to serve as a surrogate parent.~~

~~(5) Responsibilities. A surrogate parent may represent the student in all matters relating to:~~

~~(a) The identification, assessment, and educational placement of the student; and~~

~~(b) The provision of free appropriate public education to the student.)~~ WAC 392-172-308 is adopted by reference. The definition of "parent" in WAC 392-172-035(5) is adopted by reference in WAC 148-171-010.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 148-171-130	Summary analysis of assessment data.
WAC 148-171-200	Definition.
WAC 148-171-400	Annual review of placement and student progress—Program evaluation.
WAC 148-171-420	Reassessment purposes.
WAC 148-171-430	Reassessment notice.

WAC 148-171-600	Right to initiate.
WAC 148-171-610	Hearing rights.
WAC 148-171-620	Timeline for decision.
WAC 148-171-630	Petition for review.
WAC 148-171-640	Student's status during proceedings.
WAC 148-171-700	Administration of medication.

WSR 01-16-105
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed July 30, 2001, 9:06 a.m.]

Date of Adoption: July 20, 2001.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-93-660; and amending WAC 308-93-087 and 308-93-088.

Statutory Authority for Adoption: RCW 88.02.070, 88.02.100.

Adopted under notice filed as WSR 01-11-084 on May 16, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 20, 2001
 Fred Stephens
 Director

AMENDATORY SECTION (Amending WSR 99-01-134, filed 12/21/98, effective 1/21/99)

WAC 308-93-087 Disclosure of names and addresses of individual vessel owners. ~~((1) Who may receive disclosure of individual vessel owner names and addresses?~~

- ~~(a) Any business entity that uses the name and address information in the course of business in accordance with these rules; or~~
- ~~(b) A vessel owner for their own vessel.~~

~~(2) What documentation is needed to receive vessel owner names and addresses?~~

Each entity shall submit the following to the department:

- ~~(a) A record disclosure request form provided by the department and completed by the applicant; and~~
- ~~(b) Verification of the applicant's identity as a business; and~~
- ~~(c) If an attorney, a copy of his or her bar card; or~~
- ~~(d) If a private investigator, a copy of his or her private investigator's license.~~

~~(3) What is acceptable verification?~~

For purposes of this section acceptable verification includes:

- ~~(a) If a licensed Washington business, a copy of its current unexpired master business license;~~
- ~~(b) If a business not required to be licensed in this state, its federal employer identification number on its official letterhead with a notarized signature of the owner or an authorized representative; or~~
- ~~(c) If an out-of-state business not licensed in Washington:~~
 - ~~(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or~~
 - ~~(ii) If the business is not required to be licensed, its federal employer identification number on its official letterhead with a notarized signature of the owner or an authorized representative.~~

~~(4) If a business entity has entered into an agreement with the department, is a separate request for each inquiry required?~~

No. If a business entity has entered into a written agreement with the department, a separate request for each inquiry is not required.

~~(5) When may an individual be provided vessel owner name and address information?~~

- ~~(a) When the owner of record is requesting the information; or~~
- ~~(b) When the requestor presents a bill of sale and needs the ownership information to obtain a release of interest.~~

~~(6) Who may release the vessel owner name and address information?~~

- ~~(a) The department of licensing; or~~
- ~~(b) Agents and subagents, only when disclosing information for purposes described in subsection (5)(b) of this section.~~

~~(7) When may the department disclose the names and addresses of vessel owners?~~

Notwithstanding the provisions of chapter 42.17 RCW, the department may disclose the names and addresses of vessel owners when:

- ~~(a) The requesting party is a business entity that requests the information for use in the course of business;~~
- ~~(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party, and specifies the purpose for which the information will be used; and~~

PERMANENT

(e) The requesting party enters into a disclosure agreement with the department in which the party promises that the party will use the information only for the purpose stated in the request for the information; and that the party does not intend to use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information.

(8) What does the term "unsolicited business contact" mean?

The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(9) Is the department required to notify the vessel owner when ownership information is disclosed?

When the department grants a request from an attorney or private investigator, for information under this section, the department shall provide notice to the vessel owner that the request has been granted. The notice shall also contain the name and address of the requesting party.

(10) How long will the department retain the request for disclosure of vessel owner information?

The department will retain the request for disclosure for three years.

(11) Who is responsible for assuring that the information is used appropriately?

Any person, business, entity or association that receives vessel owner information under this section shall be responsible for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, entity or association and the department.

(12) Who is exempt from the provisions of this section?

This section shall not apply to requests for information by government entities or requests that may be granted under any other provision of this chapter expressly authorizing the disclosure of the name or address of vessel owners:)) **(1) What vessel record information is protected from disclosure?**

Vessel information protected from disclosure is the same as under chapters 42.17 and 46.12 RCW which includes:

- (a) Name and address information;
- (b) Social Security numbers;
- (c) Uniform Business Identifier; and
- (d) Telephone numbers.

(2) Who may receive disclosure of individual vessel owner names and addresses?

- (a) Government agencies;
- (b) Any business entity that uses the name and address information in their normal course of business in accordance with these rules;
- (c) Vessel manufacturers who require vessel ownership information for recall of their own products;
- (d) A vessel owner for their own vessel; or

(e) Individuals who meet the criteria listed in subsection (6) of this section.

(3) What documentation does the department require to disclose vessel owner names and addresses?

The department requires:

- (a) A record disclosure request form provided by the department and completed by the applicant; and
- (b) Acceptable business entity verification.

(4) What is acceptable business verification?

For purposes of this section acceptable business verification includes:

- (a) If a licensed Washington business, a copy of its current unexpired master business license;
- (b) If a business not required to be licensed in this state, its federal employer identification number/federal tax number (or Uniform Business Identifier) on its official letterhead with a notarized signature of the owner or an authorized representative;

(c) If an attorney, a copy of the current bar card; or

(d) If a private investigator, a copy of the current private investigator's license; or

(e) If an out-of-state business not licensed in Washington:

(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or

(ii) If the business is not required to be licensed, its federal employer identification number/federal tax number on its official letterhead with a notarized signature of the owner or an authorized representative.

(5) If a business entity has entered into an agreement with the department, is a separate request for each inquiry required?

No. If a business entity has entered into a written agreement with the department, a separate request for each inquiry is not required.

(6) When may an individual be provided vessel owner name and address information?

(a) When the owner of record is requesting the information; or

(b) When the requester presents a bill of sale or other evidence of ownership and needs the ownership information of record to obtain a release of interest.

(7) Who may release the vessel owner name and address information?

(a) The department of licensing; or

(b) Agents and subagents, only when disclosing information for purposes described in subsection (6)(b) of this section.

(8) When may the department disclose the names and addresses of vessel owners?

Notwithstanding the provisions of chapter 42.17 RCW, the department may disclose the names and addresses of vessel owners when:

(a) The requesting party is a business entity that requests the information for use in their normal course of business;

(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and

address of the requesting party and/or their business, and specifies the purpose for which the information will be used:

(c) The requesting party enters into a disclosure agreement with the department in which the party:

(i) Agrees they will use the information only for the purpose stated in the request for the information; and

(ii) Will not use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information; and

(d) Individuals who meet the criteria listed in subsection (6) of this section.

(9) What does the term "unsolicited business contact" mean?

The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(10) Is the department required to notify the vessel owner when ownership information is disclosed?

When the department grants a request from an attorney or private investigator, for information under this section, the department will provide notice to the vessel owner that the request has been granted. In addition, the notice will contain the name and address of the requesting party.

(11) How long will the department retain the request for disclosure of vessel owner information?

The department will retain the request for disclosure for three years.

(12) Who is responsible for assuring that the information is used appropriately?

Any person, business, entity or association that receives vessel owner information under this section is responsible for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, entity or association and the department.

AMENDATORY SECTION (Amending WSR 99-01-134, filed 12/21/98, effective 1/21/99)

WAC 308-93-088 Disclosure violations, penalties. (1) What are ((considered)) violations of chapter 42.17 and 46.12 RCW, this chapter, or a disclosure agreement with the department?

(a) The unauthorized disclosure of information from a department vessel record;

(b) The use of a false representation to obtain information from the department's vessel records;

(c) The use of information obtained from the department vessel records for a purpose other than what is stated in the request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any vessel owner name or address to another person not disclosed in the request or disclosure agreement.

(2) What are the penalties associated with these violations?

The department ((shall)) may suspend or revoke for up to five years the privilege of obtaining vessel record information.

In addition:

(a) The unauthorized disclosure of information from a department vessel record; or

(b) The use of a false representation to obtain information from the department's vessel records; or

(c) The use of information obtained from the department vessel records for a purpose other than what is stated in the request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any vessel owner name or address to another person not disclosed in the request or disclosure agreement is a gross misdemeanor punishable by a fine not to exceed ten thousand dollars, or by imprisonment in a county jail not to exceed one year, or both such fine and imprisonment for each violation.

NEW SECTION

WAC 308-93-089 Lists of registered and legal owners of vessels—Furnished for certain purposes—Penalty for unauthorized use. (1) What vessel record information is protected?

Vessel information protected under chapters 42.17 and 46.12 RCW and Executive Order 00-03 for vehicles includes:

- (a) Name and address information;
- (b) Social Security numbers;
- (c) Medical or disability information;
- (d) Telephone numbers;
- (e) Uniform Business Identifier; and
- (f) Bank account information.

(2) Who may receive list disclosure of individual vessel owner names and addresses?

In addition to any other authority that it may have, the department of licensing may furnish lists of registered and legal owners of vessels only for the purposes specified in this section to:

(a) The manufactures of vessels, or their authorized agents, to be used to enable those manufactures to carry out the provisions of the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451 et seq.) and the Code of Federal Regulations adopted by the United States Coast Guard;

(b) Any governmental agency of the United States or Canada, or political subdivisions, to be used by them or their authorized commercial agents or contractors only in connection with the enforcement of the laws governing the operation of a vessel or vessel safety programs administered by that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor;

(c) A person, organization or entity for the purposes of compiling statistical data relating to vessel demographics in this state. The department may provide only a specific part of the list that is required for completion of the work required of the person, organization or entity;

(d) An authorized agent or contractor of the department to be used only in connection with providing vessel excise tax, licensing and registration information to vessel dealers; or

(e) Any business regularly making loans to other persons to finance the purchase of vessels, to be used to assist the person requesting the list to determine ownership of specific vessel for the purpose of determining whether or not to provide such financing.

(3) What documentation is needed to receive lists of vessel owner names and addresses?

Each entity must submit the following to the department:

(a) A record disclosure request form provided by the department and completed by the applicant; and

(b) Verification of the applicant's identity as a business; and

(c) A formal agreement between the requester and the department.

(4) What is acceptable verification?

For purposes of this section acceptable business verification includes:

(a) If a licensed Washington business, a copy of its current unexpired master business license;

(b) If a business not required to be licensed in this state, its federal identification number/federal tax number (or Uniform Business Identifier) on its official letterhead with a notarized signature of the owner or an authorized representative;

(c) If an attorney, a copy of the current bar card;

(d) If a private investigator, a copy of the current private investigator's license; or

(e) If an out-of-state business not licensed in Washington:

(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or

(ii) If the business is not required to be licensed, its federal employer identification number/federal tax number on its official letterhead with a notarized signature of the owner or an authorized representative.

(5) If a business entity or governmental agency has entered into an agreement with the department, is a separate request for each inquiry required?

No. If a business or governmental agency has entered into an agreement with the department, a separate request for each inquiry is not required if the information will be used as originally stated.

(6) Who may release list of vessel owner name and address information?

The department of licensing, vehicle services division's public disclosure/records/contracts section, is authorized to release lists of names and addresses to qualified applicants.

(7) When may the department disclose lists of names and addresses of vessel owners?

Notwithstanding the provisions of chapter 42.17 RCW, the department may disclose the names and addresses of vessel owners when:

(a) The requesting party is a business entity that requests the information for use in their normal course of business;

(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party:

(i) Agrees they will use the information only for the purpose stated in the request for the information; and

(ii) Will not use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information.

(8) What does the term "unsolicited business contact" mean?

The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(9) Is the department required to notify the vessel owner when ownership information is disclosed?

No, except when the information is granted to an attorney or private investigator. The department will then provide the owner of the vessel with notification; the notice will also contain the name and address of the requesting party.

(10) How long will the department retain the request for lists of names and address disclosure?

The department will retain the requests for three years unless a contract for ongoing receipt of information is entered into.

(11) Who is responsible for assuring that the information is used appropriately?

Any person, business, entity or association that receives vessel owner information under this section shall be responsible for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, entity or association and the department or state and federal laws and regulations.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-93-660

Destruction of records by department.

WSR 01-16-125
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Securities Division)

[Filed July 31, 2001, 9:52 a.m., effective October 24, 2001]

Date of Adoption: July 12, 2001.

Purpose: Revisions to chapter 460-24A WAC to implement mandatory electronic filing for investment advisers and investment adviser representatives using IARD, to make technical corrections, and to make other amendments to the chapter to promote uniformity.

Citation of Existing Rules Affected by this Order: Amending WAC 460-24A-050, 460-24A-055, 460-24A-060, 460-24A-105, 460-24A-145, 460-24A-170, 460-24A-200, 460-24A-205, and 460-24A-210.

Statutory Authority for Adoption: RCW 21.20.450, 21.20.050, 21.20.100.

Adopted under notice filed as WSR 01-12-090 on June 6, 2001.

Changes Other than Editing from Proposed to Adopted Version: In WAC 460-24-047, typographical errors are corrected and subsections (1) and (2) are amended to add the phrase "federal covered adviser." In WAC 460-24-070, new subsection (5) is added to address federal covered advisers receiving hardship exemptions. These changes respond to public comments.

Number of Sections Adopted in Order to Comply with Federal Statute: New 2, Amended 0, Repealed 0; Federal Rules or Standards: New 2, 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 4, Amended 9, 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 6, Amended 9, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: No rule may be made unless the director of the Department of Financial Institutions finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of chapter 21.20 RCW. The director hereby makes such a finding with respect to this proposal.

Effective Date of Rule: October 24, 2001.

July 12, 2001
 John L. Bley
 Director

NEW SECTION

WAC 460-24A-020 Investment adviser representatives employed by federal covered advisers. An individual employed by or associated with a federal covered adviser is an "investment adviser representative," pursuant to RCW 21.20.005(14), if the representative has a "place of business" in this state, as that term is defined under section 203A of the Investment Advisers Act of 1940, and:

(1) Is an "investment adviser representative" pursuant to the Investment Advisers Act of 1940; or

(2) Solicits, offers, or negotiates for the sale of or sells investment advisory services on behalf of a federal covered adviser, but is not a "supervised person" as that term is defined under the Investment Advisers Act of 1940.

NEW SECTION

WAC 460-24A-047 Electronic filing with designated entity. (1) Designation. Pursuant to RCW 21.20.050, the director designates the Investment Adviser Registration Depository operated by the National Association of Securities Dealers (IARD) to receive and store filings and collect related fees from investment advisers, federal covered advisers, and investment adviser representatives on behalf of the director.

(2) Use of IARD. Unless otherwise provided, all investment adviser, federal covered adviser, and investment adviser representative applications, amendments, reports, notices, related filings, and fees required to be filed with the director pursuant to the rules promulgated under this chapter, shall be filed electronically with and transmitted to IARD. The following additional conditions relate to such electronic filings:

(a) Electronic signature. When a signature or signatures are required by the particular instructions of any filing to be made through IARD, a duly authorized officer of the applicant or the applicant him or herself, as required, shall affix his or her electronic signature to the filing by typing his or her name in the appropriate fields and submitting the filing to Web IARD. Submission of a filing in this manner shall constitute irrefutable evidence of legal signature by any individuals whose names are typed on the filing.

(b) When filed. Solely for purposes of a filing made through IARD, a document is considered filed with the director when all fees are received and the filing is accepted by IARD on behalf of the state.

(3) Electronic filing. Notwithstanding subsection (2) of this section, the electronic filing of any particular document and the collection of related processing fees shall not be required until such time as IARD provides for receipt of such filings and fees and thirty days' notice is provided by the director. Any documents required to be filed with the director that are not permitted to be filed with or cannot be accepted by IARD shall be filed in paper directly with the director.

(4) Hardship exemptions. Notwithstanding subsection (2) of this section, electronic filing is not required under the following circumstances:

(a) Temporary hardship exemption.

(i) Investment advisers registered or required to be registered under RCW 21.20.040, who experience unanticipated technical difficulties that prevent submission of an electronic filing to IARD, may request a temporary hardship exemption from the requirements to file electronically.

(ii) To request a temporary hardship exemption, the investment adviser must:

(A) File Form ADV-H in paper format with the appropriate regulatory authority in the state where the investment adviser's principal place of business is located, no later than one business day after the filing, that is the subject of the Form ADV-H, was due. If the state where the investment adviser's principal place of business is located has not mandated the use of IARD, the investment adviser should file the Form ADV-H with the appropriate regulatory authority in the first state that mandates the use of IARD by the investment adviser; and

(B) Submit the filing that is the subject of the Form ADV-H in electronic format to IARD no later than seven business days after the filing was due.

(iii) Effective date—Upon filing. The temporary hardship exemption will be deemed effective by the director upon receipt of the complete Form ADV-H by appropriate regulatory authority noted in (a)(ii)(A) of this subsection. Multiple temporary hardship exemption requests within the same calendar year may be disallowed by the director.

(b) Continuing hardship exemption.

(i) Criteria for exemption. A continuing hardship exemption will be granted only if the investment adviser is able to demonstrate that the electronic filing requirements of this section are prohibitively burdensome.

(ii) To apply for a continuing hardship exemption, the investment adviser must:

(A) File Form ADV-H in paper format with the director at least twenty business days before a filing is due; and

(B) If a filing is due to more than one state, the Form ADV-H must be filed with the appropriate regulatory authority in the state where the investment adviser's principal place of business is located. If the state where the investment adviser's principal place of business is located has not mandated the use of IARD, the investment adviser should file the Form ADV-H with the appropriate regulatory authority in the first state that mandates the use of IARD by the investment adviser. Any applications received by the director will be granted or denied within ten business days after the filing of Form ADV-H.

(iii) Effective date—Upon approval. The exemption is effective upon approval by the director. The time period of the exemption may be no longer than one year after the date on which the Form ADV-H is filed. If the director approves the application, the investment adviser must, no later than five business days after the exemption approval date, submit filings in paper format (along with the appropriate processing fees) for the period of time for which the exemption is granted.

(c) Recognition of exemption. The decision to grant or deny a request for a hardship exemption will be made by the appropriate regulatory authority in the state where the investment adviser's principal place of business is located. If the state where the investment adviser's principal place of busi-

ness is located has not mandated the use of IARD, the decision to grant or deny a request for a hardship exemption will be made by appropriate regulatory authority in the first state that mandates the use of IARD by the investment adviser. The decision will be followed by the director if the investment adviser is registered in this state.

AMENDATORY SECTION (Amending WSR 00-01-001, filed 12/1/99, effective 1/1/00)

WAC 460-24A-050 Investment adviser and investment adviser representative registration and examinations.

(1) Examination requirements. A person applying to be registered as an investment adviser or investment adviser representative under RCW 21.20.040 shall provide the director with proof that he or she has obtained a passing score on one of the following examinations:

(a) The Uniform Investment Adviser Law Examination (Series 65 examination); or

(b) The General Securities Representative Examination (Series 7 examination) and the Uniform Combined State Law Examination (Series 66 examination).

(2) Grandfathering. (a) Any individual who is registered as an investment adviser or investment adviser representative in any jurisdiction in the United States on the effective date of this amended rule shall not be required to satisfy the examination requirements for initial or continued registration, provided that the director may require additional examinations for any individual found to have violated the Securities Act of Washington, Chapter 21.20 RCW, or the Uniform Securities Act. (b) An individual who has not been registered in any jurisdiction for a period of two (2) years shall be required to comply with the examination requirements of subsection (1).

(3) Waivers. The examination requirements shall not apply to an individual who currently holds one of the following professional designations:

(a) Certified Financial Planner (CFP) issued by the Certified Financial Planner Board of Standards, Inc.;

(b) Chartered Financial Consultant (ChFC) awarded by The American College, Bryn Mawr, Pennsylvania;

(c) Personal Financial Specialist (PFS) administered by the American Institute of Certified Public Accountants;

(d) Chartered Financial Analyst (CFA) granted by the Association for Investment Management and Research;

(e) Chartered Investment Counselor (CIC) granted by the Investment Counsel Association of America; or

(f) Such other professional designation as the director may by order recognize.

(4) If the person applying for registration as an investment adviser is any entity other than a sole proprietor, an officer, general partner, managing member, or other equivalent person of authority in the entity may take the examination on behalf of the entity. If the person taking the examination ceases to be a person of authority in the entity, then the investment adviser must notify the director of a substitute person of authority who has passed the examinations required in subsection (1) of this section within two months in order to maintain the investment adviser license.

(5) Registration requirements.

(a) A person applying ~~((to be registered))~~ for initial registration as an investment adviser shall ~~((submit))~~ file a completed Form ADV with IARD along with the following:

(i) Proof of complying with the examination or waiver requirements specified in subsections (1) through ~~((5))~~ (4) above;

(ii) ~~((a completed Form ADV; (iii)))~~ A financial statement demonstrating compliance with the requirements of WAC 460-24A-170, if necessary;

~~((iv))~~ (iii) The application fee specified in RCW 21.20.340; and

~~((v))~~ (iv) Such other documents as the director may require.

(b) A person applying ~~((to be registered))~~ for initial registration as an investment adviser representative shall ~~((submit))~~ file a completed Form U-4 with IARD along with the following:

(i) Proof of complying with the examination or waiver requirements specified in subsections (1) through ~~((5))~~ (4) above;

(ii) ~~((a completed Form U-4; (iii)))~~ The application fee specified in RCW 21.20.340; and

~~((iv))~~ (iii) Such other documents as the director may require.

AMENDATORY SECTION (Amending WSR 95-16-026, filed 7/21/95, effective 8/21/95)

WAC 460-24A-055 Effective date of license. All investment adviser and investment adviser ~~((salesperson))~~ representative licenses shall be effective until December 31 of the year of issuance at which time the license shall be renewed, or if not renewed, shall be deemed delinquent. ~~((For any renewal application postmarked after the expiration date but received by the director on or before March 1, the licensee shall pay a delinquency fee in addition to the renewal fee. No renewal applications will be accepted after that time. The delinquency fee for investment advisers shall be one hundred dollars. The delinquency fee for investment adviser salespersons shall be fifty dollars.))~~

NEW SECTION

WAC 460-24A-057 Renewal of investment adviser and investment adviser representative registration—Delinquency fees. (1) Registration as an investment adviser or investment adviser representative may be renewed by filing the following with IARD:

(a) Any renewal application required by IARD;

(b) The renewal fee required by RCW 21.20.340; and

(c) An electronically submitted Form U-4, unless:

(i) The Form U-4 has been previously submitted to IARD electronically; or

(ii) The investment adviser, filing on behalf of the investment adviser representative, has been granted a hardship exemption under WAC 460-24A-047(4).

(2) For any renewal application received by IARD after the expiration date set forth in WAC 460-24A-055, but on or before March 1 of the following year, the licensee shall pay a

delinquency fee in addition to the renewal fee. The delinquency fee for investment advisers shall be one hundred dollars. The delinquency fee for investment adviser representatives shall be fifty dollars.

(3) No renewal applications will be accepted after March 1. An investment adviser or investment adviser representative may apply for reregistration by complying with WAC 460-24A-050.

NEW SECTION

WAC 460-24A-058 Completion of filing. An application for registration or renewal by an investment adviser or investment adviser representative is not considered filed for purposes of RCW 21.20.050 until the required fee and all required submissions have been received by IARD.

AMENDATORY SECTION (Amending Order SDO-128-85, filed 8/1/85)

WAC 460-24A-060 Financial statements required on investment advisers. Every investment adviser shall file with the director a ~~((statement of financial condition in such detail as will disclose generally the nature and amount of assets and liabilities and the net worth of such investment adviser as of a date within ninety days prior to the date on which it is filed. Such reports))~~ balance sheet as of the end of the investment adviser's fiscal year. The balance sheet shall be prepared in accordance with generally accepted accounting principles (GAAP) unless the director, on a case-by-case basis, allows another basis of presentation. The balance sheet shall be filed annually with the director not more than ninety days after the end of the investment adviser's fiscal year-end (unless extension of time is granted by the director).

NEW SECTION

WAC 460-24A-070 Notice filings for federal covered advisers. (1) Notice filing. The notice filing required of a federal covered adviser pursuant to RCW 21.20.050 shall be filed with IARD on a completed Form ADV. A notice filing of a federal covered adviser shall be deemed filed when the fee required by RCW 21.20.340 and the Form ADV are filed with and accepted by IARD on behalf of the state.

(2) Portions of Form ADV not yet accepted by IARD. Until IARD provides for the filing of Part 2 of Form ADV, Part 2 will be deemed filed if it is provided to the director within five days of the director's request. The federal covered adviser is not required to submit Part 2 of the Form ADV to the director unless requested.

(3) Renewal. The annual renewal of the notice filing for a federal covered adviser shall be filed with IARD. The renewal of the notice filing for a federal covered adviser shall be deemed filed when the fee required by RCW 21.20.340 is filed with and accepted by IARD on behalf of the state.

(4) Updates and amendments. A federal covered adviser must file any amendments to its Form ADV with IARD in accordance with the instructions in the Form ADV.

(5) A federal covered adviser that, because it has received a hardship exemption from the Securities and

Exchange Commission (SEC), is not required to file its Form ADV with the SEC through IARD shall, in lieu of filing electronically, file the documents and fees required by this section directly with the director.

NEW SECTION

WAC 460-24A-080 Termination of investment adviser and investment adviser representative registration and federal covered adviser notice filing status. (1) Investment advisers and federal covered advisers. An investment adviser or federal covered adviser may terminate its registration or notice filing status by complying with the instructions to Form ADV-W and filing a completed Form ADV-W with IARD.

(2) Investment adviser representative. The termination of registration as an investment adviser representative pursuant to RCW 21.20.080 shall be reported by complying with the instructions to Form U-5 and filing a completed Form U-5 with IARD.

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-24A-105 Custody or possession of funds or securities of clients. It shall constitute an "act, practice, or course of business" which operates or would operate as a fraud within the meaning of RCW 21.20.020 for any investment adviser who has custody or possession of any funds or securities in which any client has any beneficial interest to do any act or take any action, directly or indirectly, with respect to any such funds or securities, unless:

(1) All such securities of each such client are segregated, marked to identify the particular client who has the beneficial interest therein, and held in safekeeping in someplace reasonably free from risk of destruction or other loss; and

(2)(a) All such funds of such clients are deposited in one or more bank accounts which contain only clients' funds,

(b) Such account or accounts are maintained in the name of the investment adviser as agent or trustee for such clients, and

(c) The investment adviser maintains a separate record for each such account which shows the name and address of the bank where such account is maintained, the dates and amounts of deposits in and withdrawals from such account, and the exact amount of each client's beneficial interest in such account; and

(3) Such investment adviser, immediately after accepting custody or possession of such funds or securities from any client, notifies such client in writing of the place and manner in which such funds and securities will be maintained, and thereafter, if and when there is any change in the place or manner in which such funds or securities are being maintained, gives each such client written notice thereof; and

(4) Such investment adviser sends to each client, not less frequently than once every three months, an itemized statement showing the funds and securities in the custody or possession of the investment adviser at the end of such period

and all debits, credits and transactions in such client's account during such period; and

(5) All such funds and securities of clients are verified by actual examination at least once during each calendar year by an independent certified public accountant or public accountant at a time which shall be chosen by such accountant without prior notice to the investment adviser. A certificate of such accountant stating that he has made an examination of such funds and securities, and describing the nature and extent of such examination shall be filed with the ~~((administrator))~~ director promptly after each such examination.

AMENDATORY SECTION (Amending WSR 99-03-052, filed 1/15/99, effective 2/15/99)

WAC 460-24A-145 Investment adviser brochure rule. (1) General requirements. Unless otherwise provided in this rule, an investment adviser, registered or required to be registered pursuant to RCW 21.20.040 shall, in accordance with the provisions of this section, ~~((furnish))~~ offer and deliver to each advisory client and prospective advisory client ~~((with a))~~ written disclosure ~~((statement which may be a copy of Part II of its Form ADV or written documents))~~ materials containing at least the information then so required by Part II of Form ADV ~~((, or))~~ and such other information as the ~~((administrator))~~ director may require. If a federal covered adviser may utilize a copy of Part II of its Form ADV to provide the disclosures required pursuant to 17 CFR 275.204-3, then an investment adviser may use a copy of Part II of its ADV to provide the disclosures required by this section.

(2) Delivery.

(a) An investment adviser, except as provided in ~~((subparagraph))~~ (b) of this ~~((paragraph))~~ subsection, shall deliver the ~~((statement))~~ materials required by this section to an advisory client or prospective advisory client (i) not less than 48 hours prior to entering into any investment advisory contract with such client or prospective client, or (ii) at the time of entering into any such contract, if the advisory client has a right to terminate the contract without penalty within five business days after entering into the contract.

(b) Delivery of the ~~((statement))~~ materials required by ~~((subparagraph))~~ (a) of this subsection need not be made in connection with entering into ~~((i) an investment company contract or (ii))~~ a contract for impersonal advisory services.

(3) Offer to deliver.

(a) An investment adviser, except as provided in ~~((subdivision))~~ (b) of this subsection, annually shall, without charge, deliver or offer in writing to deliver upon written request to each of its advisory clients the ~~((statement))~~ materials required by this section.

(b) The delivery or offer required by ~~((subparagraph))~~ (a) of this subsection need not be made to advisory clients receiving advisory services solely pursuant to ~~((i) an investment company contract or (ii))~~ a contract for impersonal advisory services requiring a payment of less than \$200.00.

(c) With respect to an advisory client entering into a contract or receiving advisory services pursuant to a contract for impersonal advisory services which requires a payment of \$200.00 or more, an offer of the type specified in ~~((subpara-~~

graph)) (a) of this subsection shall also be made at the time of entering into an advisory contract.

(d) Any ~~((statement))~~ materials requested in writing by an advisory client pursuant to an offer required by this subsection must be mailed or delivered within seven days of the receipt of the request.

(4) Delivery to limited partners. If the investment adviser is the general partner of a limited partnership, the manager of a limited liability company, or the trustee of a trust, then, for purposes of this section, the investment adviser must treat each of the partnership's limited partners, the company's members, or the trust's beneficial owners, as a client. For purposes of this section, a limited liability partnership or limited liability limited partnership is a "limited partnership."

(5) Wrap fee program brochures.

(a) If the investment adviser is a sponsor or a wrap fee program, then the materials required to be delivered, by subsection (2) of this section, to a client or prospective client of the wrap fee program, must contain all information required by Form ADV. Any additional information must be limited to information applicable to wrap fee programs that the investment adviser sponsors.

(b) The investment adviser does not have to offer or deliver wrap fee information if another sponsor of the wrap fee program offers or delivers to the client or prospective client of the wrap fee program wrap fee program information containing all the information the investment adviser's wrap fee program brochure must contain.

(6) Delivery of updates and amendments. When the disclosure materials required to be delivered pursuant to subsection (2) of this section become materially inaccurate, the investment adviser must amend and promptly deliver to its clients amendments to such disclosure materials. The instructions to Part 2 of Form ADV contain updating and delivery instructions that the investment adviser must follow. An amendment will be considered to be delivered promptly if the amendment is delivered within thirty days of the event that requires the filing of the amendment.

(7) Omission of inapplicable information. If an investment adviser renders substantially different types of investment advisory services to different advisory clients, the investment adviser may provide them with different disclosure materials, provided that each client receives all applicable information about services and fees. The disclosure delivered to a client may omit any information required by Part II of Form ADV ((may be omitted from the statement furnished to an advisory client or prospective advisory client)) if such information is applicable only to a type of investment advisory service or fee which is not rendered or charged, or proposed to be rendered or charged, to that client or prospective client.

~~((5))~~ (8) Other disclosure((s)) obligations. Nothing in this ((rule)) section shall relieve any investment adviser from any obligation ((pursuant to any provision of)) to disclose any information to its advisory clients or prospective advisory clients not specifically required by this rule under chapter 21.20 RCW ((or)), the rules and regulations thereunder, or any other federal or state law ((to disclose any information to

its advisory clients or prospective advisory clients not specifically required by this rule)).

~~((6))~~ (9) Definitions. For the purposes of this rule:

(a) "Contract for impersonal advisory services" means any contract relating solely to the provision of investment advisory services (i) by means of written material or oral statements which do not purport to meet the objectives or needs of specific individuals or accounts; (ii) through the issuance of statistical information containing no expression of opinion as to the investment merits of a particular security; or (iii) any combination of the foregoing services.

(b) "Entering into," in reference to an investment advisory contract, does not include an extension or renewal without material change of any such contract which is in effect immediately prior to such extension or renewal.

(c) ~~((("Investment company contract" means a contract with an investment company registered under the Investment Company Act of 1940 which meets the requirements of section 15(e) of that act))~~ "Sponsor" of a wrap fee program means an investment adviser that is compensated under a wrap fee program for sponsoring, organizing, or administering the program, or for selecting, or providing advice to clients regarding the selection of other investment advisers in the program.

(d) "Wrap fee program" means an advisory program under which a specified fee or fees, not based directly upon transactions in a client's account, is charged for investment advisory services (which may include portfolio management or advice concerning the selection of other investment advisers) and the execution of client transactions.

AMENDATORY SECTION (Amending WSR 97-16-050, filed 7/31/97, effective 8/31/97)

WAC 460-24A-170 ((Capital)) Minimum financial requirements for investment advisers. (1) ~~((Any investment adviser who takes any power of attorney from any investment advisory client to execute transactions or has custody of any or [of] his investment advisory clients' securities or funds is subject to the minimum capital requirement and the requirement regarding the ratio of net capital to aggregate indebtedness, in accordance with WAC 460-21B-030 of these rules:~~

~~(2) The administrator may, upon written application, exempt from the provisions of this section, either unconditionally or on specified terms and conditions, any investment adviser who satisfies the administrator that, because of the special nature of his business, his financial position, and the safeguards he has established for the protection of customers' funds and securities, it is not necessary in the public interest or for the protection of investors to subject the particular investment adviser to the provisions of this section))~~ An investment adviser registered or required to be registered under RCW 21.20.040, who has custody of client funds or securities, shall maintain at all times a minimum net worth of \$35,000. An investment adviser registered or required to be registered under RCW 21.20.040, who has discretionary authority over client funds or securities, but does not have custody of client funds or securities, shall maintain at all times a minimum net worth of \$10,000.

(2) An investment adviser registered or required to be registered under RCW 21.20.040 who has custody or discretion of client funds or securities, but does not meet the minimum net worth requirements in subsection (1) of this section shall be bonded in the amount of the net worth deficiency rounded up to the nearest \$5,000. Any bond required by this section shall be in the form determined by the director, issued by a company qualified to do business in this state, and shall be subject to the claim of all clients of the investment adviser regardless of the client's state of residence.

(3) An investment adviser registered or required to be registered under RCW 21.20.040, who accepts prepayment of more than \$500 per client and six or more months in advance, shall maintain at all times a positive net worth.

(4) Unless otherwise exempted, as a condition of the right to transact business in this state, every investment adviser registered or required to be registered under RCW 21.20.040 shall, by the close of business on the next business day, notify the director if the investment adviser's net worth is less than the minimum required. After transmitting such notice, each investment adviser shall file, by the close of business on the next business day, a report with the director of its financial condition, including the following:

(a) A trial balance of all ledger accounts;

(b) A statement of all client funds or securities which are not segregated;

(c) A computation of the aggregate amount of client ledger debit balances; and

(d) A statement as to the number of client accounts.

(5) For purposes of this section, the term "net worth" shall mean an excess of assets over liabilities, as determined by generally accepted accounting principles, but shall not include as assets: Prepaid expenses (except as to items properly classified as assets under generally accepted accounting principles), deferred charges, goodwill, franchise rights, organizational expenses, patents, copyrights, marketing rights, unamortized debt discount and expense, all other assets of intangible nature, home furnishings, automobile(s), and any other personal items not readily marketable in the case of an individual; advances or loans to stockholders and officers in the case of a corporation; and advances or loans to partners in the case of a partnership.

(6) For purposes of this section, a person will be deemed to have custody if said person directly or indirectly holds client funds or securities, has any authority to obtain possession of them, or has the ability to appropriate them. An adviser shall not be deemed to have constructive custody of a client's cash or securities, if such possession is for the sole purpose of immediately forwarding such cash or securities to a third party at the request of the client.

(7) The director may require that a current appraisal be submitted in order to establish the worth of any asset.

(8) Every investment adviser that has its principal place of business in a state other than this state shall maintain only such minimum net worth as required by the state in which the investment adviser maintains its principal place of business, provided the investment adviser is licensed in that state and is in compliance with that state's minimum capital requirements.

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-24A-200 Books and records to be maintained by investment advisers. (1) Every ~~((licensed))~~ investment adviser registered or required to be registered pursuant to RCW 21.20.040 shall make and keep true, accurate, and current the following books, ledgers, and records ~~((relating to his investment advisory business))~~:

(a) A journal or journals, including cash receipts and disbursements records, and any other records of original entry forming the basis of entries in any ledger.

(b) General and auxiliary ledgers (or other comparable records) reflecting asset, liability, reserve, capital, income and expense accounts.

(c) A memorandum of each order given by the investment adviser for the purchase or sale of any security, of any instruction received by the investment adviser from a client concerning the purchase, sale, receipt or delivery of a particular security, and of any modification or cancellation of any such order or instruction. ~~((Such))~~ The memoranda shall show the terms and conditions of the order, instruction, modification or cancellation; shall identify the person connected with the investment adviser who recommended the transaction to the client and the person who placed ~~((such))~~ the order; and shall show the account for which entered, the date of entry, and the bank or broker-dealer by or through whom executed where appropriate. Orders entered pursuant to the exercise of a power of attorney shall be so designated.

(d) All check books, bank statements, ~~((cancelled))~~ canceled checks and cash reconciliations of the investment adviser.

(e) All bills or statements (or copies thereof), paid or unpaid, relating to the business of the investment adviser ~~((as such))~~.

(f) All trial balances, financial statements, and internal audit working papers relating to the investment adviser's business ~~((of such))~~ as an investment adviser. For purposes of this subsection, "financial statements" shall mean a balance sheet prepared in accordance with generally accepted accounting principles, and income statement, a cash flow statement, and a net worth computation, if applicable, as required by WAC 460-24A-170.

(g) Originals of all written communications received and copies of all written communications sent by ~~((such))~~ the investment adviser relating to (i) any recommendation made or proposed to be made and any advice given or proposed to be given, (ii) any receipt, disbursement or delivery of funds or securities, or (iii) the placing or execution of any order to purchase or sell any security: Provided, however, That the investment adviser shall not be required to keep any unsolicited market letters and other similar communications of general public distribution not prepared by or for the investment adviser: And provided, That if the investment adviser sends any notice, circular or other advertisement offering any report, analysis, publication or other investment advisory service to more than 10 persons, the investment adviser shall not be required to keep a record of the names and addresses of the persons to whom it was sent, except that if such notice, circular or advertisement is distributed to persons named on any

list, the investment adviser shall retain with the copy of such notice, circular or advertisement a memorandum describing the list and the source thereof.

(h) A list or other record of all accounts in which the investment adviser is vested with any discretionary power ~~((of attorney))~~ with respect to the funds, securities or transactions of any client.

(i) A copy of all powers of attorney and other evidences of the granting of any discretionary authority by any client to the investment adviser~~((or copies thereof))~~.

(j) ~~((AH))~~ A written copy of each agreement~~((s or copies thereof))~~ entered into by the investment adviser with any client ~~((or))~~ and all other written agreements otherwise relating to the investment adviser's business ~~((of such))~~ as an investment adviser ~~((as such))~~.

(k) A file containing a copy of each notice, circular, advertisement, newspaper article, investment letter, bulletin or other communication ~~((recommending))~~, including by electronic media, that the investment advisers circulates or distributes, directly or indirectly, to two or more persons ~~((other than persons connected with the investment adviser))~~, and if such communication recommends the purchase or sale of a specific security~~((, which the investment adviser circulates or distributed, directly or indirectly, to 10 or more persons (other than investment supervisory clients or persons connected with such investment adviser), and if such notice, circular, advertisement, newspaper article, investment letter, bulletin or other communication))~~ and does not state the reasons for ~~((such))~~ the recommendation, a memorandum of the investment adviser indicating the reasons ~~((therefor))~~ for the recommendation.

~~((2))~~ (i) A record of every transaction in a security in which the investment adviser or any ~~((investment adviser salesman))~~ advisory representative (as hereinafter defined) of ~~((such))~~ the investment adviser has, or by reason of such transaction acquires, any direct or indirect beneficial ownership, except:

~~((+))~~ (A) Transactions effected in any account over which neither the investment adviser nor any ~~((investment adviser salesman))~~ advisory representative of the investment adviser has any direct or indirect influence or control; and

~~((+))~~ (B) Transactions in securities which are direct obligations of the United States.

~~((Such))~~ The record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected; and the name of the broker-dealer or bank with or through whom the transaction was effected. ~~((Such))~~ The record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment adviser or ~~((investment adviser salesman))~~ advisory representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

(ii) For the purposes of this ~~((clause (2), the term "investment adviser salesman"))~~ subsection (1), the following definitions will apply:

(A) "Advisory representative" shall mean any partner, officer or director of the investment adviser; any employee who ~~((makes any recommendation, who))~~ participates in any way in the determination of which recommendations shall be made, or whose functions or duties relate to the determination of which recommendation shall be made~~((;))~~; any employee who, in connection with his or her duties, obtains any information concerning which securities are being recommended prior to the effective dissemination of the recommendations; and any of the following persons ~~((in a control relationship to the investment adviser))~~ who obtain~~((s))~~ information concerning securities recommendations being made by ~~((such))~~ the investment adviser ~~((other than a regular client of such investment adviser))~~ prior to the effective dissemination of the recommendations:

(I) Any person in a control relationship to the investment adviser;

(II) Any affiliated person of a controlling person; and

(III) Any affiliated person of an affiliated person.

(B) "Control" shall mean the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company. Any person who owns beneficially, either directly or through one or more controlled companies, more than 25 percent of the voting securities of a company shall be presumed to control such company.

(iii) An investment adviser ~~((does not violate))~~ shall not be deemed to have violated the provisions of this ~~((clause (2)))~~ subsection (1) because of ~~((his))~~ the failure to record securities transactions of any ~~((investment adviser salesman))~~ advisory representative if ~~((he))~~ the investment adviser establishes that ~~((he))~~ it instituted adequate procedures, and used reasonable diligence to obtain promptly, reports of all transactions required to be recorded.

~~((3))~~ (m) Notwithstanding the provisions of (l) of this subsection, where the investment adviser is primarily engaged in a business or businesses other than advising investment advisory clients, a record must be maintained of every transaction in a security in which the investment adviser or any advisory representative (as hereinafter defined) of the investment adviser has, or by reason of any transaction acquires, any direct or indirect beneficial ownership, except:

(A) Transactions effected in any account over which neither the investment adviser nor any advisory representative of the investment adviser has any direct or indirect influence or control; and

(B) Transactions in securities which are direct obligations of the United States.

The record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale, or other acquisition or disposition); the price at which it was effected; and the name of the broker-dealer or bank with or through whom the transaction was effected. The record may also contain a statement declaring that the reporting or recording of any transaction shall not be construed as an admission that the investment adviser or advisory representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not

later than ten days after the end of the calendar quarter in which the transaction was effected.

(ii) An investment adviser is "primarily engaged in a business or businesses other than advising investment advisory clients" when, for each of its most recent three fiscal years or for the period of time since organization, whichever is lesser, the investment adviser derived, on an unconsolidated basis, more than fifty percent of:

(A) Its total sales and revenues; and

(B) Its income (or loss) before income taxes and extraordinary items, from such other business or businesses.

(iii) For purposes of this subsection (1)(m) the following definitions will apply:

(A) "Advisory representative," when used in connection with a company primarily engaged in a business or businesses other than advising investment advisory clients, shall mean any partner, officer, director, or employee of the investment adviser who participates in any way in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which securities are being recommended prior to the effective dissemination of the recommendations; and any of the following persons who obtain information concerning securities recommendations being made by the investment adviser prior to the effective dissemination of the recommendations or of the information concerning the recommendations:

(I) Any person in a control relationship to the investment adviser;

(II) Any affiliated person of a controlling person; and

(III) Any affiliated person of an affiliated person.

(B) "Control" shall mean the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company. Any person who owns beneficially, either directly or through one or more controlled companies, more than twenty-five percent of the voting securities of a company shall be presumed to control such company.

(iv) An investment adviser shall not be deemed to have violated the provisions of this subsection (1)(m) because of the failure to record securities transactions of any advisory representative if the investment adviser establishes that it instituted adequate procedures, and used reasonable diligence to obtain promptly, reports of all transactions required to be recorded.

(n) The following items related to WAC 460-24A-145 and Part II of Form ADV:

(i) A copy of each written statement, and each amendment or revision, given or sent to any client or prospective client of the investment adviser as required by WAC 460-24A-145;

(ii) Any summary of material changes that is required by Part II of Form ADV that is not included in the written statement; and

(iii) A record of the dates that each written statement, each amendment or revision thereto, and each summary of material changes was given or offered to any client or prospective client who subsequently becomes a client.

(o) For each client that was obtained by the adviser by means of a solicitor to whom a cash fee was paid by the adviser:

(i) Evidence of a written agreement to which the adviser is a party related to the payment of such fee;

(ii) A signed and dated acknowledgment of receipt from the client evidencing the client's receipt of the investment adviser's disclosure statement and a written disclosure statement of the solicitor; and

(iii) A copy of the solicitor's written disclosure statement. The written agreement, acknowledgment, and solicitor disclosure statement will be considered to be in compliance if such documents are in compliance with Rule 275.206(4)-3 of the Investment Advisers Act of 1940.

For purposes of this subsection, the term "solicitor" shall mean any person or entity who, for compensation, acts as an agent of an investment adviser in referring potential clients.

(p) All accounts, books, internal working papers, and any other records or documents that are necessary to form the basis for or demonstrate the calculation of the performance or rate of return of all managed accounts or securities recommendations in any notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication including, but not limited to, electronic media that the investment adviser circulates or distributes, directly or indirectly, to two or more persons (other than persons connected with the investment adviser); provided however, that, with respect to the performance of managed accounts, the retention of all account statements, if they reflect all debits, credits, and other transactions in a client's account for the period of the statement, and all worksheets necessary to demonstrate the calculation of the performance or rate of return of all managed accounts shall be deemed to satisfy the requirements of this subsection.

(q) A file containing a copy of all written communications received or sent regarding any litigation involving the investment adviser or any investment adviser representative or employee, and regarding any written customer or client complaint.

(r) Written information about each investment advisory client that is the basis for making any recommendation or providing any investment advice to such client.

(s) Written procedures to supervise the activities of employees and investment adviser representatives that are reasonably designed to achieve compliance with applicable securities laws and regulations.

(t) A file containing a copy of each document (other than any notices of general dissemination) that was filed with or received from any state or federal agency or self regulatory organization and that pertains to the registrant or its advisory representatives as that term is defined in (m)(ii)(A) of this subsection, which file should contain, but is not limited to, all applications, amendments, renewal filings, and correspondence.

(u) Copies, with original signatures of the investment adviser's appropriate signatory and the investment adviser representative, of each initial Form U-4 and each amendment to Disclosure Reporting Pages (DRPs U-4) must be retained by the investment adviser (filing on behalf of the investment

adviser representative) and must be made available for inspection upon regulatory request.

(2) If ~~((a-licensed))~~ an investment adviser subject to subsection (1) of this section has custody or possession of securities or funds of any client, the records required to be made and kept under subsection (1) ~~((above))~~ of this section shall include:

(a) A journal or other record~~((s))~~ showing all purchases, sales, receipts and deliveries of securities (including certificate numbers) for ~~((such))~~ all accounts and all other debits and credits to ~~((such))~~ the accounts.

(b) A separate ledger account for each such client showing all purchases, sales, receipts and deliveries of securities, the date and price of each ~~((such))~~ purchase or sale, and all debits and credits.

(c) Copies of confirmations of all transactions effected by or for the account of any ~~((such))~~ client.

(d) A record for each security in which any ~~((such))~~ client has a position, which record shall show the name of each ~~((such))~~ client having any interest in ~~((such))~~ each security, the amount of interest of each ~~((such))~~ client, and the location of each ~~((such))~~ security.

~~((4))~~ (3) Every ~~((licensed))~~ investment adviser subject to subsection (1) of this section who renders any investment supervisory or management service to any client shall, with respect to the portfolio being supervised or managed and to the extent that the information is reasonably available to or obtainable by the investment adviser, make and keep true, accurate and current:

(a) Records showing separately for each ~~((such))~~ client the securities purchased and sold, and the date, amount and price of each ~~((such))~~ purchase or sale.

(b) For each security in which any ~~((such))~~ client has a current position, information from which the investment adviser can promptly furnish the name of each ~~((such))~~ client, and the current amount of the interest of ~~((such))~~ the client.

~~((5))~~ (4) Any books or records required by this section may be maintained by the investment adviser in such manner that the identity of any client to whom such investment adviser renders investment supervisory services is indicated by numerical or alphabetical code or some similar designation.

~~((6))~~ (5) Every investment adviser subject to subsection (1) of this section shall preserve the following records in the manner prescribed:

(a) All books and records required to be made under the provisions of subsections (1) to ~~((4))~~ (3)(a), inclusive, of this section except for books and records required to be made pursuant to subsection (1)(k) and (p) of this section shall be maintained and preserved in an easily accessible place for a period of not less than ~~((three))~~ five years from the end of the fiscal year during which the last entry was made on ~~((such))~~ the record, the first two years in ~~((an appropriate))~~ the principal office of the investment adviser.

(b) Partnership articles and any amendments, articles of incorporation, charter documents, minute books and stock certificate books of the investment adviser and of any predecessor, shall be maintained in the principal office of the investment adviser and preserved until at least three years after termination of the enterprise.

~~((7) A licensed))~~ (c) Books and records required to be made pursuant to subsection (1)(k) and (p) of this section shall be maintained and preserved in an easily accessible place for a period of not less than five years, the first two years in the principal office of the investment adviser, from the end of the fiscal year during which the investment adviser last published or otherwise disseminated, directly or indirectly, including by electronic media, the notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication.

(d) Notwithstanding other record preservation requirements of this section, the following records or copies shall be maintained at the business location of the investment adviser from which the customer or client is being provided or has been provided with investment advisory services:

(i) Records required to be preserved under subsections (1)(c), (g) through (j), (n), (o), and (q) through (s), (2), and (3) of this section shall be maintained for the period prescribed in (a) of this subsection; and

(ii) Records or copies required pursuant to subsection (1)(k) and (p) of this section which records or related records identify the name of the investment adviser representative providing investment advice from that business location, or which identify the business locations' physical address, mailing address, electronic mailing address, or telephone number shall be maintained for the period prescribed in (c) of this subsection.

(6) An investment adviser subject to subsection (1) of this section, before ceasing to conduct or discontinuing business as an investment adviser, shall arrange for and be responsible for the preservation of the books and records required to be maintained and preserved under this section for the remainder of the period specified in this section, and shall notify the ~~((administrator))~~ director in writing of the exact address where ~~((such))~~ the books and records will be maintained during ~~((such))~~ the period.

(7)(a) The records required to be maintained and preserved pursuant to this section may be immediately produced or reproduced by photograph on film or, as provided in (b) of this subsection, on magnetic disk, tape, or other computer storage medium, and be maintained and preserved for the required time in that form. If records are produced or reproduced by photographic film or computer storage medium, the investment adviser shall:

(i) Arrange the records and index the films or computer storage medium so as to permit the immediate location of any particular record;

(ii) Be ready at all times to promptly provide any facsimile enlargement of film or computer printout or copy of the computer storage medium that the director, by its examiners or other representatives, may request;

(iii) Store, separately from the original, one copy of the film or computer storage medium for the time required;

(iv) With respect to records stored on computer storage medium, maintain procedures for maintenance and preservation of, and access to, records so as to reasonably safeguard records from loss, alteration, or destruction; and

(v) With respect to records stored on photographic film, at all times have available for the director's examination of its records pursuant to RCW 21.20.100, facilities for immediate,

easily readable projection of the film and for producing easily readable facsimile enlargements.

(b) Pursuant to (a) of this subsection, an investment adviser may maintain and preserve on computer tape, disk, or other computer storage medium records which, in the ordinary course of the adviser's business, are created by the adviser on electronic media or received by the adviser solely on electronic media or by electronic data transmission.

(8) ((After a record or other document has been preserved for two years, a photograph on film may be substituted for the balance of the required time.

(9)) As used in this section, ((the terms "power of attorney" and "discretionary authority" do)) "investment supervisory services" means the giving of continuous advice as to the investment of funds on the basis of the individual needs of each client; and not include discretion as to the price at which, or the time when, a transaction is or is to be effected, if, before the order is given by the investment adviser, the client has directed or approved the purchase or sale of a definite amount of the particular security.

(9) Any book or other record made, kept, maintained, and preserved in compliance with Rules 17a-3 and 17a-4 under the Securities Exchange Act of 1934, which is substantially the same as the book or other record required to be made, kept, maintained, and preserved under this section, shall be deemed to be made, kept, maintained, and preserved in compliance with this section.

(10) Every investment adviser registered or required to be registered in this state and that has its principal place of business in a state other than this state shall be exempt from the requirements of this section, provided the investment adviser is licensed in the state where it has its principal place of business and is in compliance with that state's recordkeeping requirements.

AMENDATORY SECTION (Amending WSR 90-13-029, filed 6/12/90, effective 7/13/90)

WAC 460-24A-205 Notice of changes by investment advisers and investment adviser representatives. (1) Each licensed investment adviser ~~((shall, upon any change in the information contained in its application for a certificate (other than financial information contained therein)))~~ must:

(a) Promptly file ((an)) with IARD, in accordance with the instructions to Form ADV, any amendments ((to such application setting forth the changed information (and in any event)) to its Form ADV. An amendment will be considered promptly filed if it is filed within ((30)) thirty days ((after the change occurs).

~~(2) With respect to any investment adviser registered under the Investment Advisers Act of 1940, it shall be a sufficient compliance with subsection (1) of this section if a copy of an amendment to Form ADV, of the Securities and Exchange Commission containing the required information, or transmitted for filing to, the administrator not later than the date on which such amendment is required to be filed with the Securities and Exchange Commission.~~

~~(3) Each licensed investment adviser shall notify the administrator of the employment of any new representative in Washington by submitting a completed NASD Form U-4 to~~

~~the administrator or the administrator's designee, within 10 days after the event occurs.~~

~~(4) Each licensed investment adviser shall notify the administrator of the termination of employment of any representative in Washington, by submitting a complete NASD Form U-5 to the administrator or the administrator's designee, within 30 days after the event occurs.)~~ of the event that requires the filing of the amendment; and

(b) File an updated Form ADV with IARD within ninety days of the end of the investment adviser's fiscal year.

(2) Each investment adviser representative has a continuing obligation to update the information required by Form U-4 as changes occur and must promptly file with IARD any amendments to the representative's Form U-4. An amendment will be considered promptly filed if it is filed within thirty days of the event that requires the filing of the amendment.

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-24A-210 Notice of complaint. Each licensed investment adviser who has filed a complaint against any of its partners, officers, directors, agents licensed in Washington or associated persons with any law enforcement agency, any other regulatory agency having jurisdiction over the securities industry, or with any bonding company regarding any loss arising from alleged acts of such person, shall send a copy of such complaint to the ~~((administrator))~~ director, within ~~((40))~~ ten days following its filing with such other agency or bonding company.

WSR 01-16-134

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Division of Employment and Assistance Programs)

[Filed July 31, 2001, 4:19 p.m., effective August 1, 2001]

Date of Adoption: July 31, 2001.

Purpose: This adoption order postpones the effective date of WSR 01-15-078 which treats licensed vehicles as inaccessible resources by excluding those with an equity value of no more than \$1500. The effective date of WSR 01-15-078 will be November 1, 2001.

Citation of Existing Rules Affected by this Order: Amending WAC 388-470-0075.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Adopted under notice filed as WSR 01-12-069 on June 4, 2001.

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 Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This order must become effective August 1, 2001, to delay the effective date of a previously adopted rule. This postponement is necessary in order to comply with statutory requirements to simplify policy on resources.

Effective Date of Rule: August 1, 2001.

July 31, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 01-16-141
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed July 31, 2001, 4:25 p.m.]

Date of Adoption: July 27, 2001.

Purpose: To establish a new section in chapter 388-543 WAC (WAC 388-543-1150 Limits and limitation extensions) to list durable medical equipment (DME) and related supplies, prosthetics, orthotics, medical supplies, and related services and non-DME (MSE) that have limitations on amount, frequency, or duration. The new section states the limitations and how to request additional supplies, services, or equipment beyond the stated limitations. Also to amend WAC 388-543-2800 Reusable and disposable medical supplies, to clarify and update to reflect current department policy. The rules are necessary to agree with Medicare guidelines, assist in utilization reviews, and prevent the inappropriate use of items.

Citation of Existing Rules Affected by this Order: Amending WAC 388-543-2800.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530.

Adopted under notice filed as WSR 01-11-105 on May 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: ~~WAC 388-542-1150 MAA limits certain covered MSE, DME, and related supplies, prosthetics, orthotics, medical supplies, and related services. MAA allows these items or services up to a maximum limit. Unless otherwise specified, all covered MSE is limited to a thirty-day supply. In order to exceed the maximum limit, the provider must obtain a limitation extension (LE). Refer to MAA's billing instructions for the LE process. MAA evaluates requests for LE~~

~~based on medical necessity and the standards for covered services in WAC 388-501-0165. MAA allows each client the following:~~

The medical assistance administration (MAA) covers non-DME (MSE), DME, and related supplies, prosthetics, orthotics, medical supplies, and related services as described in WAC 388-543-1100(1). As listed in this section, MAA limits amount, frequency, or duration of certain covered MSE, DME, and related supplies, prosthetics, orthotics, medical supplies, and related services, and reimburses up to the stated limit without requiring prior authorization. These limits are designed to avoid the need for prior authorization for items ordinarily considered medically necessary and, unless otherwise specified, for quantities sufficient for a thirty-day supply for one client. In order to exceed the stated limits, the provider must request a limitation extension (LE), which is a form of prior authorization (PA). MAA approves requests for LE when medically necessary, under the standards for covered services in WAC 388-501-0165. Procedures for LE are found in MAA's billing instructions. The following items and quantities do not require prior authorization: requests to exceed the stated quantities require LE:

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, 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 1, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 27, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-543-1150 Limits and limitation extensions.

The medical assistance administration (MAA) covers non-DME (MSE), DME, and related supplies, prosthetics, orthotics, medical supplies, and related services as described in WAC 388-543-1100(1). MAA Limits the amount, frequency, or duration of certain covered MSE, DME, and related supplies, prosthetics, orthotics, medical supplies, and related services, and reimburses up to the stated limit without requiring prior authorization. These limits are designed to avoid the need for prior authorization for items normally considered medically necessary and for quantities sufficient for a thirty-day supply for one client. In order to exceed the stated limits, the provider must request a limitation extension (LE), which is a form of prior authorization (PA). MAA approves

such requests for LE when medical necessary, under the standards for covered services in WAC 388-501-0165. Procedures for LE are found in MAA's billing instructions. The following items and quantities do not require prior authorization; requests to exceed the stated quantities require LE:

(1) Antiseptics and germicides:

(a) Alcohol (isopropyl) or peroxide (hydrogen) - one eight ounce bottle per month;

(b) Alcohol wipes (box of two hundred) - one box per month;

(c) Betadine or pHisoHex solution - one pint per month;

(d) Betadine or iodine swabs/wipes (box of one hundred) - one box per month;

(e) Disinfectant spray - one twelve ounces bottle or can per six month period; or

(f) Periwash (when soap and water are medically contraindicated) - one five ounce bottle of concentrate solution per six-month period.

(2) Blood monitoring/testing supplies:

(a) Replacement battery of any type, used with a client-owned, medically necessary home or specialized blood glucose monitor - one in a three month period; and

(b) Spring-powered device for lancet - one in a six-month period.

(3) Braces, belts and supportive devices:

(a) Custom vascular supports (CVS) - two pair per six-month period. CVS fitting fee - two per six-month period;

(b) Surgical stockings (below-the-knee, above-the-knee, thigh-high, or full-length) - two pair per six-month period;

(c) Graduated compression stockings for pregnancy support (panty hose style) - two per twelve-month period;

(d) Knee brace (neoprene, nylon, elastic, or with a hinged bar) - two per twelve-month period;

(e) Ankle, elbow, or wrist brace - two per twelve-month period;

(f) Lumbosacral brace, rib belt, or hernia belt - one per twelve-month period;

(g) Cervical head harness/halter, cervical pillow, pelvic belt/harness/boot, or extremity belt/harness - one per twelve-month period.

(4) Decubitus care products:

(a) Cushion (gel, sacroiliac, or accuback) and cushion cover (any size) - one per twelve-month period;

(b) Synthetic or lambs wool sheepskin pad - one per twelve-month period;

(c) Heel or elbow protectors - four per twelve-month period.

(5) Ostomy supplies:

(a) Adhesive for ostomy or catheter: cement; powder; liquid (e.g., spray or brush); or paste (any composition, e.g., silicone or latex) - four total ounces per month.

(b) Adhesive or nonadhesive disc or foam pad for ostomy pouches - ten per month.

(c) Adhesive remover or solvent - three ounces per month.

(d) Adhesive remover wipes, fifty per box - one box per month.

(e) Closed pouch, with or without attached barrier, with a one- or two-piece flange, or for use on a faceplate - sixty per month.

(f) Closed ostomy pouch with attached standard wear barrier, with built-in one-piece convexity - ten per month.

(g) Continent plug for continent stoma - thirty per month.

(h) Continent device for continent stoma - one per month.

(i) Drainable ostomy pouch, with or without attached barrier, or with one- or two-piece flange - twenty per month.

(j) Drainable ostomy pouch with attached standard or extended wear barrier, with or without built-in one-piece convexity - twenty per month.

(k) Drainable ostomy pouch for use on a plastic or rubber faceplate (only one type of faceplate allowed) - ten per month.

(l) Drainable urinary pouch for use on a plastic, heavy plastic, or rubber faceplate (only one type of faceplate allowed) - ten per month.

(m) Irrigation bag - two every six months.

(n) Irrigation cone and catheter, including brush - two every six months.

(o) Irrigation supply, sleeve - one per month.

(p) Ostomy belt (adjustable) for appliance - two every six months.

(q) Ostomy convex insert - ten per month.

(r) Ostomy ring - ten per month.

(s) Stoma cap - thirty per month.

(t) Ostomy faceplate - ten per month. MAA does not allow the following to be used on a faceplate in combination with drainable pouches (refer to the billing instructions for further details):

(i) Drainable pouches with plastic face plate attached; or

(ii) Drainable pouches with rubber face plate.

(6) Supplies associated with client-owned transcutaneous electrical nerve stimulators (TENS):

(a) For a four-lead TENS unit - two kits per month. (A kit contains two leads, conductive paste or gel, adhesive, adhesive remover, skin preparation material, batteries, and a battery charger for rechargeable batteries.)

(b) For a two-lead TENS unit - one kit per month.

(c) TENS tape patches (for use with carbon rubber electrodes only) are allowed when they are not used in combination with a kit(s).

(d) A TENS stand alone replacement battery charger is allowed when it is not used in combination with a kit(s).

(7) Urological supplies - diapers and related supplies:

(a) The standards and specifications in this subsection apply to all disposable incontinent products (e.g., adult briefs/child diapers, pull-up training pants, underpads for beds, and liners/shields). See subsections (b), (c), (d), and (e) of this section for additional standards for specific products. All of the following apply to all disposable incontinent products:

(i) All materials used in the construction of the product must be safe for the client's skin and harmless if ingested;

(ii) Adhesives and glues used in the construction of the product must not be water-soluble and must form continuous seals at the edges of the absorbent core to minimize leakage;

(iii) The padding must provide uniform protection;

(iv) The product must be hypoallergenic; and

(v) The product must meet the flammability requirements of both federal law and industry standards.

(b) In addition to the standards in subsection (a) of this section, adult briefs/child diapers must meet all the following specifications. They must:

- (i) Be hourglass shaped with formed leg contours;
- (ii) Have an absorbent filler core that is at least one-half inch from the elastic leg gathers;
- (iii) Have leg gathers that consist of at least three strands of elasticized materials;

(iv) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling materials;

(v) Have a backsheet that is moisture impervious and is at least 1.00 mm thick, designed to protect clothing and linens;

(vi) Have a topsheet that resists moisture returning to the skin;

(vii) Have an inner lining that is made of soft, absorbent material; and

(viii) Have either a continuous waistband, or side panels with a tear-away feature, or refastenable tapes, as follows:

- (A) For adult briefs, at least four tapes, two on each side.
- (B) For child diapers, at least two tapes, one on each side.

(C) The tape adhesive must release from the backsheet without tearing it, and permit a minimum of three fastening/unfastening cycles.

(c) In addition to the standards in subsection (a) of this section, pull-up training pants and incontinent pants must meet the following specifications. They must:

- (i) Be made like regular underwear with an elastic waist;
- (ii) Have an absorbent core filler that is at least one-half inch from the elastic leg gathers;

(iii) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling;

(iv) Have leg gathers that consist of at least three strands of elasticized materials;

(v) Have a backsheet that is moisture impervious, is at least 1.00 mm thick, and is designed to protect clothing and linens;

(vi) Have an inner lining made of soft, absorbent material; and

(vii) Have a top sheet that resists moisture returning to the skin.

(d) In addition to the standards in subsection (a) of this section, underpads for beds must meet the following specifications. They must:

(i) Have an absorbent layer that is at least one and one-half inches from the edge of the underpad;

(ii) Be manufactured with a waterproof backing material;

(iii) Be able to withstand temperatures not to exceed one hundred-forty degrees Fahrenheit;

(iv) Have a covering or facing sheet that is made of non-woven, porous materials that have a high degree of permeability, allowing fluids to pass through and into the absorbent filler. The patient contact surface must be soft and durable;

(v) Have filler material that is highly absorbent. It must be heavy weight fluff filler or the equivalent; and

(iv) Have four-ply, nonwoven facing, sealed on all four sides.

(e) In addition to the standards in subsection (a) of this section, liners/shields (including pads and undergarments) must meet the following specifications. They must:

(i) Have channels to direct fluid throughout the absorbent area, and leg gathers to assist in controlling leakage, and/or be contoured to permit a more comfortable fit;

(ii) Have a waterproof backing designed to protect clothing and linens;

(iii) Have an inner liner that resists moisture returning to the skin;

(iv) Have an absorbent core that consists of cellulose fibers mixed with absorbent gelling materials;

(v) Have pressure-sensitive tapes on the reverse side to fasten to underwear; and

(vi) For undergarments only, be contoured for good fit, have at least three elastic leg gathers, and may be belted or unbelted.

(f) MAA covers the products in this subsection only when they are used alone; they cannot be used in combination with each other. MAA approves a client's use of a combination of products only when the client uses different products for daytime and nighttime use (see MAA's billing instructions for how to specify this when billing). The total of all products used cannot exceed the monthly limitation for the product with the highest limit (see subsections (g), (h), (i), (j), (k), (l), and (m) of this section for product limitations). The following products cannot be used together:

- (i) Disposable briefs (incontinent pants)/diapers;
- (ii) Disposable pull-up training pants;
- (iii) Disposable liners/pads;
- (iv) Rented reusable briefs/diapers (e.g., from a diaper service); and

(v) Rented reusable briefs (incontinent pants) (e.g., from a diaper service), or pull-up training pants.

(g) Purchased disposable diapers (any size) are limited to:

(i) Three hundred per month for a child age three and older; and

(ii) Two hundred forty per month for an adult.

(h) Purchased cloth, reusable diapers (any size) are limited to:

(i) Forty-eight per year for a child age three and older; and

(ii) Thirty-six per year for an adult.

(i) Rented cloth, reusable diapers (any size) are limited to:

(i) Three hundred per month for a child age three and older; and

(ii) Two hundred forty per month for an adult.

(j) Disposable briefs (incontinent pants) and pull-up training pants (any size) are limited to:

(i) Three hundred per month for a child age three and older; and

(ii) One hundred fifty per month for an adult.

(k) Reusable briefs (incontinent pants) or pull-up training pants (any size) are limited to:

(i) Purchased - four per year.

(ii) Rented - one hundred fifty per month.

(l) Disposable pant liner/pads are limited to two hundred forty per month.

(m) Underpads for beds are limited to:

(i) Disposable (any size) - one hundred eighty per month.

(ii) Purchased, reusable (large) - forty-two per year.

(iii) Rented, reusable (large) - ninety per month.

(8) Urological supplies - urinary retention:

(a) Bedside drainage bag, day or night, with or without anti-reflux device, with or without tube - two per month. This cannot be billed in combination with any of the following:

(i) With extension drainage tubing for use with urinary leg bag or urostomy pouch (any type, any length), with connector/adaptor; and/or

(ii) With an insertion tray with drainage bag, and with or without catheter.

(b) Bedside drainage bottle, with or without tubing - two per six month period.

(c) Extension drainage tubing (any type, any length), with connector/adaptor, for use with urinary leg bag or urostomy pouch. This cannot be billed in combination with a vinyl urinary leg bag, with or without tube.

(d) External urethral clamp or compression device (not be used for catheter clamp) - two per twelve-month period.

(e) Indwelling catheters (any type) - three per month.

(f) Insertion trays:

(i) Without drainage bag and catheter - one hundred and twenty per month. These cannot be billed in combination with other insertion trays that include drainage bag, catheters, and/or individual lubricant packets.

(ii) With indwelling catheters - three per month. These cannot be billed in combination with: other insertion trays without drainage bag and/or indwelling catheter; individual indwelling catheters; and/or individual lubricant packets.

(g) Intermittent urinary catheter - one hundred twenty per month. These cannot be billed in combination with: an insertion tray with or without drainage bag and catheter; or other individual intermittent urinary catheters.

(h) Irrigation syringe (bulb or piston) - cannot be billed in combination with irrigation tray or tubing.

(i) Irrigation tray with syringe (bulb or piston) - thirty per month. These cannot be billed in combination with irrigation syringe (bulb or piston), or irrigation tubing set.

(j) Irrigation tubing set - thirty per month. These cannot be billed in combination with an irrigation tray or irrigation syringe (bulb or piston).

(k) Leg straps (latex foam and fabric). Allowed as replacement only.

(l) Male external catheter, specialty type, or with adhesive coating or adhesive strip - sixty per month.

(m) Urinary suspensory with leg bag, with or without tube - two per month. This cannot be billed in combination with: a latex urinary leg bag; urinary suspensory without leg bag; extension drainage tubing; or a leg strap.

(n) Urinary suspensory without leg bag, with or without tube - two per month.

(o) Urinary leg bag, vinyl, with or without tube - two per month. This cannot be billed in combination with: a leg strap; or an insertion tray with drainage bag and without catheter.

(p) Urinary leg bag, latex - one per month. This cannot be billed in combination with an insertion tray with drainage bag and with or without catheter.

(9) Miscellaneous supplies:

(a) Bilirubin light therapy supplies - five days' supply. MAA reimburses only when these are provided with a prior authorized bilirubin light.

(b) Continuous passive motion (CPM) softgoods kit - one, with rental of CPM machine.

(c) Eye patch with elastic, tied band, or adhesive, to be attached to an eyeglass lens - one box of twenty.

(d) Eye patch (adhesive wound cover) - one box of twenty.

(e) Lice comb (e.g., LiceOut TM, or LiesMeister TM, or combs of equivalent quality and effectiveness) - one per year.

(f) Nontoxic gel (e.g., LiceOutTM) for use with lice combs - one bottle per twelve month period
Syringes and needles ("sharps") disposal container for home use, up to one gallon size - two per month.

(10) Miscellaneous DME:

(a) Bilirubin light or light pad - five days rental per twelve-month period.

(b) Blood glucose monitor (specialized or home) - one in a three-year period.

(c) Continuous passive motion (CPM) machine - up to ten days rental and requires prior authorization.

(d) Diaphragmatic pacing antennae - four per twelve month-period.

(e) Lightweight protective helmet/soft shell (including adjustable chin/mouth strap) - two per twelve-month period.

(f) Lightweight ventilated hard-shell helmet (including unbreakable face bar, woven chin strap w/adjustable buckle and snap fastener, and one set of cushion pads for adjusting fit to head circumference) - two per twelve-month period.

(11) Prosthetics and Orthotics:

(a) Thoracic-hip-knee-ankle orthosis (THKAO) standing frame - one every five years.

(b) Preparatory, above knee "PTB" type socket, non-alignable system, pylon, no cover, SACH foot plaster socket, molded to model - one per lifetime, per limb.

(c) Preparatory, below knee "PTB" type socket, non-alignable system, pylon, no cover, SACH foot thermoplastic or equal, direct formed - one per lifetime, per limb.

(d) Socket replacement, below the knee, molded to patient model - one per twelve-month period.

(e) Socket replacement, above the knee/knee disarticulation, including attachment plate, molded to patient model - one per twelve-month period.

(12) Positioning devices:

(a) Deluxe floor sitter/feeder seat (small, medium, or large), including floor sitter wedge, shoulder harness, and hip strap - one in a three-year period.

(b) High-back activity chair, including adjustable footrest, two pairs of support blocks, and hip strap - one in a three-year period.

(c) Positioning system/supine boards (small or large), including padding, straps adjustable armrests, footboard, and support blocks - one in a five-year period.

(d) Prone stander (child, youth, infant or adult size) - one in a five-year period.

(e) Adjustable standing frame (for child/adult thirty - sixty-eight inches tall), including two padded back support blocks, a chest strap, a pelvic strap, a pair of knee blocks, an abductor, and a pair of foot blocks - one in a five-year period.

AMENDATORY SECTION (Amending WSR 01-01-078, filed 12/13/00, effective 1/13/01)

WAC 388-543-2800 Reusable and disposable medical supplies. (1) MAA requires that a physician prescribe reusable and disposable medical supplies. The prescription must state the specific item or service requested, diagnosis, prognosis, estimated length of need (weeks or months, not to exceed six months before being re-evaluated), and quantity.

(2) MAA bases its determination about which DME and related supplies, prosthetics, orthotics, medical supplies and related services require prior authorization (PA) or expedited prior authorization (EPA) on utilization criteria (see WAC 388-543-1000 for PA and WAC 388-543-1800 for EPA). MAA considers all of the following when establishing utilization criteria:

- (a) High cost;
- (b) The potential for utilization abuse;
- (c) A narrow therapeutic indication; and
- (d) Safety.

(3) MAA requires a provider to obtain a limitation extension in order to exceed the stated limits for nondurable medical equipment and medical supplies. See WAC 388-501-0165.

(4) MAA categorizes medical supplies and non-DME (MSE) as follows (see WAC 388-543-1150, 388-543-1600, and MAA's billing instructions for further information about specific limitations and requirements for PA and EPA):

- (a) Antiseptics and germicides;
- (b) Bandages, dressings, and tapes;
- (c) Blood monitoring/testing supplies;
- (d) Braces, belts, and supportive devices;
- (e) Decubitus care products;
- (f) Ostomy supplies;
- (g) Pregnancy-related testing kits and nursing equipment supplies;
- (h) ~~((S)) Supplies associated with osteogenesis stimulators;~~
- (~~(H))~~ Supplies associated with transcutaneous electrical nerve stimulators (TENS);
- (~~((I))~~ (i) Syringes and needles;
- (~~((U))~~ (j) Urological supplies (e.g., diapers, urinary retention catheters, pant liners, and doublers); and
- (~~((M))~~ (k) Miscellaneous supplies.

WSR 01-16-142
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed July 31, 2001, 4:26 p.m.]

Date of Adoption: July 27, 2001.

Purpose: To update and clarify payment methodology used for reimbursing hospital providers for services provided to MAA clients; to update high-cost and low-cost outlier thresholds; to update effective dates for recalibrating relative weights; to clarify requirements for outpatient services record retention language; and to coordinate policies with DASA and MHD.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-550-2700; and amending WAC 388-550-1050, 388-550-1100, 388-550-2800, 388-550-2900, 388-550-3300, 388-550-3600, 388-550-3700, 388-550-3800, 388-550-4300, 388-550-4400, 388-550-4500, and 388-550-4800.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: 42 U.S.C. 1395x(v), 42 C.F.R. 447.271, .11303, and .2652.

Adopted under notice filed as WSR 01-09-070 on April 16, 2001.

Changes Other than Editing from Proposed to Adopted Version: **WAC 388-550-1050 "Fee-for-service"** means the general payment method the department uses to reimburse providers for covered medical services provided to medical assistance clients when these services are not covered under ~~MAA's healthy options program~~ the department's managed care programs.

WAC 388-550-1050 "Noncovered service or charge" means a service or charge that is not ~~reimbursed by the department~~ recognized by the department as a covered service.

WAC 388-550-1050, to clarify outpatient hospital reimbursement methods, the department added this definition: **"Outpatient rate"** means the standard rate used to reimburse a hospital for outpatient services not excluded in WAC 388-550-6000(2). This rate has as its base the hospital inpatient RCC rate adjusted by an outpatient factor.

WAC 388-550-1100(1) ~~The medical assistance administration (MAA) department covers the admission of a medical assistance client to a hospital only when the client's attending physician orders admission and when the admission and treatment provided meet the requirements of this chapter medically necessary as indicated by an attending physician's admission order, and when the admission and treatment provided meet the requirements of this chapter.~~

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 12, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 12, 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 12, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

July 27, 2001

Brian H. Lindgren, 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 01-18 issue of the Register.

PERMANENT

WSR 01-16-013
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-138—Filed July 19, 2001, 4:21 p.m., effective July 20, 2001]

Date of Adoption: July 19, 2001.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000T; and amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. 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: July 20, 2001.

July 19, 2001

J. P. Koenigs

Director

by Larry Peck

NEW SECTION

WAC 220-24-02000U Commercial salmon troll. Notwithstanding the provisions of WAC 220-24-020, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh line, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River from the U.S. - Canada border to Cape Falcon, Oregon except as provided for in this section:

(1) Effective 12:01 a.m. July 20 through 11:59 p.m. September 30, 2001, it is lawful to fish for and possess salmon in those waters of Salmon Management and Catch Reporting Areas 1 and 2. Columbia River Control Zone is closed.

(2) Open Fridays through Mondays and closed Tuesdays through Thursdays.

(3) Lawful troll gear is restricted to single point, single shank barbless hooks.

(4) Each participating vessel must land and deliver to a port within the area or an adjacent closed area within 24 hours of any closure.

(5) Landing and possession limit of 65 chinook salmon per vessel per four day open period. Each vessel may land more than once but the landings must not total more than 65 chinook salmon for the entire four day opening.

(6) Release wild coho salmon. Minimum size for chinook salmon is 28 inches in length and minimum size for coho salmon is 16 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 20, 2001:

WAC 220-24-02000T Commercial salmon troll.
 (01-132)

WSR 01-16-014
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-139—Filed July 19, 2001, 4:23 p.m., effective July 23, 2001]

Date of Adoption: July 19, 2001.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07100R; and amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The harvestable amount of sea cucumbers from Area 3 has been taken but sea cucumbers are available in the four sea cucumber districts remaining open. Prohibition of all diving within two days of scheduled sea cucumber openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. 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: July 23, 2001.

July 19, 2001
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-52-07100S Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Effective 6:00 a.m. July 23, 2001 until further notice, sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1, 2, 4 and 5 on Monday, Tuesday, and Wednesday of each week from 6:00 a.m. to one-half hour before official sunset of each day.

(2) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on July 21, 22, 28, 29, August 4, 5, 11, 12, 18, 19, 25, and 26, 2001.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. July 23, 2001:

WAC 220-52-07100R Sea cucumbers. (01-99)

**WSR 01-16-015
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-140—Filed July 19, 2001, 4:24 p.m., effective July 20, 2001]

Date of Adoption: July 19, 2001.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100E; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 77.12.047.

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: Allows commercial sale of fish caught from platforms and using hook and line through

July 25. Allows commercial sale of fish caught in the Klickitat River to [be] sold during open commercial season when Klickitat River is open. Harvestable numbers of salmon are available. Impacts on ESA-listed stocks are expected to be within the guidelines of the "Interim Management Agreement for Upriver Spring Chinook, Summer Chinook, and Sockeye" and the biological opinion. Consistent with compact action of July 19, 2001. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 20, 2001.

July 19, 2001
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-32-05100E Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, or sturgeon under the following provisions pursuant to lawfully enacted tribal rules:

Open Periods: 6:00 a.m. July 20, 2001 to 6:00 p.m. July 25, 2001

a) Open Areas: SMCRA 1F, 1G, 1H, and the Klickitat River

b) Gear: Hoop nets, dip bag nets, or hook and line

c) Allowable sale includes: sockeye salmon, chinook salmon, coho salmon, shad.

EMERGENCY

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. July 25, 2001:

WAC 220-32-03100E Columbia River salmon seasons above Bonneville Dam.

Reviser's note: The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 220-32-03100E is probably intended to be WAC 220-32-05100E.

WSR 01-16-019
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 20, 2001, 8:15 a.m.]

Date of Adoption: July 20, 2001.

Purpose: The purpose of these emergency rules is to extend the emergency rules that are currently in effect (see WSR 01-08-010) for purposes of clarifying the department's current variance process to allow alternate materials, alternate design, and methods of construction to be approved provided a reasonable level of protection to life, safety, and health has been achieved. Also, these rules will allow for the sale of a manufactured/mobile home by a homeowner that purchased a manufactured/mobile home without receiving all of the required insignia provided they identify it in the disclosure statement (similar to what is currently allowed for site-built homes), which is required prior to the sale of the home under these emergency rules.

Also, the department filed notice to adopt these rules permanently on June 20, 2001 (see WSR 01-13-098).

Citation of Existing Rules Affected by this Order: Amending WAC 296-150M-0140.

Statutory Authority for Adoption: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485.

Other Authority: Chapter 43.22 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Under current law it is unlawful for any person to lease, sell or offer for sale, within this state, manufactured/mobile homes unless the alterations done to the home meet the requirements of the rules provided for in chapter 296-150M WAC. Without these rules, the department does not have the ability to allow manufactured/mobile homeowners to sell their homes unless they have received all the necessary inspections and retain all of the insignia required by law. This is extremely problematic as it may create an unnecessary financial hardship on manufactured/mobile homeowners. This financial hardship may occur when the manufactured/mobile homeowner purchased a home with nonpermitted alternations or if they had or would like to complete alterations that provide the same or reason-

able level of protection to life, safety and health but are inconsistent with the rules adopted by the department.

These emergency rules are necessary for the preservation of the general welfare by directly addressing public concern that the rules may create a severe financial hardship to manufactured/mobile homeowners. Further, these rules create a greater level of flexibility and do not infringe on the necessary protection to life, safety, and health.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, 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 1, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

July 20, 2001

Gary Moore

Director

AMENDATORY SECTION [(Amending WSR 00-17-148, filed 8/22/00)]

WAC 296-150M-0140 Do you allow a variance from these rules for the use of alternate materials, alternate design and methods of construction? ~~((When altering a manufactured home, a))~~ An applicant may apply to the director or designee for an order for a variance from the requirements of this chapter for alterations initiated after the expiration of any written warranty(ies) required by RCW 46.70.135 that ((the)) use ((of)) alternate materials, alternate design and methods of construction, ((different from the requirements of this chapter)) by filing a written request with the department.

(1) Responsibilities of applicant. The applicant must submit ~~((in writing))~~ the following information ~~((and sign and date the request))~~ on a form approved by the department and pay the inspection fee in WAC 296-150M-3000.

(a) The applicant's name, address and phone number;

(b) The specific requirement or requirements from which the alternate material, alternate design or method of construction is requested;

(c) Justification ~~why that~~ the requirements of this chapter cannot be or were not ((be)) met ((without using alternate materials, alternate design or method of construction)); and

(d) How the use of alternate materials, alternate design or method of construction will achieve or has achieved ((the same result as the requirement and any specific alternative measures to be taken to show the alternate provides the same)) a reasonable level of protection to life, safety and health ((as the requirements)).

~~((The department has a form that you may use for your request.))~~ Contact the department at the address shown in the definition section for a copy of the approved form.

(2) Responsibilities of the department. The department will conduct an inspection provide a written response to the applicant within thirty days of receipt of the written request. The written response will state the acceptance or denial of the request, including the reasons for the department's decision. At a minimum the department will base its decision based on:

- (a) The applicant's request as described in subsection (1) of this section;
- (b) Research into the request;
- (c) Expert advice.

(3) Applicant's response to denials. The applicant may appeal the department's decision by following the procedure in WAC 296-150M-0100.

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

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

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

NEW SECTION

WAC 296-150M-0049 What must be done prior to the sale of a manufactured/mobile home by a homeowner? (1) Prior to the sale of any manufactured/mobile home the homeowner must deliver to the buyer a completed property transfer disclosure statement including all the criteria specified in RCW 64.06.020 and any variance(s) granted according WAC 296-150M-0140, and:

- (a) Have all department insignia required by this chapter; or
- (b) Have all department insignia required by this chapter for alterations performed during ownership of the home and include in the property transfer disclosure statement all alterations that were known to have been performed by any previous owner of the home.

(2) Nothing in this section shall have any effect on any written warranty(ies) required by RCW 46.70.135.

(3) This section does not apply to unsafe manufactured/mobile homes that the use of which may constitute a hazard to life, safety, or health.

**WSR 01-16-024
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-141—Filed July 20, 2001, 1:49 p.m.]

Date of Adoption: July 20, 2001.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100Q; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The state's share of spot shrimp in Crustacean Management Region 2 is projected to be taken by the closure date. The 2001 state/tribal Puget Sound shrimp harvest management plan requires adoption of the harvest seasons and the prohibition on nighttime fishing contained in this rule. Emergency rapid reporting requirements are necessary to reduce risk of overharvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements and to ensure conservation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 22, 2001.

July 20, 2001

J. P. Koenings
Director

NEW SECTION

WAC 220-52-05100R Puget Sound shrimp pot and beam trawl fishery—Seasons and weekly trip limits. 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 except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Crustacean Management Regions 1B, 1C, 2, 3, 4, and 6 are open to harvest of all shrimp species until further notice, except as provided below:

(b) It is unlawful to harvest spot shrimp for commercial purposes in Marine Fish Shellfish Catch and Reporting Area 25C, 26B-1, 26B-2, 26C, and 23A east of a line projected 335 degrees true from the Dungeness lighthouse, and including the portion of Marine Fish-Shellfish Catch and Reporting Area 22A southerly of a line due west from Lime Kiln Point light on San Juan Island, to the international boundary, then south from Lime Kiln Point light on San Juan Island and south of the shores of San Juan Island, then south of a line

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from Cattle Point to Davis Point, then south of the shores of Lopez Island to Point Colville, which is considered to be part of Marine Fish-Shellfish Catch and Reporting Area 23A.

(c) Effective 11:00 a.m., July 22, 2001, until further notice it is unlawful to harvest spot shrimp for commercial purposes in Crustacean Management Region 2.

(d) For purposes of shrimp harvest allocation and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26B is divided into three subareas: 26B-1 is those waters of Catch Area 26B south of the 47 degrees 40.00 minutes latitude line (which is approximately 200 yards north of Skiff Point) and excluding the waters of 26B-3. 26B-2 is all waters of Catch Area 26B north of the 47 degrees 40.00 minutes latitude line (which is approximately 200 yards north of Skiff Point). 26B-3 is those waters easterly of a line projected from West Point to Alki Point.

(e) 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, or to exceed 600 pounds per week from Crustacean Management Regions 1 or 3 except, 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 335 degrees true from the Dungeness lighthouse), 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. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(f) 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 number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(g) For purpose of shrimp pot catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected 335 degrees true from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(h) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A southerly of a line due west from Lime Kiln Point light on San Juan Island, to the international boundary, then south from Lime Kiln Point light on San Juan Island and south of the shores of San Juan Island, then south of a line from Cattle Point to Davis Point, then south of the shores of Lopez Island to Point

Colville, shall be considered to be part of Marine Fish-Shellfish Management and Catch Reporting Area 23A.

(2) Shrimp beam trawl gear:

(a) Crustacean management area 1 - Open until further notice.

(b) Crustacean management area 3 - Open until further notice.

(c) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(d) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A except in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(e) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(f) For purpose of shrimp trawl catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected true north from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(3) 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.

(4) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in the Discovery Bay Shrimp District, the Port Angeles Shrimp District, the Sequim Bay Shrimp District, the Hood Canal Shrimp District, and the Carr Inlet Shrimp District.

(5) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer or, if transferred at sea, without transfer to a licensed wholesale dealer.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:00 a.m. July 22, 2001:

WAC 220-52-05100Q	Puget Sound shrimp pot and beam trawl fishery—Seasons and weekly trip limits. (01-134)
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**WSR 01-16-082
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-142—Filed July 25, 2001, 3:50 p.m., effective August 5, 2001]

Date of Adoption: July 25, 2001.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000W; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of sturgeon remain on the non-Indian commercial allocation for 2001 for the twelve hour fishery from Zone 1 to Longview Bridge. The season provides the commercial industry access to a portion of their sturgeon allocation during a time frame when salmon and steelhead are not present in large numbers, and provides maximum economic benefits. This season is consistent with the precepts of the "Joint State Accord on 2000-2002 Columbia River Sturgeon Fishery Management" between the states of Washington and Oregon, and was discussed during the North of Falcon process. This rule is consistent with actions of the Columbia River Compact on January 25, 2001, and is included in the states biological assessment of ESA listed stocks. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: August 5, 2001.

July 25, 2001

Jim Lux

for Jeff Koenings

Director

a) SEASON: 7:00 p.m. Sunday, August 5, 2001 to 7:00 a.m. Monday, August 6, 2001

b) GEAR: 9 inch minimum mesh and 9-3/4 inch maximum mesh.

c) ALLOWABLE SALE: Salmon and sturgeon.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. August 6, 2001:

WAC 220-33-01000W Columbia River season below Bonneville.

WSR 01-16-083

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 01-143—Filed July 25, 2001, 3:51 p.m.]

Date of Adoption: July 25, 2001.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05700I and 220-32-05700J; and amending WAC 220-32-057.

Statutory Authority for Adoption: RCW 77.12.047.

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: Extends sturgeon setline fishing in Bonneville and John Day pools. Harvestable numbers of sturgeon are available on the management guidelines. Conforms state rules with tribal rules. Consistent with compact action of July 19, 2001. 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.

NEW SECTION

WAC 220-33-01000W Columbia River season below Bonneville. Notwithstanding the provision of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections.

1) OPEN AREA: SMCRA 1A, 1B, and 1C upstream to the Longview Bridge

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Effective Date of Rule: Immediately.

July 25, 2001
 Jim Lux
 for Jeff Koenings
 Director

WSR 01-16-084
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-145—Filed July 25, 2001, 3:52 p.m.]

Date of Adoption: July 25, 2001.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-56-28500Z; and amending WAC 220-56-282.

Statutory Authority for Adoption: RCW 77.12.047.

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 action is to keep the 2001 sport harvest within the 39,500 white sturgeon harvest guideline. Sturgeon fisheries on the Columbia River are managed under a three-year joint state management agreement from 2000-2002. This year's conditions have been excellent for sturgeon fishing with harvest numbers tracking higher than what would normally

be expected. Closure needed in Bonneville Reservoir and tributaries to keep the recreational harvest of sturgeon within the established harvest guidelines. 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.

July 25, 2001

Jim Lux

for Jeff Koenings

Director

NEW SECTION

WAC 220-32-05700J Columbia River sturgeon seasons—Above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-057, effective immediately, it is unlawful to take, fish for or possess sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for sturgeon with set line gear under the following provisions:

1) Dates: Effective immediately until 6:00 p.m. August 18, 2001.

2) Open area is 1F and 1H.

3) During the season specified in Section 1, it is unlawful to:

a) retain for commercial purposes sturgeon less than 48 inches or greater than 60 inches in length.

b) sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of a sturgeon prior to sale of the sturgeon to a wholesale dealer licensed under chapter RCW 75.28, or to sell or barter sturgeon eggs at retail.

c) deliver to a wholesale dealer licensed under chapter RCW 75.28 any sturgeon that are not in the round with the head and tail intact.

4) During the season specified in Section 1, it is unlawful to use set line gear:

a) with more than 100 hooks per set line

b) with hooks less than the minimum size of 9/0

c) with treble hooks

d) without visible buoys attached and with buoys that do not specify operator and tribal identification

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05700I Columbia River sturgeon seasons—Above Bonneville Dam. (01-91)

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. August 18, 2001:

WAC 220-32-05700J Columbia River sturgeon seasons—Above Bonneville Dam.

NEW SECTION

WAC 220-56-28200B Sturgeon—Areas, seasons, limits and unlawful acts. Notwithstanding the provisions of WAC 220-56-282:

(1) Effective 12:01 a.m. August 1, 2001 through September 30, 2001, it is unlawful to retain sturgeon from the Columbia River and its tributaries from Bonneville Dam downstream to the mouth.

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(2) Effective 12:01 a.m. August 13, 2001 until further notice, it is unlawful to retain sturgeon from the Columbia River and its tributaries from Bonneville Dam to The Dalles Dam.

(3) Effective immediately through August 31, 2001 it is unlawful to retain sturgeon from the Columbia River and its tributaries from The Dalles Dam to John Day Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-28500Z Sturgeon—Areas and seasons. (01-47)

WSR 01-16-092
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-144—Filed July 26, 2001, 10:23 a.m., effective August 1, 2001]

Date of Adoption: July 26, 2001.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-05000D; and amending WAC 220-52-050.

Statutory Authority for Adoption: RCW 77.12.047.

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 department has determined that the bycatch of canary rockfish in the coastal pink [shrimp] fishery is projected to exceed the maximum amount permitted under the terms of the Pacific Fishery Management Council's rebuilding program for this species. This emergency rule requiring the use of bycatch reduction devices is necessary to allow the coastal pink shrimp fishery to remain open through the remainder of its scheduled season. 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 Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: August 1, 2001.

July 26, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-05000D Ocean pink shrimp trawl fishery—Coastal waters. Notwithstanding the provisions of WAC 220-52-050, effective from August 1, 2001 through October 31, 2001:

It is unlawful to fish with trawl gear for pink shrimp for commercial purposes unless an approved bycatch reduction device is used in each net. Approved bycatch reductions devices are:

1. Fisheye Bycatch Reduction Device which functions as a forward facing escape hole in the top of the codend. The escape hole is maintained by a rigid frame that keeps it open at all times. An approved Fisheye must meet the following criteria:

(a) The escape hole must be forward facing, meaning that a fish must swim toward the mouth of the net to exit through the fisheye;

(b) The device must be placed on the top half of the codend, with the escape hole located no further forward than 84 codend meshes, counted from the terminal codend pursing rings. The escape hole must be unobstructed at all times;

(c) The escape hole must have a width and length that each exceeds seven inches.

2. Soft Panel Bycatch Reduction Device which uses a mesh panel to guide fish out of an escape hole. An approved soft-panel must meet the following criteria:

(a) The panel must completely cover some portion of the net in cross-section, meaning it must extend completely across the full opening of the net in one continuous piece. The panel must be securely fastened to the net around the entire perimeter, such that a 110 mm diameter sphere cannot pass beyond the panel into the terminal end of the codend;

(b) the panel meshes must be constructed of netting material with individual meshes no larger than 5.5 inches, measured between opposing knots;

(c) the escape hole must, when spread open, expose a hole of at least 100 square inches;

(d) the escape hole must be forward of the mesh panel and must begin within four meshes of the furthest aft point of attachment of the mesh panel to the net;

3. Nordmore Grate uses a rigid panel of narrowly spaced vertical bars to guide fish out of an escape hole in front of the panel, generally in the top of the net. An approved Nordmore grate must meet the following criteria:

(a) The exterior circumference of the rigid panel must fit completely within the interior circumference of the trawl net, such that there is no space between the panel and the net that will allow a 110 mm sphere to pass beyond the panel, into the terminal area of the codend;

(b) None of the openings between the vertical bars in the rigid panel may exceed two inches in width;

(c) the escape hole must, when spread open, expose a hole of at least 100 square inches;

(d) the escape hole must be forward of the rigid panel and must begin within four meshes of the furthest aft point of attachment of the rigid panel to the net.

(ii) All bycatch reduction devices and codends used for trawl fishing for pink shrimp must be readily accessible and made available for inspection at the request of an authorized agent of the state. No trawl gear may be removed from the vessel prior to offloading of shrimp.

(iii) Non-approved bycatch reduction devices may be used only if the vessel operator first applies for and receives from the Department an Experimental Gear Permit, and may be used only for the duration specified in the permit.

(iv) It is unlawful to modify bycatch reduction devices in any way that interferes with their ability to allow fish to escape from the trawl, except for the purpose of testing the bycatch reduction device to measure shrimp loss. Authorized testing of bycatch reduction devices must meet the following criteria:

(a) All testing must be conducted between 3:00 p.m. and 6:00 p.m. Pacific Daylight Time;

(b) for vessels fishing two nets simultaneously (double-rigged boats), only one net may contain a disabled bycatch reduction device, the other net must be fishing a fully functional bycatch reduction device as described in subsection (3) or as specified in an approved Experimental Gear Permit.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. November 1, 2001:

WAC 220-52-05000D Ocean pink shrimp trawl fishery—Coastal waters.

WSR 01-16-093
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-146—Filed July 26, 2001, 10:26 a.m.]

Date of Adoption: July 25, 2001.

Purpose: Personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500P; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

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 orderly fisheries, manage within court-ordered sharing requirements and to ensure conservation. The state has remaining spot shrimp harvest available in Areas 8-1, 8-2 and a portion of 9. All other closed areas have utilized their spot shrimp share on this entire harvest on all shrimp species. Depth restrictions will provide opportunity to harvest available nonspot shrimp while reducing impact to the spot shrimp resource. 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.

July 25, 2001

J. P. Koenings

Director

NEW SECTION

WAC 220-56-32500Q Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310:

(1) Effective 5:00 a.m. July 28, 2001, until 9:00 p.m. July 28, 2001 it is lawful to harvest or possess shrimp taken for personal use in Marine Areas 8-1, 8-2 and 9, except that:

(a) In the portion of Marine Area 9 north and west of a line from Foulweather Bluff to Double Bluff spot shrimp must be returned immediately to the water unharmed.

(b) In the portion of Marine Area 9 north and west of a line from Foulweather Bluff to Double Bluff it is unlawful to set or pull shrimp gear in waters greater than 150 feet, except that it is unlawful to set or pull shrimp gear in waters greater than 90 feet in Port Townsend Bay, south and west of a line from Marrowstone Point to Point Wilson.

(2) Effective 9:01 p.m. July 28, 2001, until further notice, it is lawful to harvest or possess shrimp taken for personal use in Marine Areas 8-1, 8-2 and 9, except that:

(a) Spot shrimp must be returned immediately to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet, except that it is unlawful to set or pull shrimp gear in waters greater than 90 feet in Port Townsend

Bay, south and west of a line from Marrowstone Point to Point Wilson.

(c) Shrimp fishing is closed Monday, Tuesday and Wednesday of each week.

(3) Effective immediately, until further notice, it is unlawful to harvest or possess shrimp taken for personal use in Marine Area 10 or Marine Area 7 south of line from Biz Point to Cape St Mary on Lopez Island, then south of the shores of Lopez Island to Davis Point, then south of a line from Davis Point to Cattle Point on San Juan Island, then south of the shores of San Juan Island to Lime Kiln Point light, then south of a line due west from Lime Kiln Point light to the international boundary.

(4) Effective immediately, until further notice, it is unlawful to retain spot shrimp taken for personal use in the Discovery Bay Shrimp District. Spot shrimp must be returned immediately to the water unharmed.

REPEALER

The following section of the Washington Administrative code is repealed effective 5:00 a.m. July 28, 2001:

WAC 220-56-32500P Shrimp—Areas and seasons.
(01-115)

WSR 01-16-094
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-147—Filed July 26, 2001, 10:30 a.m.]

Date of Adoption: July 25, 2001.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-05100R; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The state's share of spot shrimp in Marine Fish Shellfish Catch and Reporting Areas 23B and 26D and Crustacean Management Regions 1A and 1B is projected to be taken by the closure dates. The 2001 state/tribal Puget Sound shrimp harvest management plan requires adoption of the harvest seasons and the prohibition on night time fishing contained in this rule. Emergency rapid reporting requirements are necessary as quotas can be far exceeded in one day of fishing. A weekly landing limit for spot shrimp is necessary to reduce risk of overharvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements and to ensure conservation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 25, 2001

J. P. Koenings

Director

NEW SECTION

WAC 220-52-05100S Puget Sound shrimp pot and beam trawl fishery—Seasons & weekly trip limits. 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 except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Crustacean Management Regions 1B, 1C, 2, 3, 4, and 6 are open to harvest of all shrimp species until further notice, except as provided below:

(b) It is unlawful to harvest spot shrimp for commercial purposes in Crustacean Management Region 2 and Marine Fish Shellfish Catch and Reporting Areas 25C, 26B-1, 26B-2, 26C, and 23A east of a line projected 335 degrees true from the Dungeness lighthouse, and including the portion of Marine Fish-Shellfish Catch and Reporting Area 22A south-erly of a line due west from Lime Kiln Point light on San Juan Island, to the international boundary, then south from Lime Kiln Point light on San Juan Island and south of the shores of San Juan Island, then south of a line from Cattle Point to Davis Point, then south of the shores of Lopez Island to Point Colville, which is considered to be part of Marine Fish-Shellfish Catch and Reporting Area 23A.

(c) Effective immediately, until further notice it is unlawful to exceed 300 pounds of spot shrimp per week in Crustacean Management Regions 1B or 1C. Effective 6:00 p.m., July 29, until further notice it is unlawful to harvest spot shrimp for commercial purposes in Crustacean Management Regions 1B and 1C.

(d) Effective 6:00 p.m., July 26, until further notice it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish Shellfish Catch and Reporting Areas 23B and 26D.

(e) For purposes of shrimp harvest allocation and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26B is divided into three subareas: 26B-1 is those waters of

Catch Area 26B south of the 47 degrees 40.00 minutes latitude line (which is approximately 200 yards north of Skiff Point) and excluding the waters of 26B-3. 26B-2 is all waters of Catch Area 26B north of the 47 degrees 40.00 minutes latitude line (which is approximately 200 yards north of Skiff Point). 26B-3 is those waters easterly of a line projected from West Point to Alki Point.

(f) 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, or to exceed 600 pounds per week from Crustacean Management Regions 1 or 3 except, 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 335 degrees true from the Dungeness lighthouse), 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. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(g) 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 number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(h) For purpose of shrimp pot catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected 335 degrees true from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(i) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A southerly of a line due west from Lime Kiln Point light on San Juan Island, to the international boundary, then south from Lime Kiln Point light on San Juan Island and south of the shores of San Juan Island, then south of a line from Cattle Point to Davis Point, then south of the shores of Lopez Island to Point Colville, shall be considered to be part of Marine Fish-Shellfish Management and Catch Reporting Area 23A.

(2) Shrimp beam trawl gear:

(a) Crustacean management area 1 - Open until further notice.

(b) Crustacean management area 3 - Open until further notice.

(c) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(d) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A except in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(e) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(f) For purpose of shrimp trawl catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected true north from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(3) 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.

(4) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in the Discovery Bay Shrimp District, the Port Angeles Shrimp District, the Sequim Bay Shrimp District, the Hood Canal Shrimp District, and the Carr Inlet Shrimp District.

(5) 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 220-52-05100R	Puget Sound shrimp pot and beam trawl fishery-seasons and weekly trip limits. (01-141)
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WSR 01-16-096

EMERGENCY RULES

PERSONNEL RESOURCES BOARD

[Filed July 26, 2001, 1:43 p.m.]

Date of Adoption: July 25, 2001.

Purpose: The purpose of WAC 356-30-012 and 356-26-140 is to address background checks for applicants and/or current employees within the Department of Social and Health Services. WAC 356-26-030 addresses state job register designations. The purpose of WAC 356-34-090 is for applicants to request reviews regarding different aspects of the application process. WAC 356-30-330 addresses reasons, regulations and procedures for reduction in force.

Citation of Existing Rules Affected by this Order: Amending WAC 356-26-030, 356-26-040, 356-30-330, and 356-34-090.

Statutory Authority for Adoption: RCW 41.06.150.

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 above rule modifications are a result of E2SHB [E2SSB] 5606 that became effective July 22, 2001. E2SHB [E2SSB] 5606 requires the Department of Social and Health Services to conduct background checks on current employees as well as applicants for specific positions.

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 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 4, Repealed 0.

Effective Date of Rule: Immediately.

July 26, 2001

E. C. Matt
Secretary

NEW SECTION

WAC 356-30-012. Department of Social and Health Services—Background check requirements. (1) The secretary of the department of social and health services shall conduct background checks on all employees in covered positions ("employees") and persons under final consideration for a covered position ("applicants"). A covered position is one in which a person will or may have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities. Employees and applicants shall authorize the secretary of the department of social and health services to conduct a background check.

(2) The requirement for background checks shall include the following:

(a) Any employee seeking a covered position because of a reduction-in-force, reallocation, transfer, promotion or demotion.

(b) Any applicant prior to appointment into a covered position, except when appointment is made on a conditional basis under subsection (6)(b) of this section.

(3) A background check will be conducted on the final preferred candidate prior to appointment.

(4) The secretary of the department of social and health services shall use the results of a background check solely to

determine the character, competence and suitability of a person for a covered position. The background check information shall consist of:

(a) Conviction records, pending charges, and disciplinary board final decisions.

(b) Evidence that substantiates or mitigates convictions, pending charges, and disciplinary board final decisions including, but not limited to:

(i) The employee or applicant's background check authorization and disclosure form;

(ii) The employee or applicant's age at the time of conviction, charge, or disciplinary board final decision;

(iii) the nature and severity of the conviction, charge, or disciplinary board final decision;

(iv) the length of time since the conviction, charge, or disciplinary board final decision;

(v) the nature and number of previous offenses;

(vi) vulnerability of the child, vulnerable adult, or individual with mental illness or developmental disabilities to which the employee or applicant will or may have unsupervised access; and

(vii) the relationship between the nature of the conviction, pending charge, or disciplinary board final decision and the duties of the employee or applicant.

(5) A permanent employee with a background check disqualification is subject to any of the following actions:

(a) Job restructuring;

(b) Job reassignment;

(c) Voluntary demotion;

(d) Voluntary resignation;

(e) Non-disciplinary separation. The employee shall be separated by the appointing authority after fifteen calendar days written notice unless the employee requests a shorter notice period;

(f) Disciplinary action for any of the causes listed in WAC 356-34-010; and/or

(g) Interim measures that may be used while the appointing authority explores the availability of actions (not to exceed 30 calendar days):

(i) Voluntary use of accrued vacation, exchange, and/or compensatory time.

(ii) Authorized leave without pay, if there is no paid leave available, or if the employee chooses not to use paid leave.

(iii) Reassignment to another work location.

(h) When considering the above actions, the agency will consider the least restrictive means necessary to prevent unsupervised access.

(6) The secretary of the department of social and health services shall:

(a) Notify employees and applicants that a background check is required for covered positions;

(b) Develop procedures specifying when employees and applicants may be hired on a conditional basis pending the results of a background check; and

(c) Develop policies and procedures pertaining to background checks.

(d) Notify employees of their promotional register rights when they have been separated from their position, either

voluntarily or involuntarily due to a background disqualification.

(7) Failure to authorize the secretary of the department of social and health services to conduct a background check disqualifies an employee or applicant from consideration for any covered position including their current covered position.

(8) An applicant for a covered position who is denied employment due to a disqualifying background check may request a review by the appointing authority.

(a) Requests for review must be in writing and received by the appointing authority within fifteen calendar days of the postmark date of the notification.

(b) If the applicant disagrees with the appointing authority's decision, the applicant may request a review by the director of the department of personnel in accordance with WAC 356-34-090.

(9) A separation under subsection (5)(e) of this section shall not be considered a disciplinary action as set forth in WAC 356-34-010.

(10) Permanent employees may appeal to the personnel appeals board in accordance with RCW 41.06.170 and rules promulgated thereunder including WAC 358-20-010 and WAC 358-20-020.

(11) Nothing in this rule shall limit the secretary of the department of social and health services' use of other authorities to conduct background checks.

(12) Information pertaining to background checks is confidential and shall be used solely for the purpose of determining the character, suitability and competence of the applicant and/or employee. Misuse of background check information is a criminal offense and may result in prosecution and/or disciplinary action as provided under WAC 356-34-010.

(13) The department of social and health services will submit a report to the board by January 31, 2002, reporting actions taken under subsection (5) of this rule and placement of employees into other positions within the agency.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-26-030 Register designation. (1) Agency reduction in force.

(a) Composition.

(i) The agency reduction in force register will consist of classes and the names of all employees who hold or have held permanent status in those classes and: (A) Have been notified they are scheduled for reduction in force; or (B) held permanent status prior to separation due to a reduction in force; or (C) who have accepted a voluntary demotion in a class in lieu of a reduction in force; or (D) were in a trial service period with another department and separated due to reduction in force; or (E) employees requesting to be placed on this register for classes held immediately prior to the position being reallocated downward; or (F) who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the director of personnel a current statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status since the employee's last separation other than a reduction in force, or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the board at the time.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(ii) An employee's name shall not appear for classes at or below the range level of a class in which the employee is serving on a permanent full-time basis, except:

(A) When the employee has accepted an option beyond a reasonable commuting distance in lieu of separation due to reduction in force. The employee's name may appear for classes at the same or lower range levels when the availability would return the employee back to his/her previous work location.

(B) When the employee has accepted a position in lieu of separation due to a reduction in force, in a different class series.

(C) Any other exceptions shall be approved by the director or designee.

(2) Service-wide reduction in force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction in force register, except for those requesting to be on the agency reduction in force register following a reallocation downward.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-agency reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or a higher education institution were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency promotional.

(a) Composition.

(i) This register will be established by appropriate classes for each agency and shall include the names of those current permanent employees of each agency who have served six months of a probationary period, or past permanent employees who have been separated due to reduction in force within the last year and who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants. The names of employees in the department of social and health services who have been separated from their position, voluntarily or involuntarily due to a background check disqualification, except through disciplinary action, shall also be included on this register in accordance with subsection (4)(d)(ii) of this section.

(b) Method of ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months.

(ii) An employee in the department of social and health services who has been separated from their position, voluntarily or involuntarily due to a background check disqualification, except through disciplinary action, may request placement on this register. The employee must meet the desirable qualifications and pass a qualifying exam for classes that are at the same salary level or lower than the position from which he/she was separated. Employees appointed from this register shall be required to serve a trial service period for classes in which they have not held permanent status. For three years from the date of separation from the position requiring the background check, an employee:

(A) May apply and have his/her name remain on this register for the appropriate classes.

(B) Shall continue to accrue seniority.

(C) Will maintain promotional rights from the position requiring the background check.

Upon appointment from this register the employee's name shall be removed from registers authorized by this subsection.

(5) Higher education reduction in force.

(a) Composition.

(i) This register shall contain the names of permanent employees ranked in order of seniority from higher education institutions or related boards laid off or scheduled for layoff and who have requested placement on this register. The employee's name shall appear for all classifications or equivalent classifications for which the employee held permanent status.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of the register.

(i) An eligible's name will normally remain on this register for two years from the date of placement on the register.

(d) Special provisions.

(i) The employee must request placement on this register within thirty calendar days of the effective date of layoff or previously have requested placement on the inter-system employment register due to layoff. The employee may request placement on lower classes in the same class series or equivalent classes and must demonstrate the ability to meet the minimum qualifications and pass the qualifying examination for classes in which the employee has held permanent status, or lower classes in the same class series, or equivalent classes. Employees appointed from this register shall be required to complete a trial service period of six months.

(6) Service-wide reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or higher education institution were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(7) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of ranking.

(i) This register will be unranked.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(8) **Voluntary demotion.**

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of ranking.

(i) This register shall be unranked. However, employees subject to reduction in force shall have priority.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(9) **Service-wide promotional.**

(a) Composition.

(i) This register shall contain the names of those permanent employees who have served six months of a probationary period or past permanent employees who have been separated due to reduction in force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.

(10) **Reemployment.**

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within five years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency

from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction in force status and have been offered and declined employment. The director of personnel may extend the time during which an employee may apply for reemployment if the director of personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of ranking.

(i) This register shall be unranked.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.

(11) **Inter-system employment.**

(a) Composition. This register shall contain the names of permanent classified employees at higher education institutions who have submitted an application and who have passed the required examination.

(b) Method of ranking. This register shall be ranked according to final passing score from the highest to the lowest.

(c) Life of register. An eligible's name will normally remain on this register for one year.

(d) Special provisions. Employees appointed from this register will serve a six month trial service period.

(12) **Open competitive.**

(a) Composition.

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of ranking.

(i) This register shall be ranked by the final score.

(c) Life of register.

(i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.

(d) Special provisions.

(i) Persons on this register will indicate the geographic areas for which they are available.

AMENDATORY SECTION (Amending WSR 89-19-062 (Order 329), filed 9/20/89, effective 10/21/89)

WAC 356-26-140 Background checks—Department of social and health services. ~~((1) Within the department of social and health services, a background inquiry shall be completed prior to an applicant's appointment to a position which is directly responsible for the supervision, care, or treatment of children, developmentally disabled persons, or mentally ill persons, except as provided in subsection (4) of this section. For purposes of this section, applicants shall also include employees who are notified they are scheduled for reduction in force who wish to consider options to positions covered by this section. The inquiry shall include an examination of the applicant's conviction records and pending criminal charges. Inquiry findings shall be used solely for the~~

purpose of determining the character, suitability, and competence of the applicant and may result in denial of employment only for positions covered by this section:))

(1) The department of social and health services shall conduct background checks on employees in covered positions and persons under final consideration for a covered position in accordance WAC 356-30-012.

~~((2) The department of social and health services shall ensure that all applicants being considered for positions covered by this section are aware of the background inquiry requirement.~~

~~(3) Positions covered by this section are all positions which have either a direct or supervisory accountability for the supervision, care, or treatment of residents or clients who are children, developmentally disabled, or mentally ill persons. Positions assigned duties that provide access to residents or clients who are either children or developmentally disabled, or mentally ill persons, but which are not directly accountable for their supervision, care, or treatment are not covered by this section.~~

~~(4) A background inquiry shall be completed on the applicant prior to any permanent or nonpermanent appointment into a position covered by this section, except as waived by the secretary of the department of social and health services or designee. The inquiry shall be conducted only with the applicant's written authorization. Failure to provide written authorization shall disqualify the applicant for both appointment and referral to positions covered by this section. Employees who at the time of consideration for appointment have current probationary, trial service or permanent status in positions covered by this section are exempt from the background inquiry requirement.~~

~~(5) A background inquiry shall be completed on applicants prior to an intermittent appointment to a position covered by this section. Individuals on intermittent appointments in positions covered by this section may not exceed twelve continuous months in such an appointment unless they are cleared following a subsequent background inquiry.~~

~~(6) Inquiry findings to be considered in determining the applicant's character, suitability and competence to perform in the position shall be limited to:~~

~~(a) Conviction of a felony directly related to the position sought if the date of conviction is less than ten years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.~~

~~(b) Conviction of a felony directly related to the position sought, if the date of conviction is more than ten years ago but the date of prison release is less than seven years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.~~

~~(c) Pending felony charges directly related to the position.~~

~~For purposes of applying subsection (6)(a) through (c) of this section, the following offenses shall be considered directly related to all positions covered by this section: All crimes involving physical harm or threat of physical harm to persons; all sex related offenses; all public indecency/prostitution offenses; and all offenses identified as~~

~~being against children or developmentally disabled persons, or mentally ill persons.~~

~~(d) Disciplinary board final decisions.~~

~~(e) Any combination of two or more felony convictions for drug related or malicious harassment offenses if the date of conviction is less than seven years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.~~

~~(f) Conviction of or pending charges for a gross misdemeanor or misdemeanor involving either a minor or prostitution for which the date of conviction or jail release, whichever is more recent, is less than seven years ago.~~

~~(7) If the inquiry reveals information listed under subsection (6) of this section, no appointment decision shall be made prior to providing the applicant with an opportunity to present evidence to the appointing authority that the inquiry findings should have no bearing on the applicant's character, suitability and competence to perform in the position. In reviewing the inquiry findings, the appointing authority shall take into consideration the recentness and seriousness of the crime, the number of previous offenses, the likelihood of rehabilitation, as well as the vulnerability of the clients to be cared for in determining the applicant's character, suitability, and competence to perform in the position.~~

~~(8) An applicant who has been notified of inquiry findings may appeal, pursuant to WAC 356-34-090, the appointing authority's decision not to appoint him or her only after having requested and completed the review provided in subsection (7) of this section.~~

~~(9) Background inquiry information is confidential and shall be used solely for the purpose of determining the character, suitability and competence of the applicant. Misuse of background inquiry information is a criminal offense and may result in prosecution and/or disciplinary action as provided under WAC 356-34-010.))~~

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

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-34-090 Protests—Requirements for applicants, examinees, and eligibles. (1) An applicant whose application has been rejected; an examinee who feels that the examination is unfair, or not applied uniformly, or that the score is in error or not uniformly derived; an eligible whose name has been removed from the register and/or certification; or an applicant who is not appointed following a background ((inquiry)) check and review conducted pursuant to WAC ((356-26-140)) 356-30-012 may request a review by the director of personnel or designee. The request must be in writing and received at the director of personnel's office within twenty calendar days following the postmarked date of the notification of the application rejection, examination score, removal from a register and/or certification, or the appointing authority's decision.

(2) The director of personnel or designee shall notify the party requesting a review of the date and place of the review at least ten calendar days prior to the review. The review shall be informal and conducted by the director of personnel or designee. The director of personnel or designee may limit attendance of other interested parties if good order, justice, and fairness will be promoted. Within ten calendar days following the review and the receipt of any additional necessary information, the director of personnel or designee shall issue a written determination and send a copy to each of the participating parties.

(3) An adversely affected party may request a hearing of the board to review the determination of the director of personnel or designee. The request for a board hearing must be in writing and received at the director of personnel's office within twenty calendar days following the postmarked date of the notification of the director's or designee's determination. A hearing before the board shall be scheduled and each party shall be afforded not less than ten calendar days' notice. The board will issue a written decision which will be final.

AMENDATORY SECTION (Amending WSR 96-02-073, filed 1/3/96, effective 3/2/96 [2/3/96])

WAC 356-30-330 Reduction in force—Reasons, regulations—Procedure. (1) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(2) When employees have statutory and merit system rule rights to return to the classified service, such employees first shall be returned to the classification selected. If such return causes the total number of employees to exceed the number of positions to be filled in the classification, the least senior person in the position shall have the reduction in force rights prescribed in this section.

(3) The agencies shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-05-390. Ties in seniority will be broken by first measuring the employees' last continuous time within their current classification; if the tie still exists, by measuring the employees' last continuous time in their current agency; and if the tie still exists, by lot.

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a lesser-sized unit. Employment projects, established under the provisions of WAC 356-30-145, Project employment, are distinct layoff units, separate and exclusive of any other

defined layoff unit or employment project. Seasonal career layoff units, established under the provisions of WAC 356-30-130, Seasonal career employment, are distinct layoff units, separate and exclusive of any other defined layoff unit.

(c) Options in lieu of separation by reduction in force shall be offered by an agency only when such options are in accordance with the agency's reduction in force procedure which has been approved by the director of personnel.

(d) Agency reduction in force procedures shall specify the rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction in force.

(e) "Bumping" by employees with greater seniority will be limited to:

(i) The same layoff unit; and

(ii) Classification in which the "bumping" employee previously held permanent status; and

(iii) Position at the current salary range of the employee doing the bumping, or lower; and

(iv) Employee with the least seniority within the same category of full-time or part-time employment; and

(v) Competition at one progressively lower classification at a time.

(f) An employee may not exercise a bumping option in lieu of separation due to a reduction in force if there is within the agency a vacant position which satisfies all of the criteria set forth below.

The position is one which:

(i) The agency intends to fill;

(ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;

(iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;

(iv) Is located within a reasonable commuting distance of the employee's permanent work location; and

(v) Is on the same or similar workshift as the one which the employee currently holds.

(g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

(h) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(i) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(j) Seniority for part-time employees will be computed on a basic payroll hour basis within the same provision and restrictions of the general definition of seniority. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(k) Permanent employees who have been scheduled for reduction in force shall have the right to take a transfer or a

voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right is to be exercised according to the seniority of those desiring the same vacancy.

(l) Options of other than permanent positions as named in (m) of this subsection are to be made if no permanent position to be filled is available within a reasonable commuting distance.

(m) The reduction in force procedure shall contain the statement that, "No permanent employee shall be separated from state service through reduction in force without being offered within fifteen calendar days prior to what would be the permanent employee's effective separation those positions at the same or lesser salary range within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, probationary, or intermittent employees."

(n) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(4) The agency shall submit the procedure to the director of personnel for approval.

(5) Vacancies will not be filled either by local list procedures or on a temporary, intermittent, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction in force.

(6) When a majority of the positions in a layoff unit other than in project employment is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers. Such options shall be offered in accordance with the following requirements:

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(7) In order to exercise an option to a position which may require selective criteria, the following applies. The option may be exercised only by an employee who possesses the required specialized qualifications when:

(a) The criteria were approved when the position was established, reallocated or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) When, at a subsequent time, it was determined that the position requires the performance of specialized duties that would warrant future selective certification.

(d) In the case of (c) of this subsection, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after the notification of the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time.

(8) Options to positions which are covered by WAC ((356-26-140)) 356-30-012 may be exercised only by employees who, at the time they are notified they are scheduled for reduction in force((:)), have authorized a background check as provided for in WAC 356-30-012 and are not disqualified for the available option as a result of the background check.

~~((a) Are exempt from a background inquiry by WAC 356-26-140(4); or~~

~~(b) Authorize a background inquiry as provided for in WAC 356-26-140 and are cleared for the option as a result of the inquiry-))~~

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

**WSR 01-16-102
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-148—Filed July 27, 2001, 9:31 a.m., effective July 27, 2001, 12 noon]

Date of Adoption: July 26, 2001.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100S; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The state's share of spot shrimp in Marine Fish Shellfish Management and Catch Reporting Areas 23B, 26D and 25A and Crustacean Management Regions 1B and 1C are projected to be taken by the closure dates listed above. The opening for nonspot shrimp and pot limits in the Discovery Bay shrimp district portion of 25A is being implemented to provide additional, but restricted commercial opportunity in an area of available state allocation of nonspot shrimp. The 2001 state/tribal Puget Sound shrimp harvest management plan requires adoption of the harvest seasons and the prohibition on nighttime fishing contained in this rule. Emergency rapid reporting requirements are necessary as quotas can be far exceeded in one day of fishing. A weekly landing limit for spot shrimp is necessary

to reduce risk of overharvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements and to ensure conservation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 27, 2001, 12 noon.

July 26, 2001

J. P. Koenings

Director

NEW SECTION

WAC 220-52-05100T. Puget Sound shrimp pot and beam trawl fishery—Seasons & weekly trip limits. 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 except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Crustacean Management Regions 1B, 1C, 2, 3, 4, and 6 are open to harvest of all shrimp species until further notice, except as provided below:

(b) It is unlawful to harvest spot shrimp for commercial purposes in Crustacean Management Region 2 and Marine Fish Shellfish Catch and Reporting Areas 25C, 26B-1, 26B-2, 26C, and 23A east of a line projected 335 degrees true from the Dungeness lighthouse, and including the portion of Marine Fish-Shellfish Catch and Reporting Area 22A southerly of a line due west from Lime Kiln Point light on San Juan Island, to the international boundary, then south from Lime Kiln Point light on San Juan Island and south of the shores of San Juan Island, then south of a line from Cattle Point to Davis Point, then south of the shores of Lopez Island to Point Colville, which is considered to be part of Marine Fish-Shellfish Catch and Reporting Area 23A.

(c) Effective immediately, until further notice it is unlawful to exceed 300 pounds of spot shrimp per week in Crustacean Management Regions 1B or 1C. Effective 6:00 p.m., July 29, until further notice it is unlawful to harvest spot shrimp for commercial purposes in Crustacean Management Regions 1B and 1C.

(d) Effective 6:00 p.m., July 26, until further notice it is unlawful to harvest spot shrimp for commercial purposes in

Marine Fish Shellfish Catch and Reporting Areas 23B and 26D.

(e) Effective 12:00 noon, July 27, 2001 until further notice it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish Shellfish Catch and Reporting Area 25A.

(f) All waters of Marine Fish-Shellfish Catch and Reporting Area 25E remains closed.

(g) Effective 8:00 a.m., July 28, 2001 it is lawful to harvest all shrimp species except spot shrimp in the Discovery Bay Shrimp District portion of Marine Fish-Shellfish Catch and Reporting Area 25A.

(i) There is a 10-pot per vessel limit when fishing in the Discovery Bay Shrimp District.

(ii) Landings from the Discovery Bay Shrimp District must be hailed as coming from the Discovery Bay Shrimp District.

(h) For purposes of shrimp harvest allocation and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26B is divided into three subareas: 26B-1 is those waters of Catch Area 26B south of the 47 degrees 40.00 minutes latitude line (which is approximately 200 yards north of Skiff Point) and excluding the waters of 26B-3. 26B-2 is all waters of Catch Area 26B north of the 47 degrees 40.00 minutes latitude line (which is approximately 200 yards north of Skiff Point). 26B-3 is those waters easterly of a line projected from West Point to Alki Point.

(i) 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, or to exceed 600 pounds per week from Crustacean Management Regions 1 or 3 except, 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 335 degrees true from the Dungeness lighthouse), 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. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(j) 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 number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(k) For purpose of shrimp pot catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected 335 degrees true from the Dungeness lighthouse. 23A West is

that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(1) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, that portion of Marine Fish-Shellfish Management and Catch Reporting Area 22A south-erly of a line due west from Lime Kiln Point light on San Juan Island, to the international boundary, then south from Lime Kiln Point light on San Juan Island and south of the shores of San Juan Island, then south of a line from Cattle Point to Davis Point, then south of the shores of Lopez Island to Point Colville, shall be considered to be part of Marine Fish-Shellfish Management and Catch Reporting Area 23A.

(2) Shrimp beam trawl gear:

(a) Crustacean management area 1 - Open until further notice.

(b) Crustacean management area 3 - Open until further notice.

(c) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(d) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A except in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(e) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(f) For purpose of shrimp trawl catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected true north from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(3) 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.

(4) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in Port Angeles Shrimp District, the Sequim Bay Shrimp District, the Hood Canal Shrimp District, the Carr Inlet Shrimp District and with trawl gear in Discovery Bay Shrimp District.

(5) 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 220-52-05100S	Puget Sound shrimp pot and beam trawl fishery-seasons and weekly trip limits. (01-147)
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WSR 01-16-118

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 01-149—Filed July 30, 2001, 2:25 p.m., effective August 1, 2001, 12:01 a.m.]

Date of Adoption: July 27, 2001.

Purpose: Personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62100D; and amending WAC 232-28-621.

Statutory Authority for Adoption: RCW 77.12.047.

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: State and Tulalip tribal managers have been unable to complete a management plan for salmon fisheries occurring within Tulalip Bay in time to open this area for sport salmon fisheries on August 1, as adopted under permanent rule and as documented in WDFW's sport fishing rules pamphlet. Additional discussions are planned to resolve outstanding issues between the managers in a timely manner. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: August 1, 2001, 12:01 a.m.

July 27, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-62100E Puget Sound salmon seasons. Notwithstanding the provisions of WAC 232-28-621:

(1) Catch Record Card Area 5

Open until further notice - Daily limit of 2 salmon, except release chinook, chum, and wild coho.

(2) Catch Record Card Area 8-2

EMERGENCY

Effective August 1 through August 31, 2001 those waters of Tulalip Bay east of a line from Mission Point to Hermosa Point are closed to salmon fishing.

Effective Date of Rule: Immediately.

July 31, 2001
J. P. Koenings
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2001:

WAC 232-28-62100D Puget Sound salmon seasons.
(01-135)

WSR 01-16-128
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-150—Filed July 31, 2001, 2:27 p.m.]

Date of Adoption: July 31, 2001.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-03000P and amending WAC 220-52-030.

Statutory Authority for Adoption: RCW 77.12.047.

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 Willapa Spits have readily supported a six-week fishery since 1989. Annual reported harvest has averaged about 30,000 pounds. The fishery provides an important supply of crab bait to the local Dungeness crab industry and depending on size and condition of the clams, a fresh market restaurant trade. Based on historical catches and on-site inspection, there should be adequate clams to support a season extension. Biotxin levels currently fall below the regulatory threshold. 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.

NEW SECTION

WAC 220-52-03000Q Commercial razor clams. Notwithstanding the provisions of WAC 220-52-030, effective immediately until further notice, it is unlawful to dig for or possess razor clams taken for commercial purposes from Washington waters except as provided for in this section:

(1) Those waters and beaches of Razor Clam Area one lying south of the Willapa Bay Ship Channel, west of Ellen Sands and north of the tip of Leadbetter Point, are open to taking and possession of razor clams for commercial purposes effective immediately through 11:59 p.m. August 31, 2001.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-03000P Commercial razor clams.
(01-137)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 1, 2001:

WAC 220-52-03000Q Commercial razor clams.

WSR 01-16-129
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-151—Filed July 31, 2001, 2:30 p.m., effective August 5, 2001,
8:00 p.m.]

Date of Adoption: July 31, 2001.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-05100T; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The state's share of shrimp available to beam trawl gear in Marine Fish Shellfish Catch and Reporting Areas 21A and 22A are projected to be taken by the closure dates listed. The 2001 state/tribal Puget Sound shrimp harvest management plan requires adoption of the harvest seasons and the prohibition on nighttime fishing contained in this rule. Emergency rapid reporting requirements are necessary as quotas can be far exceeded in one day of

fishing. A weekly landing limit for spot shrimp is necessary to reduce risk of overharvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements and to ensure conservation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: August 5, 2001, 8:00 p.m.

July 30, 2001

J. P. Koenings

Director

NEW SECTION

WAC 220-52-05100U Puget Sound shrimp pot and beam trawl fishery—Seasons & weekly trip limits. 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 except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Crustacean Management Regions 1B, 1C, 2, 3, 4, and 6 are open to harvest of all shrimp species until further notice, except as provided below:

(b) It is unlawful to harvest spot shrimp for commercial purposes in Crustacean Management Regions 1B, 1C and 2, and Marine Fish Shellfish Catch and Reporting Areas 23B, 25A, 25C, 26B-1, 26B-2, 26C, 26D, and 23A east of a line projected 335 degrees true from the Dungeness lighthouse.

(c) All waters of Marine Fish-Shellfish Catch and Reporting Area 25E remains closed.

(d) It is lawful to harvest all shrimp species except spot shrimp in the Discovery Bay Shrimp District portion of Marine Fish-Shellfish Catch and Reporting Area 25A.

(i) There is a 10-pot per vessel limit when fishing in the Discovery Bay Shrimp District.

(ii) Landings from the Discovery Bay Shrimp District must be hailed as coming from the Discovery Bay Shrimp District.

(e) For purposes of shrimp harvest allocation and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26B is divided into three subareas: 26B-1 is those waters of Catch Area 26B south of the 47 degrees 40.00 minutes latitude line (which is approximately 200 yards north of Skiff Point) and excluding the waters of 26B-3. 26B-2 is all waters

of Catch Area 26B north of the 47 degrees 40.00 minutes latitude line (which is approximately 200 yards north of Skiff Point). 26B-3 is those waters easterly of a line projected from West Point to Alki Point.

(f) 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, or to exceed 600 pounds per week from Crustacean Management Regions 1 or 3 except, 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 335 degrees true from the Dungeness lighthouse), 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. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(g) 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 number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(h) For purpose of shrimp pot catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected 335 degrees true from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(2) Shrimp beam trawl gear:

(a) Crustacean management area 1 - Open until further notice, except as provided below:

(i) Effective 8:00 p.m., August 5, 2001 until further notice it is unlawful to harvest shrimp for commercial purposes in Marine Fish Shellfish Catch and Reporting Areas 21A and 22A.

(b) Crustacean management area 3 - Open until further notice.

(c) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(d) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A except in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(e) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(f) For purpose of shrimp trawl catch reporting, 23A East is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, east of a line projected true north from the Dungeness lighthouse. 23A West is that portion of Marine Fish-Shellfish Management and Catch Reporting Area 23A, west of the line described herein.

(3) 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.

(4) It is unlawful to fish for shrimp in Puget Sound with shellfish pot or beam trawl gear in Port Angeles Shrimp District, the Sequim Bay Shrimp District, the Hood Canal Shrimp District, the Carr Inlet Shrimp District and with trawl gear in Discovery Bay Shrimp District.

(5) 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 220-52-05100T	Puget Sound shrimp pot and beam trawl fishery-seasons and weekly trip limits. (01-148)
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EMERGENCY



WSR 01-16-002
RULES OF COURT
STATE SUPREME COURT

[July 17, 2001]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO GR 22) NO. 25700-A-713

The JIS Committee having recommended the adoption of the proposed amendment to GR 22, and the Court having considered the amendment and comments submitted thereto, and having determined that the proposed amendment will aid in the prompt and order administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That the amendment will be published in the Washington Reports and will become effective October 1, 2001.

DATED at Olympia, Washington this 17th day of July 2001.

Alexander, C.J.

Smith, J.

Sanders, J.

Johnson, J.

Chambers, J.

Madsen, J.

Bridges, J.

Ireland, J.

Owens, J.

GENERAL RULE 22. ACCESS TO FAMILY LAW COURT RECORDS

(a) Purpose and Scope of this Rule. This rule governs access to family law case records, whether the records are maintained in paper or electronic form. The policy of the courts is to facilitate public access to court records, provided that such access will not present an unreasonable invasion of personal privacy, will not permit access to records or information defined by law or court rule as confidential, sealed, exempted from disclosure, or otherwise restricted from public access, and will not be unduly burdensome to the ongoing business of the courts.

(b) Definition and Construction of Terms.

(1) "Case record" means any record pertaining to a particular case or controversy maintained by the court in paper or electronic format.

(2) "Family law case" means any case filed under Chapters 26.09, 26.10, 26.12, 26.18, 26.21, 26.23, 26.26, 26.27, 26.50, and 26.52 RCW.

(3) "Personal Privacy" is unreasonably invaded only if disclosure of information about the person or the family would (a) be highly offensive to a reasonable person and (b) is not of legitimate concern to the public.

(4) "Public access" means unrestricted access to view or copy a requested document filed in a court case.

(5) "Restricted personal identifiers" means a party's social security number, a party's driver's license number, a

party's telephone number, social security number of a child and date of birth of a child.

COMMENT

A party shall not be required to provide a residence address in the publicly available case record. Pattern forms shall be modified, as necessary, to reflect the intent of this rule. Parties to a family law case must provide a service or contact address that will be publicly available.

(6) "Sealed financial source documents" means income tax returns, W-2s and schedules, wage stubs, credit card statements, financial institution statements, check registers, as well as other financial information sealed by court order.

(c) Access to Family Law Case Records.

(1) General Policy. Except as provided in RCW 26.26.200 and subsections (c)(2) and (c)(3) below, all case records shall be open to the public for inspection and copying upon request. The Clerk of the court may assess fees, as may be authorized by law, for the production of such records. Individual documents may be requested electronically.

COMMENT

This rule shall not prohibit making an index of family law case records generally available to the public in electronic form. Electronic access to family law case records is limited to responses to specific requests. However, JIS Data Dissemination Policy prohibits the release of information, which will have the effect of providing access to lists of individuals, which will be used for the purpose of facilitating a profit making activity.

(2) Restricted Access. The Confidential Information Form, Sealed Financial Source Documents, Domestic Violence Information Form, Notice of Intent to Relocate required by R.C.W. 29.09.440, and any Personal Information Sheet necessary for Judicial Information System purposes shall only be accessible as provided in sections (f) and (g) herein.

(3) Excluded Records. This section (c) does not apply to records, documents, or papers that are sealed as provided in GR 15 (c)(2)(B), or to which access is otherwise restricted by law.

(d) Restricted Personal Identifiers Not Required-Except. Parties to a family law case shall not be required to provide restricted personal identifiers in any document filed with the court or required to be provided upon filing a family law case, except:

(1) "Sealed financial source documents" filed in accordance with GR__ (e)(1) below:

(2) The following forms: Confidential Information Form, Domestic Violence Information Form, Notice of Intent to Relocate required by R.C.W. 29.09.440, Vital Statistics Form, Law Enforcement Information Form, Foreign Protection Order Information Form, and any Personal Information Sheet necessary for Judicial Information System purposes.

(3) Court requested documents that contain restricted personal identifiers, which may be submitted by a party as financial source documents under the provisions of section (e) of this rule.

MISC.

COMMENT

Documents not meeting the definition of "Sealed Financial Source Documents" or that otherwise meet the definition but have not been submitted in accordance with (e)(1) are not automatically sealed. Section (e)(3) provides authority for the court to seal documents containing restricted personal identifiers upon motion of a party, or on the court's own motion during a hearing or trial.

(e) Sealing Financial Source Documents-Cover Sheet.

(1) Financial source documents shall be submitted to the clerk under a cover sheet designated "SEALED FINANCIAL SOURCE DOCUMENTS" for filing in the case record of family law cases.

(2) All financial source documents so submitted shall be automatically sealed by the clerk. The coversheet or a copy thereof shall remain part of the public court file.

(3) The court may order that any financial source documents containing restricted personal identifiers be sealed if they have not previously automatically been sealed pursuant to this rule.

COMMENT

See comment to (d)(3) above.

(f) Access by Courts, Agencies and Parties to Restricted Documents.

(1) Unless otherwise provided by statute or court order, the following persons shall have access to all records and files in family law cases:

(A) Judges, commissioners, and other court personnel carrying out the business of the court.

(B) Any state administrative agency of any state that administers programs under Title IV-A, IV-D, or IV-E of the federal Social Security Act.

(2) Except as otherwise provided by statute or court order, the following persons shall have access to all documents filed in a family law case, except the Personal Information Sheet, Vital Statistics Form, Confidential Information Form, Domestic Violence Information Form, Law Enforcement Information Form, and Foreign Protection Order Form.

(A) Parties of record as to their case.

(B) Attorney as to cases where they are attorneys of record.

(g) Public Access to Restricted Case Records.

(1) Information filed by a party in any file or record, that is not a sealed financial source document as defined by (b)(6), shall be available to the public unless sealed by the court under section (e)(3), or access is restricted under section (c)(2).

COMMENT

If a party files documents containing "restricted personal identifiers" without following the procedure for sealing those documents provided in section (e), such documents shall be publicly available in the case record. Access to documents specifically listed in section (c)(2) is restricted. Those documents are only available to the public under the provisions of subsections (2) and (3) below.

(2) The parties may stipulate in writing to allow access to the public to any files or records otherwise restricted under section (c)(2) above.

(3) Any person may file a motion, supported by an affidavit showing good cause, for access to any document otherwise restricted under section (c)(2) above, or to be granted access to such documents with specified information deleted. Written notice of the motion shall be provided to all parties in the manner required by the Superior Court Civil Rules. If the person seeking access cannot locate a party to provide the notice required by this rule, after making a good faith reasonable effort to provide such notice as required by the Superior Court Rules, an affidavit may be filed with the court setting forth the efforts to locate the party and requesting waiver of the notice provision of this rule. The court may waive the notice requirement of this rule if the court finds that further good faith efforts to locate the party are not likely to be successful.

(4) The court shall allow access to restricted documents, or relevant portions of restricted documents, if the court finds that the public interests in granting access or the personal interest of the person seeking access outweigh the privacy interests of the parties or dependent children. If the court grants access to restricted documents, the court may enter such orders necessary to balance the personal privacy interests of the parties or dependent children with the public interest or the personal interest of the party seeking access, consistent with this rule.

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

WSR 01-16-006

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING**

(Title and Registration Advisory Committee)

[Memorandum—July 17, 2001]

Following is a public meeting notice for the next Title and Registration Advisory Committee (TRAC) meeting:

DATE: July 25, 2001
TIME: 1:30 p.m. - 3:30 p.m.
PLACE: Highways-Licenses Building
Conference Room 413
1125 Washington Street
Olympia, WA 98504

MISC.

WSR 01-16-012
AGENDA
DEPARTMENT OF HEALTH

[Filed July 19, 2001, 3:43 p.m.]

State Board of Health and Department of Health
 July 2001 Rules Agenda

This report details the anticipated rule-making activities of the State Board of Health and the Department of Health for the next six months. If you have any questions regarding this report or Department of Health rule-making activities, please contact Michelle Davis at (360) 236-4044. If you have any questions regarding State Board of Health rule-making activities please contact Don Sloma at (360) 236-4102.

State Board of Health Rules

WAC	RCW	Authority	Subject	SBOH Staff and DOH Program Contact	WSR/Date
Pre-CR-101					
246-290	70.90	State Board of Health delegated* to Secretary 6/01	Public water supplies	Janice Englehart (360) 236-4103 Environmental Health Programs Michelle Davis (360) 236-4044	Anticipated CR-101 by 9/01
CR-101 Filed					
246-100	70.24.380	State Board of Health	AIDS/HIV testing	Don Sloma (360) 236-4102 Community and Family Health Michelle Davis (360) 236-4044	01-08-088 4/4/01
246-205	64.44	State Board of Health delegated* to Secretary 5/00	Meth lab clean-up standards	Janice Englehart (360) 236-4103 Environmental Health Programs Michelle Davis (360) 236-4044	99-21-063 10/19/99
246-217-025	69.06	State Board of Health	Food worker card fees	Janice Englehart (360) 236-4103 Environmental Health Programs Michelle Davis (360) 236-4044	99-23-087 11/16/99
246-260	70.90.120, 70.90.150, 43.20.050	State Board of Health	Water recreation facil- ities	Janice Englehart (360) 236-4103 Environmental Health Programs Michelle Davis (360) 236-4044	00-22-112 11/1/00
246-491	43.70.040, 26.33.330	State Board of Health	Certificate revision	Doreen Garcia (360) 236-4101 Epidemiology and Health Statistics Michelle Davis (360) 236-4044	01-08-090 4/4/01
246-650	70.83, 43.20	State Board of Health	Newborn screening	Doreen Garcia (360) 236-4101 Epidemiology and Health Statistics Michelle Davis (360) 236-4044	01-08-089 4/4/01
246-680	48.21.244, 48.443.344 [48.44.344], 48.46.375	State Board of Health	Prenatal screening	Doreen Garcia (360) 236-4101 Epidemiology and Health Statistics Michelle Davis (360) 236-4044	01-08-093 4/4/01

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WAC	RCW	Authority	Subject	SBOH Staff and DOH Program Contact	WSR/Date
246-760	28A.210.020	State Board of Health	Auditory and visual standards—School districts	Doreen Garcia (360) 236-4101 Epidemiology and Health Statistics Michelle Davis (360) 236-4044	99-11-030 5/13/99
246-762	28A.210.020	State Board of Health	Scoliosis screening—School districts	Doreen Garcia (360) 236-4101 Epidemiology and Health Statistics Michelle Davis (360) 236-4044	99-11-031 5/13/99

*Note: The State Board of Health may delegate rule making or rescind delegation to the Department of Health under RCW 43.20.050(3).

Department of Health Rules

Pre-CR-101 and Rules Exempt From RCW 34.05.310					
WAC	RCW	Authority	Subject	Program/Contact	WSR/Date
246-XXX	70.54	Secretary	Sterilization tattooing and electrology	Office of Secretary Michelle Davis (360) 236-4044	Anticipate CR-101 by 8/01
246-XXX	71.12	Secretary	Publicly owned psych facilities	Facilities and Service Licensing Jennell Prentice (360) 705-6661	Anticipate CR-101 by 2/01
246-XXX	18.108	Message Board	Animal therapy	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	Anticipate CR-101 by 8/01
246-243, 246-244	70.98.050	Secretary	Dosimetry and well logging	Environmental Health Programs Jan Haywood (360) 236-3011	Anticipate CR-102 by 2/01
246-320	70.41	Secretary	Hospital licensing—Posting of toll-free number	Facilities and Service Licensing Jennell Prentice (360) 705-6661	Anticipate CR-101 by 9/01
246-809	Chapter 251, Laws of 2001	Secretary	Licensed counselor	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	Anticipate CR-102 by 6/20/01
246-809	Chapter 251, Laws of 2001	Secretary	Licensed counselors sex misconduct, reporting, CE	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	Anticipate CR-101 by 9/01
CR-101 Filed					
246-XXX	Chapter 93, Laws of 2001	Secretary	Access to dental care	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-12-094 6/6/01
246-XXX	18.83.050, 18.83.075	Psychology Board	Temporary practice permits	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-23-070 11/17/98
246-XXX	18.64.005	Pharmacy Board	Legal use of needles and syringes	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-03-171 1/19/00
246-XXX	18.64.005, 69.41, 69.50	Pharmacy Board	Electronic communication of prescription information	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-14-118 7/1/98
246-XXX	18.57.080, 18.57.005, 18.130.050	Osteopathic Board	COMSPEX—USA exam	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-11-035 5/13/99
246-XXX	18.57A.020	Osteopathic Board	Review of controlled substances issued by physician assistants	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-07-078 3/17/98

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246-224, 246-225, 246-227, 246-228, 246-229	70.98	Secretary	X-ray rules (radiation protection)	Environmental Health Programs Jan Haywood (360) 236-3011	00-16-106 8/2/00
246-249-080	70.98.050, 70.98.080	Secretary	Naturally occurring radioactive materials	Environmental Health Programs Jan Haywood (360) 236-3011	96-11-129 5/22/96
246-310	70.38.135, Chapter 59, Laws of 2000	Secretary	Certificate of need—Cardiac methodologies	Facilities and Service Licensing Jennell Prentice (360) 705-6661	00-08-097 4/5/00
246-314-990	43.70.250, 43.20B.020	Secretary	Construction review fees	Facilities and Service Licensing Jennell Prentice (360) 705-6661	01-10-123 5/2/01
246-320-990	70.41.100, 43.20B.110, 43.70.250	Secretary	Hospital licensing fees	Facilities and Service Licensing Jennell Prentice (360) 705-6661	01-10-125 5/2/01, anticipate filing CR-102 by 8/1/01
246-323, 246-325, 246-327	71.12	Secretary	Residential care facilities	Facilities and Service Licensing Jennell Prentice (360) 705-6661	00-05-097 2/16/00
246-327, 246-331, 246-336	70.127	Secretary	In-home services (home health, hospice and home care agencies)	Facilities and Service Licensing Jennell Prentice (360) 705-6661	00-15-079 7/19/00
246-327, 246-331, 246-336	70.127.090, 43.20B.110, 43.70.250	Secretary	Home health, hospice and home care licensing fees	Facilities and Service Licensing Jennell Prentice (360) 705-6661	01-10-125 5/2/01
246-370 (New chapter)	74.15.060, 43.70.040	Secretary	Child day care regulations	Facilities and Services Licensing Jennell Prentice (360) 706-6661	97-09-054 4/7/99, anticipate withdraw by 7/16/01
246-380	43.70.040, 43.70.130	Secretary	Sanitation and health care standards for state institutions	Facilities and Service Licensing Jennell Prentice (360) 705-6661	98-15-088 7/16/98
246-50	43.70.510	Secretary	Coordinated quality improvement program	Office of the Secretary Michelle Davis (360) 236-4044	98-20-066 10/2/98
246-790	43.70.120	Secretary	Special supplemental nutrition program for women, infants, and children	Community and Family Health Rick McNeely (360) 236-3713	01-13-115 6/20/01
246-808	18.130.050	Chiropractic Commission	Independent chiropractic exams	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-22-123 11/1/00
246-811	18.205.100	Secretary	Chemical dependency counselors, retired active status	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-14-073 7/6/99
246-811	18.205.060	Secretary	Continuing competency—Chemical dependency counselors	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-15-034 7/14/99
246-811	18.205.100	Secretary	CDP-Education programs, alternative training, fees	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-16-048 7/30/99
246-826-080	18.135	Secretary	Health care assistants update of chapter	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	96-15-072 7/18/96
246-828	18.130.250	Hearing and Speech Board	Retired active status—Hearing and speech	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-20-055 10/1/99

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246-828-080 to 246-828- 100	18.35.161	Hearing and Speech Board	Standards of practice— Hearing and speech	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-22-089 11/2/99
246-828-320	18.35.161	Hearing and Speech Board	Hearing and speech	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-22-088 11/2/99
246-828-510	18.35.090	Hearing and Speech Board	Hearing/speech—Con- tinuing education require- ments	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	97-15-097 7/21/97
246-830	18.108.025	Secretary	Massage therapy exami- nations	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-21-080 10/21/98
246-834	18.122.140	Secretary	Reactivation of midwifery license	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-21-081 10/21/98
246-834-220, 246-834-230, and 246-834- 240	18.50.040	Secretary	Educational requirements for nonlicensed midwives	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	97-22-024 10/29/97
246-834-900	18.130.250	Secretary	Retired active status— Midwives	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-06-090 3/3/99
246-840, 246-841	18.79, 18.88A, Chapter 95, Laws of 2000	Nursing Commis- sion	Nurse delegation proto- cols	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-11-158 5/24/00
246-840-010, 246-840-760, 246-840-920, 246-840-020, 246-840-565	18.79.110	Nursing Commis- sion	Nursing definitions	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-11-032 5/13/99
246-840-500 to 246-840- 575	18.70.110	Nursing Commis- sion	Approval of RN and PN education	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-11-163 5/24/00
246-840-840 to 246-840- 900	18.79.110, 18.13.180	Nursing Commis- sion	Nursing technicians	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-14-002 6/23/99
246-841-400 through 246- 841-510	18.88A	Nursing Commis- sion	Nursing assistants	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-03-072 1/19/00
246-843-150, 246-843-180, 246-843-330	18.52, 43.70	Nursing Commis- sion	Nursing home administra- tors licenses	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-13-093 6/21/00
246-843-220	18.52	Nursing Commis- sion	NHA administration, complaints and hearing procedures	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-01-162 12/22/97
246-850	18.200	Secretary	Continuing competency for orthotists and prosthe- tist	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-08-098 4/5/00
246-853	18.57.005, 18.57.020	Osteopathic Board	Approved schools of osteopathic medicine	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-13-020 6/7/99
246-853-225	18.57.005, 18.57.020	Osteopathic Board	Osteopathic pain manage- ment guidelines	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-22-086 11/3/98
246-865, 246-869, 246-887	69.50.301, 18.64.005	Pharmacy Board	Faxing of prescriptions	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-14-090 7/5/01
246-879-090	18.64.005, 18.64.046	Pharmacy Board	Exporting drugs whole- saler	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-09-087 4/18/01

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246-883, 246-889	69.43, 18.64.005	Pharmacy Board	Restricting the sale of ephedrine, pseudoephedrine or phenylpropanolamine	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-13-116 6/20/01
246-883-030	18.64.450	Pharmacy Board	Ephedrine prescription restrictions	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	97-10-033 4/30/97
246-887-160	69.50.201	Pharmacy Board	Uniform Controlled Substances Act—Schedule III	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	96-24-097 12/4/96
246-904	18.64.005	Pharmacy Board	Health care entity definitions	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-04-037 1/29/98
246-915	18.74.023, 18.74.025, 18.130.050, 18.130.180	Physical Therapy Board	Sexual misconduct—Physical therapists	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-13-106 6/17/98
246-915-010, 246-915-085	18.74.023	Physical Therapy Board	Continuing competency—Physical therapists	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-15-088 7/16/98
246-915-020, 246-915-030, 246-915-120	18.74.023, 18.74.035	Physical Therapy Board	Application requirements—Physical therapists	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-13-107 6/17/98
246-915-010, 246-915-078, 246-915-140 to 246-915-170	18.74.023	Physical Therapy Board	Defining professional responsibilities—Physical therapists	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-13-104 6/17/98
246-915-150	18.74.023, 18.74.010	Physical Therapy Board	Physical therapy supervision ratio	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-13-105 6/17/98
246-915-210 to 246-915-280	18.74.023, 18.130.070	Physical Therapy Board	Mandatory reporting—Physical therapists	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-13-103 6/17/98
246-918-120	18.71A	Medical Commission	Physician assistant remote site criteria	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-15-089 7/18/01
246-918-990, 246-919-990	18.71, 43.70.280	Secretary	Physician assistant fees and medical fees	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-12-093 6/6/01
246-922-195	18.22.015	Podiatry Board	Podiatry pain management	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-22-084 11/3/98
246-924	18.83.050, 18.83.070	Psychology Board	Psychology education requirements/prerequisites	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-22-088 11/3/98
246-924-370	18.83.050, 18.83.121	Psychology Board	Child custody evaluations	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	98-22-087 11/3/98
246-928	18.135.030, Chapter 22, Laws of 2001	Secretary	Health care assistants: The credentialing of hemodialysis technicians	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-14-043 6/29/01
246-930	18.155.040	Secretary	Sexual offender treatment provider education and exams	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-08-099 4/5/00
246-930-330	18.155.040, 18.13.050	Secretary	Standards for treatment sexual offender treatment providers	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-14-001 6/23/99
246-933-255	18.92.030, [18.92.]070	Veterinary Board	Exams for out-of-state veterinarians	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-11-157 5/24/00

MISC.

246-935	18.92.030	Veterinary Board	Continuing education and competency for animal technicians	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-15-102 7/21/99
246-935-040 to 246-935-060	18.92.030	Veterinary Board	Animal technicians— Supervision, health care tasks, exam	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	99-15-103 7/21/99
246-976-031, 246-976-960, 246-976-970	18.73.081, 70.168.120	Secretary	Senior EMS instructor, regional emergency medical services and trauma care councils, local emergency medical; services and trauma care councils	Emergency Medical and Trauma Prevention Tami Schweppe (360) 705-6748	01-11-162 5/23/01
246-976-330, 246-976-420, 246-976-430	70.168.060, 70.168.090	Secretary	Trauma registry	Emergency Medical and Trauma Prevention Tami Schweppe (360) 705-6748	01-10-014 4/23/01
246-976-500, 246-976-510, 246-976-560, 246-976-600, 246-976-610, 246-976-650, 246-976-720, 246-976-730, 246-976-770, 246-976-780, 246-976-810, 246-976-820, 246-976-885	70.168	Secretary	Pediatric education requirements for TCS and TCS	Emergency Medical Services and Trauma Tami Schweppe (360) 705-6748	01-10-131 5/2/01
246-976-935	70.168.040	Secretary	Emergency medical services and trauma care system trust account	Emergency Medical Services and Trauma Tami Schweppe (360) 705-6748	01-10-132 5/2/01
Pending Hearing, CR-102 Filed					
246-296	70.119A.170	Secretary and Public Works Board	Drinking water state revolving fund Hearing: 8/21/01	Environmental Health Programs Jan Haywood (360) 236-3011	01-14-092 7/5/01
246-809	Chapter 251, Laws of 2001	Secretary	Licensure for counselor, therapist and social worker Hearing: 7/25/01	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-13-118 6/20/01
246-928-440, 246-928-443	18.89	Secretary	CE for respiratory care practitioners Hearing: 8/21/01	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-13-117 6/20/01
Pending Adoption					
246-08-400	70.02.010, 43.70.040	Secretary	Fees for searching and duplicating medical records	Health System Quality Assurance Steve Boruchowitz (360) 236-4621	01-12-097 6/6/01
246-808-700	70.02	Chiropractic Commission	Chiropractic—Cooperation with an investigation	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	00-04-087 2/2/00 anticipate CR-103 by 6/01
246-817-440	18.32.002	Secretary	Continuing education requirements for dentists	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-11-164 5/23/01
246-840	18.79.240	Nursing Commission	ARNP expanded prescriptive authority	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-10-127 5/2/01

MISC.

246-840-700, 246-840-705, 246-840-710, 246-840-715	18.79	Nursing Commission	Nursing practice and standards	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-02-064 12/29/00
246-853	18.57.005, 18.57.280	Osteopathic Board	ARNP expanded prescriptive authority	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-10-128 5/2/01
246-919	18.71.017, 18.71.370	Medical Commission	ARNP expanded prescriptive authority	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-10-126 5/2/01
246-918-005, 246-918-007, 246-918-050, 246-918-080	18.71A.20 [18.71A.020]	Medical Commission	Physician assistant licensure	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-12-095 6/6/01
246-919-330	18.71.017, 18.71.050	Medical Commission	Postgraduate medical training defined	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-12-098 6/6/01
246-919-340	18.71.017, 18.71.050	Medical Commission	International medical school graduates	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-12-096 6/6/01
246-928-310 et al.	18.89.050	Secretary	Respiratory care practitioners	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-07-086 3/21/01
246-928-440, 246-928-443	18.89	Secretary	CE for respiratory care practitioners	Health Professions Quality Assurance Pam Lovinger (360) 236-4985	01-13-117 6/20/01

KEY:

CR-101 Filed: The statement of inquiry has been filed with the Code Reviser's Office.

Pending Hearing: The CR-102 has been filed but the hearing has not been held yet.

Pending Adoption: The hearing has been held OR the rule qualifies under the Expedited Repeal or Adoption processes (RCW 34.05.354 and 34.05.356), but the CR-103 has not been filed.

**WSR 01-16-018
POLICY STATEMENT
WASHINGTON STATE LOTTERY**

[Filed July 19, 2001, 4:37 p.m.]

The Washington State Lottery has recently adopted or revised the following policies:

POL 120.019 - Performance Evaluations (Revision)

Clarified that lottery performance evaluations for classified employees are normally performed between the employee and the supervisor by the last working day of the employee's anniversary month. The evaluation must be conducted during the sixty day period following the employee's anniversary date. Employees are urged to write "no comment" if they are not commenting on/refuting the evaluation. If the supervisor enters a employee's comments on the evaluation, the comments must be entered verbatim. Clarified that employees usually complete a draft worksheet, but the employee and supervisor may agree to go by the supervisor's worksheet only.

Signed 5/14/01

POL 130.018 - Emergency Access to Drawing Vault/Cabinets (New)

This new policy ensures that the lottery has the ability to access and keep drawing equipment from harm during an emergency situation. This policy is implemented when the security chief and director or deputy director determine an emergency necessitates removing the on-line drawing balls and other equipment from the equipment vault/cabinets.

Signed 5/22/01

POL 130.019 - Approving Visitors to Witness On-Line Drawings (New)

This new policy establishes guidelines for approving visitors to view the on-line drawing process. It spells out the approval process for both inside and outside visitors, how often a visitor can view a drawing, how many visitors can view at one time, etc.

Signed 5/31/01

POL 210.001 - Consumable (Point of Sale) Inventory (Revision)

Total redo, including: Defined POS (point of sale) inventory as our consumable inventory. Inventories are now done annually rather than quarterly. Added definitions and "additional responsibilities" sections. Outlined the new computerized "inventory control system" now being used. Clarified that the inventory must be completed by two employees, one of whom has no direct responsibility for the inventory.

Signed 5/9/01

MISC.

POL 240.001 - Power Protectors/Dedicated Power for On-Line Terminals (Revision)

District sales representatives no longer install any SAD units - the on-line vendor performs all installations. The units are installed only after the on-line vendor receives a retailer action request form from the lottery. (This is their indication that the retailer has signed an agreement.) Therefore, regional sales managers no longer maintain a supply of SAD units. Clarified that retailers upgrading to an on-line endorsement from an instant-only license, must meet the same requirements as a new retailer.

Signed 5/1/01

POL 320.070 - Lotto "Million Air Miles" Bonus Drawing Promotion (New)

This policy establishes guidelines for awarding a bonus prize of one million Delta SkyMiles® and \$10,000, plus the required 28% federal withholding tax, to a player who purchased a \$5 Lotto ticket as a single transaction for each week of the promotional period. The promotional period began April 29, 2001, and ended June 23, 2001.

Signed 4/27/01

POL 320.071 - Retailer Promotion - \$10 Tickets (FY 02)

This new policy establishes guidelines for awarding \$5,000 to retailers for selling the top prizes in all \$10 Scratch games launched during FY 02.

Signed 6/20/01

POL 320.072 - Seattle Seahawks "Magic Numbers" Promotion

This new policy ensures that the lottery gathers entries ("Magic Numbers" nonwinning tickets) for the Seahawks to use in eight promotional drawings. The entries are gathered at Lakefair, Bite of Seattle, Clark County Fair, A Taste of Edmonds, Evergreen State Fair, Spokane Interstate Fair, Western Washington Fair, and Central Washington State Fair.

The entries must contain the name, address and telephone number of the individual submitting the ticket, and the name of a bona fide charitable nonprofit organization designated to receive the charity portion of the prize. The individual will win \$1,000. Each of the charities identified on the entries drawn will participate in an event to award \$2,000 - \$10,000. In addition, the individual who identified the charity who wins the \$10,000 prize will be awarded a road trip to attend an out-of-town Seahawks game.

Signed 6/30/01

POL 420.019 - Emergency Evacuation Plan (Revision)

This updates the "fire safety" policy to include all emergencies. Added evacuation assembly point instruction for headquarters. Regional sales managers will use these instructions as a sample for creating their own instructions.

Signed 5/14/01

To receive a copy of any of these policies, contact Becky Zopolis, Washington State Lottery, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 664-4816, fax (360) 664-4817.

**WSR 01-16-020
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD
[Memorandum—July 20, 2001]**

NOTICE OF MEETING LOCATION CHANGE

The Public Works Board meeting scheduled for September 18, 2001, will begin at 8:30 a.m. in the Sprint/Baker Gallery of the White Salmon Valley Community Library. The meeting will be followed by a tour of projects funded by the public works trust fund and the drinking water state revolving fund in local jurisdictions in Klickitat County.

**WSR 01-16-021
AGENDA
DEPARTMENT OF CORRECTIONS
[Filed July 20, 2001, 9:13 a.m.]**

**SEMI-ANNUAL RULE-MAKING AGENDA
JULY 1 - DECEMBER 31, 2001**

Shown below is the Department of Corrections' semi-annual rule development agenda for publication in the Washington State Register pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as conditions warrant.

**DEPARTMENT OF CORRECTIONS
RULE DEVELOPMENT CALENDAR
January - June 30, 2001**

WAC Chapter or Section	Purpose
Chapter 137-10 WAC	Housekeeping amendments.
Chapter 137-09 WAC	Public disclosure - Revise policies and procedures for disclosure of public records.
Chapter 137-150 WAC	Community mental health information sharing joint rule making with DSHS to comply with statutory requirements.
Chapter 137-125 WAC	Correctional institutions—Visits.
Chapter 137-48 WAC	Offender mail.

John Nispel
Rules Coordinator

MISC.

WSR 01-16-025
RULES COORDINATOR
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed July 20, 2001, 2:49 p.m.]

The commission hereby names Karen Caille as its rules coordinator, replacing C. Robert Wallis.

Please direct any questions to Karen Caille at (360) 664-1136 or kcaille@wutc.wa.gov.

Carole J. Washburn
 Secretary

WSR 01-16-030
NOTICE OF PUBLIC MEETINGS
OLYMPIC COLLEGE
 [Memorandum—July 19, 2001]

The following notice is for Olympic College's board of trustees meetings for the month of July 2001. The Olympic College board of trustees has elected to hold a special session on July 24, 2001, at 7:00 p.m. in the 5th Floor Board Room, College Service Center, Olympic College. Notification of this special session will be provided to the media as well as the Olympic College community.

WSR 01-16-026
AGENDA

DEPARTMENT OF TRANSPORTATION

[Filed July 23, 2001, 10:04 a.m.]

Department of Transportation
 Semi-Annual Rule Agenda
 July 1, 2001 - December 31, 2001

No rules being revised at this time.

WSR 01-16-028
RULES COORDINATOR
TRANSPORTATION IMPROVEMENT BOARD

[Filed July 23, 2001, 11:26 a.m.]

The Transportation Improvement Board (TIB) staff member responsible for coordinating WAC rules has changed. TIB's new WAC rule coordinator is Richard Struna, P.O. Box 40901, Olympia, WA 98504-0901, phone (360) 705-7589, e-mail RichS@tib.wa.gov.

Stevan Gorcester
 Executive Director

WSR 01-16-029
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE

[Memorandum—July 19, 2001]

Special Board Meeting

The board of trustees of Bates Technical College will meet in special session on August 7, 2001, from 8:30 a.m. to approximately 3:30 p.m. in the Clyde Hupp Board Room, 1101 South Yakima Avenue, Tacoma, for the purpose of the board retreat, and at approximately 1:00 p.m. to take action on the following items: Ratification of faculty contracts, security contracts, and approval of exempt appointments.

WSR 01-16-031
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY

[Memorandum—July 18, 2001]

The Washington State University board of regents has moved the date of one of its regularly scheduled meetings in 2001. The meeting of September 7 has been rescheduled to August 31.

Additionally, the board of regents has adopted the following schedule for 2002:

January 25	Pullman
March 15	Tri-Cities
May 10	Pullman
June 28	Location to be determined
September 6	Pullman
October 4	Pullman
November 15	Pullman

Inquiries about the meeting can be directed to the WSU President's Office, (509) 335-6666.

WSR 01-16-035
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:22 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-17 MAA.
 Subject: Update to the resource based relative value scale (RBRVS) and vendor rate increase for speech/audiology program.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2001 relative value units (RVUs);
- The updated Medicare clinical laboratory fee schedule (MCLFS);

- The year 2001 additions of current procedural terminology (CPT™) codes;
- Health care financing administration common procedure coding system (HCPCS) level II codes; and
- A legislatively appropriated two and one-tenth (2.1) percent vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001
E. A. Myers, Acting Manager
Regulatory Improvement Project

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement a legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001
E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-036

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 23, 2001, 3:23 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-18 MAA.
Subject: Vendor rate increase for prenatal genetic counseling.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement a legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001
E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-038

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 23, 2001, 3:25 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-20 MAA.
Subject: Vendor rate increase for maternity case management.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement a legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001
E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-037

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 23, 2001, 3:24 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-19 MAA.
Subject: Vendor rate increase for maternity support services.

Miscellaneous

WSR 01-16-039

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 23, 2001, 3:26 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-21 MAA.
Subject: Vendor rates for ITA transportation providers.
Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the vendor rates for ITA transportation providers will remain at their current levels.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement a legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-040

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:27 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-22 MAA.

Subject: Vendor rate increase for interpreter services at federally qualified health centers (FQHCs).

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement a legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-041

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:28 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-23 MAA.

Subject: Vendor rate increase for HIV/AIDS case management services.

Effective Date: July 1, 2001.

WSR 01-16-042

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:29 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-24 MAA.

Subject: Vendor rate increase for chronic pain management clinics.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will:

- Implement the updated Medicare physician fee schedule data base (MPFSDB) year 2001 relative value units (RVUs); and
- Implement a legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-043

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:30 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-25 MAA.

Subject: Update to the resource based relative value scale (RBRVS) and vendor rate increase for chiropractors.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2001 relative value units (RVUs);
- The year 2001 additions of current procedural terminology (CPT™) codes;
- Health care financing administration common procedure coding system (HCPCS) level II codes; and
- A legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-044

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:31 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-26 MAA.

Subject: Vendor rate increase for chemical dependency services.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement a legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-045

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:32 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-27 MAA.

Subject: Update to the resource based relative value scale (RBRVS) and vendor rate increase for optometrists and opticians.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2001 relative value units (RVUs);
- The year 2001 additions of current procedural terminology (CPT™) codes;
- Health care financing administration common procedure coding system (HCPCS) level II codes; and
- A legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-046

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:33 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-28 MAA.

Subject: Vendor rate increase for adult day health.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement a legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Num-

bered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-047

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 23, 2001, 3:34 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-29 MAA.
Subject: Revised fee schedule for "other" durable medical equipment.

Effective Date: July 1, 2001.

Document Description: Effective for claims with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will begin using the attached "other" durable medical equipment maximum allowables.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-048

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 23, 2001, 3:35 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-30 MAA.
Subject: Updates and vendor rate increase for kidney centers.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement a legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase. Also included are the year 2001 HCPCS level II code additions as discussed in this memorandum.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support,

WSR 01-16-049
**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 23, 2001, 3:36 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-31 MAA.
Subject: Update to the resource based relative value scale (RBRVS) and vendor rate increase for EPSDT clinics.
Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2001 relative value units (RVUs);
- The updated Medicare clinical laboratory fee schedule (MCLFS);
- The year 2001 additions of current procedural terminology (CPT™) codes;
- Health care financing administration common procedure coding system (HCPCS) level II codes; and
- A legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase; and
- Technical changes.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-050

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 23, 2001, 3:37 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-32 MAA.

Subject: Vendor rate increase for medical nutrition therapy (formerly known as nutritional counseling services).

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2001 relative value units (RVUs);
- The updated Medicare clinical laboratory fee schedule (MCLFS);
- The year 2001 additions of current procedural terminology (CPT™) codes;
- Health care financing administration common procedure coding system (HCPCS) level II codes;
- Technical changes; and
- A legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-051

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:38 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-33 MAA.
Subject: Update to the resource based relative value scale (RBRVS) and vendor rate increase for blood banks.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2001 relative value units (RVUs);
- The updated Medicare Clinical laboratory fee schedule (MCLFS);
- The year 2001 additions of current procedural terminology (CPT™) codes;
- Health care financing administration common procedure coding system (HCPCS) level II codes;
- Technical changes; and
- A legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical

Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-052

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:39 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-34 MAA.

Subject: Updates to the resource based relative value scale (RBRVS) and vendor rate increase for ambulatory surgery centers.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement a legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-053

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:40 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-35 MAA.

Subject: Update to the resource based relative value scale (RBRVS) and vendor rate increase for neurodevelopmental centers.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2001 relative value units (RVUs);

- The year 2001 additions of current procedural terminology (CPT™) codes;
- Health care financing administration common procedure coding system (HCPCS) level II codes; and
- A legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-054

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:41 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-36 MAA.

Subject: Update to the resource based relative value scale (RBRVS) and vendor rate increase for the occupational therapy program.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2001 relative value units (RVUs);
- The year 2001 additions of current procedural terminology (CPT™) codes;
- Health care financing administration common procedure coding system (HCPCS) level II codes; and
- A legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-055

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:42 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-37 MAA.

Subject: Update to the resource based relative value scale (RBRVS) and vendor rate increase for the physical therapy program.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2001 relative value units (RVUs);
- The year 2001 additions of current procedural terminology (CPT™) codes;
- Health care financing administration common procedure coding system (HCPCS) level II codes; and
- A legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-056

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:43 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-38 MAA.

Subject: Update to the resource based relative value scale (RBRVS) and vendor rate increase for psychologists.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2001 relative value units (RVUs);
- The year 2001 additions of current procedural terminology (CPT™) codes;
- Health care financing administration common procedure coding system (HCPCS) level II codes; and
- A legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-057

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 23, 2001, 3:44 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-39 MAA.

Subject: Update to the resource based relative value scale (RBRVS) and vendor rate increase for licensed midwives.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2001 relative value units (RVUs);
- The updated Medicare Clinical laboratory fee schedule (MCLFS);
- The year 2001 additions of current procedural terminology (CPT™) codes;
- Health care financing administration common procedure coding system (HCPCS) level II codes; and
- Immunization administration codes; and
- A legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-058

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 23, 2001, 3:45 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-40 MAA.

Subject: Vendor rate increase for hearing aid providers.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement a two and one-tenth percent (2.1%) vendor rate increase as authorized by the 2001-2003 Biennium Appropriations Act. This rate increase has been applied across the board for hearing aids and services.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-059

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 23, 2001, 3:46 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-41 MAA.

Subject: Vendor rate increase for home health agencies.

Effective Date: July 1, 2001.

Document Description: Effective for dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement a two and one-tenth percent (2.1%) vendor rate increase as authorized by the 2001-2003 Biennium Appropriations Act.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

MISC.

WSR 01-16-060
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:47 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-42 MAA.
 Subject: Vendor rate increase for infusion therapy.
 Effective Date: July 1, 2001.

Document Description: Effective for dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement a two and one-tenth percent (2.1%) vendor rate increase for MAA fee-for-service programs, as authorized in the 2001-2003 Biennium Appropriations Act. This rate increase has been applied across the board in the infusion therapy program.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
 Regulatory Improvement Project

WSR 01-16-061
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:48 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-43 MAA.
 Subject: Vendor rate increase for medical nutrition equipment and supplies.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement a two and one-tenth percent (2.1%) vendor rate increase as authorized in the 2001-2003 Biennium Appropriations Act. This rate increase has been applied across the board in the medical nutrition program.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
 Regulatory Improvement Project

WSR 01-16-062
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:49 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-44 MAA.
 Subject: Vendor rate increase for nondurable medical equipment and medical supplies.

Effective Date: July 1, 2001.

Document Description: Effective for claims with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement an appropriated two and one-tenth percent (2.1%) vendor rate increase for MAA fee-for-service programs, as authorized by the 2001-2003 Biennium Appropriations Act. This rate increase has been applied across the board for state-unique procedure codes. Providers are reimbursed Medicare rates for HCPCS codes.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
 Regulatory Improvement Project

WSR 01-16-063
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:50 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-45 MAA.
 Subject: Revised fee schedule for prosthetic and orthotic devices.

Effective Date: July 1, 2001.

Document Description: Effective for claims with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will begin using the revised fee schedule for prosthetic and orthotic devices.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
 Regulatory Improvement Project

WSR 01-16-064
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:51 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-46 MAA.
Subject: Vendor rate increase for private duty nursing services (PDNS).

Effective Date: July 1, 2001.

Document Description: Effective for dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement an appropriate two and one-tenth percent (2.1%) general vendor rate increase for PDNS under the MAA fee-for-service programs as authorized in the 2001-2003 Biennium Appropriations Act. This applies to private duty nurses who provide services in the home, group homes, or transitional (nonpermanent) care settings.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
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Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-066
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:53 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-48 MAA.
Subject: Vendor rate increase of ambulance services.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement an average two and one-tenth percent (2.1%) vendor rate increase for fee-for-service programs, as authorized by the 2001-2003 Biennium Appropriations Act. Based on input from the Washington Ambulance Association (WAA), MAA will implement the following rate changes for ambulance services:

- The amount of the vendor rate increase allocated for ground ambulance services will be applied entirely to the base rates (first client only); and
- The amount of the vendor rate increase allocated for air ambulance services will be applied entirely to the liftoff fees.

These actions result in an effective rate increase of 3.1% for ground ambulance base rates, 6.7% for the fixed wing air ambulance liftoff fee, and 6.0% for the rotary liftoff fee. Rates for all other ground and air ambulance procedure codes remain unchanged.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-065

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:52 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-47 MAA.
Subject: Update to the resource based relative value scale (RBRVS) and vendor rate increase for family planning.
Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2001 relative value units (RVUs);
- The year 2001 additions of current procedural terminology (CPT™) codes;
- Health care financing administration common procedure coding system (HCPCS) level II codes;
- Technical changes; and
- A legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical

MISC.

WSR 01-16-067
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:54 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-49 MAA.

Subject: Vendor rate increase and policy changes for dental-related services.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement a legislatively authorized vendor rate increase of two and one-tenth percent (2.1%) for dental services. MAA is applying the vendor rate increase amounts allocated for children's and adult's dental programs to specific procedures, rather than across the board, to address reimbursement issues and concerns expressed by stakeholders regarding certain aspects of the dental program.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
 Regulatory Improvement Project

WSR 01-16-068
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:55 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-50 MAA.

Subject: Increase in maximum allowable drug dispensing fees.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement a two and one-tenth percent (2.1%) vendor rate increase for drug dispensing fees, as authorized by the 2001-2003 [Biennium] Appropriations Act.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Num-

bered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
 Regulatory Improvement Project

WSR 01-16-069
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:56 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-51 MAA.

Subject: Update to the resource based relative value scale (RBRVS) and vendor rate increase for outpatient hospitals.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2001 relative value units (RVUs);
- The updated Medicare Clinical laboratory fee schedule (MCLFS);
- The year 2001 additions of current procedural terminology (CPT™) codes;
- Health care financing administration common procedure coding system (HCPCS) level II codes;
- Technical changes; and
- An appropriated two and one-tenth percent (2.1%) vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
 Regulatory Improvement Project

WSR 01-16-070
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:57 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-52 MAA.

Subject: Update to resource based relative value scale (RBRVS) and anesthesiology relative value guide (RVG),

MISC.

vendor rate increase and expedited prior authorization (EPA) changes.

Effective Date: July 1, 2001.

Document Description: Effective with dates of service on or after July 1, 2001, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2001 relative value units (RVUs);
- The updated year 2001 relative value guide base anesthesia units (BAUs);
- The updated Medicare clinical laboratory fee schedule (MCLFS);
- The year 2001 additions of current procedural terminology (CPT™) codes and health care financing administration common procedure coding system (HCPCS) level II codes;
- A legislatively appropriated two and one-tenth percent (2.1%) vendor rate increase;
- Updated conversion factors; and
- Technical changes.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-071

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:58 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-53 MAA.

Subject: New family planning program called "TAKE CHARGE."

Effective Date: July 1, 2001.

Document Description: Effective July 1, 2001, the Medical Assistance Administration (MAA) is implementing a new family planning program called TAKE CHARGE. This memo outlines the new program.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Num-

bered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-072

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 23, 2001, 3:59 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instructions.

Subject: TAKE CHARGE.

Effective Date: July 1, 2001.

Document Description: This publication gives MAA-approved TAKE CHARGE family planning providers guidelines on TAKE CHARGE. Providers should use this document in conjunction with MAA's *Family Planning Services Billing Instructions*. It includes:

- How to provide application assistance to clients requesting family planning services;
- Scope of care for family planning services;
- How to become an approved TAKE CHARGE provider; and
- What materials to provide to clients.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

July 16, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-16-073

INTERPRETIVE STATEMENT DEPARTMENT OF REVENUE

[Filed July 24, 2001, 9:48 a.m.]

ADOPTION OF INTERPRETIVE STATEMENT

Excise Tax Advisory 2003-3s—Cancellation of excise tax advisories

(Third supplement to ETA 2003)

This announcement of the adoption of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has adopted the following Excise Tax Advisory:

Excise Tax Advisory 2003-3s (Cancellation of excise tax advisories). This advisory is the third supplement to ETA 2003. It provides a list of excise tax advisories that have been cancelled subsequent to those advisories identified in the second supplement, ETA 2003-2s.

Requests for copies of this advisory may be directed to Roseanna Hodson, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6119, fax (360) 664-0693.

Claire Hesselholt
Policy Counsel

WSR 01-16-074
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR
(Clemency and Pardons Board)
[Memorandum—July 23, 2001]

The Washington State Clemency and Pardons Board hereby files with the code reviser the following notice of a special meeting:

A special meeting of the board has been set for August 6, 2001, in the John A. Cherberg Building, Senate Hearing Room 4, Olympia, Washington, starting at 9:00 a.m. The purpose of this meeting is to address the case of James Homer Elledge.

WSR 01-16-075
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
(Board of Natural Resources)
[Filed July 24, 2001, 2:08 p.m.]

Board of Natural Resources Retreat

Date	Time	Location
August 21, 2001	8:30 a.m.	The Cedars Inn One Apple Way Okanogan, WA (509) 422-1641
August 22, 2001	8:00 a.m.	The Cedars Inn One Apple Way Okanogan, WA (509) 422-1641

WSR 01-16-076
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
[Memorandum—July 24, 2001]

The board of trustees of Bellingham Technical College will meet in a study session to discuss operating and capital

budgets, college goals, and board responsibilities, on Thursday, August 2, 9:30 a.m. to 3:30 p.m., at The Willows Inn, 2579 West Shore Drive, Lummi Island, WA. Call 738-3105 ext. 334 for information.

WSR 01-16-077
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
(Public Employees Benefits Board)
[Memorandum—July 20, 2001]

PUBLIC EMPLOYEES BENEFITS BOARD
2001 Meeting Schedule

Tuesday, January 9, 2001 - 1:00 p.m.
Lacey Community Center
Lacey, Washington
CANCELLED

Tuesday, February 20, 2001 - 1:00 p.m.
Lacey Community Center
Lacey, Washington

Tuesday, March 27, 2001 - 1:00 p.m.
Lacey Community Center
Lacey, Washington
CANCELLED

Tuesday, April 17, 2001 - 1:00 p.m.
Lacey Community Center
Lacey, Washington
CANCELLED

Tuesday, May 22, 2001 - 1:00 p.m.
Lacey Community Center
Lacey, Washington

Tuesday, July 17, 2001 - 1:00 p.m.
Lacey Community Center
Lacey, Washington
CANCELLED

Tuesday, July 24, 2001 - 1:00 p.m.
Lacey Community Center
Lacey, Washington
CANCELLED

Tuesday, July 31, 2001 - 1:00 p.m.
Lacey Community Center
Lacey, Washington

Tuesday, August 7, 2001 - 1:00 p.m.
(tentative)
Lacey Community Center
Lacey, Washington

Tuesday, October 23, 2001 - Time TBD
Planning Session
Location to be determined
Seattle/Tacoma area

Tuesday, November 27, 2001 - 1:00 p.m.

Lacey Community Center

Lacey, Washington

If you are a person with a disability and need a special accommodation, please contact Shelley Westall at (360) 923-2829.

Note: Locations are tentative.

Lacey Community Center

6729 Pacific Avenue S.E.

Lacey, WA

Phone (360) 412-3191

Please contact 923-2802, if you have any questions or need further information.

WSR 01-16-081

AGENDA

**DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed July 25, 2001, 2:00 p.m.]

Department of Financial Institutions

Semi-Annual Agenda for Rules Under Development

July 1, 2001 - December 31, 2001

DIVISION OF CONSUMER SERVICES

1. Amendments to chapter 208-680 WAC to provide guidance to escrow agents performing collection escrows, to address technical concerns in the area of trust accounting, and to provide additional definitions of terms.

2. Amendments to chapter 208-620 WAC to reflect changes to the statute, to update and modernize the rules, and to provide additional guidance to licensees regarding the conduct of mortgage brokerage activities under the Consumer Loan Act.

DIVISION OF CREDIT UNIONS

1. Amendments to chapter 208-436 WAC regarding credit union investment practices.

2. Amendments to chapter 208-472 WAC regarding credit union field of membership expansion.

DIVISION OF SECURITIES

1. Amendments to chapter 460-24A WAC updating information pertaining to investment advisers to accommodate electronic filing under the investment adviser registration depository (IARD) system and to make other changes to update the chapter. This involves amendments to various rules and the adoption of new provisions as well.

2. Amendments to chapter 460-33A WAC updating information pertaining to mortgage broker-dealers to address procedures for investor communication in foreclosure situations and to update other portions of the chapter. This involves amendments to various rules and the adoption of new provisions as well.

WSR 01-16-085

**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 25, 2001, 3:53 p.m.]

Notice of Grant Application to be published in the Washington State Register

The public is invited to review the Year 2002 Washington state application for federal substance abuse prevention and treatment (SAPT) block grant funding. The application is submitted annually to the federal Centers for Substance Abuse Treatment and Substance Abuse Prevention. The 2002 application will result in approximately \$35 million in federal funds being awarded to the state of Washington for substance abuse prevention and treatment. The funds awarded will be expended during federal fiscal years 2002 and 2003 (10/2001 - 9/2003).

The application is being prepared by the Department of Social and Health Services, Division of Alcohol and Substance Abuse. A summary of the SAPT block grant requirements and the plan for award allocation is available to anyone interested upon request.

If you have questions, or wish to request a copy of the review material, please contact Vincent Collins, Federal Block Grant Administrator, Department of Social and Health Services, Division of Alcohol and Substance Abuse, P.O. Box 45330, Olympia, WA 98504-5330, (360) 438-8226, fax (360) 438-8078, collivi@dshs.wa.gov.

Kelly Cooper
Rules Coordinator

WSR 01-16-090

**RULES COORDINATOR
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed July 26, 2001, 9:38 a.m.]

The designated rules coordinator for the Washington State Criminal Justice Training Commission is Sharon Tolton, Deputy Director. Sharon can be reached at (206) 835-7345 or you can e-mail her at stolton@cjtc.state.wa.us.

Michael D. Parsons
Executive Director

WSR 01-16-091

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION**

(State Capitol Committee)

[Memorandum—July 20, 2001]

**Cancellation and Registration of
State Capitol Committee Meeting**

Please record the following State Capitol Committee meeting date in the Washington State Register:

Date: Thursday, October 25th
 Time: 9:00 a.m. to 11:00 a.m.
 Location: General Administration Building, Room 207

Also, please record that the State Capitol Committee meeting scheduled for Tuesday, October 16, 2001, has been cancelled.

If you have any questions, call (360) 902-0970.

WSR 01-16-097
AGENDA
EMPLOYMENT SECURITY DEPARTMENT

[Filed July 26, 2001, 3:13 p.m.]

Employment Security Department
Semi-Annual Rule-Making Agenda (July 31, 2001 - January 31, 2002)

WAC CHAPTER	CHAPTER TITLE	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Chapters 192-150, 192-170, 192-180 WAC	Job separations; Availability to accept work; job search requirements.	Juanita Myers (360) 902-9665	CR-101 - 5/97 CR-102 - 9/99 Hearing - 11/99 2nd CR-102 - 2/01 Refile CR-102 - 9/01	Adopt rules regarding availability, suitable work, and job search requirements for disabled claimants, including those with pregnancy-related disabilities.
Chapter 192-210 WAC	Reasonable assurance for educational employees.	Juanita Myers (360) 902-9665	CR-101 - 5/01 CR-102 - 10/01 Hearing - To be determined	Revise rules related to reasonable assurance of continuing employment for school employees, to comply with new legislation passed by the 2001 legislature. (Note: Emergency rules were filed on May 25, 2001.)
Chapter 192-330 WAC	Collections and refunds.	Juanita Myers (360) 902-9665	CR-101 - 9/01 CR-102 - 12/01 Hearing - To be determined	Adopt rules clarifying the action that will be taken regarding tribal entities in default of their unemployment insurance taxes.
Chapter 192-230 WAC	Recovery of overpayments.	Juanita Myers (360) 902-9665	CR-101 - 12/00 CR-102 - 9/01 Hearing - To be determined	Adopt rules clarifying the conditions under which unpaid overpayments will be referred to a collection agency, and addressing how collection fees will be assessed.
Chapters 192-170, 192-180 WAC	Availability to accept work; Job search requirements.	Juanita Myers (360) 902-9665	CR-101 - 2/01 CR-102 - 10/01 Hearing - To be determined	Adopt rules to clarify job search and availability requirements for individuals who are members of full referral unions, and the conditions under which an employer creates a cause for doubting an individual's availability for work.
Chapter 192-210 WAC	Special category occupations.	Juanita Myers (360) 902-9665	CR-101 - 11/99 CR-102 - 1/02 Hearing - To be determined	Adopt rules for individuals who work or worked for a temporary services or employee leasing agency. These will include policies related to job separations and availability requirements.
Title 192 WAC	Various.	Juanita Myers (360) 902-9665	CR-105 - 9/01	Expedited adoption of various house-keeping measures, correcting typographical errors or editing for clarity.

Barney Hilliard
Rules Coordinator

MISC.

WSR 01-16-098
NOTICE OF PUBLIC MEETINGS
BOARD FOR
VOLUNTEER FIRE FIGHTERS
 [Memorandum—July 26, 2001]

The October 19, 2001, meeting of the State Board for Volunteer Fire Fighters which was rescheduled to October 11 has again been rescheduled. The meeting will now take place at 9:00 a.m. on **October 8, 2001**, in Suite 112 of the Olympia Forum Building, 601 11th Avenue S.E.

WSR 01-16-111
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY
 [Memorandum—July 30, 2001]

BOARD OF TRUSTEES
 WESTERN WASHINGTON UNIVERSITY
 FRIDAY, AUGUST 3, 2001

Time: 9:00 a.m.
 Location: Lakewood.

WSR 01-16-112
NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY
 [Memorandum—July 25, 2001]

CWU Board of Trustees Meeting Dates for 2001-02

Regular meetings of the Central Washington University board of trustees will be held in Barge Hall, Room 412, on the Central Washington University Ellensburg campus, except where noted, at 1:00 p.m. on the following dates:

October 4, 2001 (*Board retreat*)
 October 5, 2001
 November 9, 2001
 December 14, 2001
 February 15, 2002
 April 12, 2002 (CWU Wenatchee Center, 604 Ringold, Wenatchee, WA)
 May 10, 2002
 June 7, 2002
 August 1-2, 2002 (*Board retreat*)

WSR 01-16-126
DEPARTMENT OF ECOLOGY

[Filed July 31, 2001, 10:43 a.m.]

NOTICE OF PUBLIC HEARINGS
 Including the Spokane Carbon Monoxide Attainment Plan
 and
 Revisions to the Emission Check Program
 in the Washington State Implementation Plan

The Washington State Department of Ecology (ecology) is conducting two public hearings on updates to the state implementation plan (SIP). The SIP is a statewide plan for meeting federal health-based air quality standards.

The purpose of the first hearing is to receive public comment on including in the SIP the plan to attain the carbon monoxide standard in Spokane. Ecology, the Spokane County Air Pollution Control Authority, and the Spokane Regional Transportation Council developed the attainment plan to meet the requirements of the federal Clean Air Act for a serious carbon monoxide nonattainment area.

The second hearing is to receive public comment on an update to the SIP for the state's motor vehicle emission check program. The update consists of revisions to two sections of chapter 173-422 WAC that were adopted by ecology on October 31, 2000. These revisions provide an inspection schedule for motor vehicles that are between five and twenty-five years old.

Both hearings will be held Tuesday, August 28, 2001, at 2:00 p.m., at Ecology's Eastern Regional Office located at 4601 North Monroe Street, Suite 202, Spokane, WA.

Copies of the carbon monoxide attainment plan and the revised emission check program rule are available for review at the following locations: Department of Ecology, Air Quality Program, 300 Desmond Drive, Lacey, WA 98504-7600; at the Spokane County Air Pollution Control Authority, 1101 West College Avenue, Room 403, Spokane, WA 99201; at the Department of Ecology, Eastern Regional Office, North 4601 Monroe, Suite 202, Spokane, WA 99205-1295; at the Environmental Protection Agency, Region 10, Park Place Building, 1200 Sixth Avenue, 10th Floor, Seattle, WA 98101; at the Spokane City Library, 906 West Main, Spokane, WA 99201; at the Spokane County Library District Libraries Argonne, 4322 North Argonne Road, Spokane, WA 99212-1853; and at the Spokane Regional Transportation Council, 221 West First Avenue, Spokane, WA 99201-3613.

Written comments must be postmarked no later than August 30, 2001, and should be sent to Doug Schneider, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600.

For more information, please contact Doug Schneider at (360) 407-6874, or e-mail dsch461@ecy.wa.gov. If you have special accommodation needs, please contact Tami Dahlgren at (360) 407-6830 (voice) or (360) 407-6006 (TDD only) by August 21, 2001.

MISC.

WSR 01-16-143**AGENDA****FOREST PRACTICES BOARD**

[Filed July 31, 2001, 4:36 p.m.]

Rule Development Agenda**June-December 2001**

The board's mandate is to adopt rules to protect the state's public resources while maintaining a viable forest products industry. The following rule proposals are under development:

1. Chapter 222-21 WAC, Small Landowner Forestry Riparian Easement Program Emergency Rules: The board will consider an emergency rule proposal at its August 8, 2001 meeting. The emergency rules are designed to implement changes to the small forest landowner forestry riparian easement program contained in SHB 2105 passed by the 2001 legislature in the regular session.

2. Chapter 222-21 WAC, Small Landowner Forestry Riparian Easement Permanent Rules: The board will initiate permanent rule making designed to implement changes to the small forest landowner forestry riparian easement program contained in SHB 2105 passed by the 2001 legislature in the regular session and may also include other minor modifications to the program.

3. Small Forest Landowner Issues: The board has reaffirmed its commitment to enable small forest landowners to successfully implement all components of the recently adopted forests and fish rule package. In addition to changes to the forestry riparian easement program identified above, alternate plans and long term planning have been identified as real issues. The board's examination of these issues could result in rule changes.

4. Procedural and Ethics Rules: Updates to the board's administrative procedures, and new rules on public record requests and executive ethics rules are under development.

5. Reasonable use Rule: The board is considering initiating rule making on a proposal that creates a reasonable use exception to the forest practice rules.

6. Modification to Notice Rule: In May 2000, the board denied a rule-making petition regarding scenic trail corridors. The governor's office agreed the denial was appropriate but suggested the board consider a rule that would require reasonable notice of proposed harvest applications on a particular piece of property to local media outlets, advocacy groups, and nearby landowners who have registered with the department. This recommendation is currently being reviewed and could result in a rule proposal.

7. Editorial and minor rule changes: Current rules are being reviewed for editorial and minor clarification changes. These may be a separate proposal or combined with another rule proposal.

8. Adaptive Management Process: The board has adopted and will manage an adaptive management program to provide science-based recommendations and technical information to assist the board in determining if and when it is necessary or advisable to adjust rules and guidance to

achieve resource goals and objectives. This process could result in development of rule proposals.

Contact Person: Patricia Anderson, Forest Practices Board, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, fax (360) 902-1428, e-mail patricia.anderson@wadnr.gov.

WSR 01-16-157**NOTICE OF PUBLIC MEETINGS****DEPARTMENT OF****LABOR AND INDUSTRIES**

[Filed August 1, 2001, 11:41 a.m.]

MEMORANDUM**Cancellation of Board Meeting**

The Factory Assembled Structures Advisory Board quarterly meeting scheduled for August 16, 2001, has been cancelled due to the retirement of the chief of factory assembled structures and secretary of the board. The next quarterly meeting will be November 15, 2001, as previously scheduled.

If you have any questions, please call Candy Peppard, Administrative Secretary, at (360) 902-5245.



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
- X = Expedited rule making
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
1- 21-010	AMD-X	01-16-107	4- 25-640	AMD-W	01-11-123	16-143	REP-C	01-15-050
1- 21-015	NEW-X	01-16-107	4- 25-640	AMD-P	01-15-087	16-143	AMD-C	01-16-001
1- 21-160	AMD-X	01-16-107	4- 25-650	AMD-P	01-07-040	16-143-005	NEW	01-03-049
1- 21-170	AMD-X	01-16-107	4- 25-650	AMD-W	01-11-123	16-143-005	REP-P	01-11-144
3- 20-100	NEW-P	01-05-034	4- 25-650	AMD-P	01-15-087	16-143-005	REP	01-16-033
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4- 25-400	AMD-P	01-15-087	4- 25-710	AMD-P	01-15-087	16-143-020	REP-P	01-11-144
4- 25-410	AMD-P	01-07-033	4- 25-720	AMD-P	01-07-041	16-143-020	REP	01-16-033
4- 25-410	AMD	01-11-124	4- 25-720	AMD-P	01-15-087	16-143-030	REP-P	01-11-144
4- 25-410	AMD-P	01-15-087	4- 25-721	AMD-P	01-07-042	16-143-030	REP	01-16-033
4- 25-510	AMD-P	01-15-087	4- 25-721	AMD	01-11-127	16-143-040	REP-P	01-11-144
4- 25-520	AMD-P	01-07-034	4- 25-721	AMD-P	01-15-087	16-143-040	REP	01-16-033
4- 25-520	AMD	01-11-125	4- 25-722	REP-P	01-07-043	16-143-050	REP-P	01-11-144
4- 25-520	AMD-P	01-15-087	4- 25-722	REP-W	01-11-123	16-143-050	REP	01-16-033
4- 25-521	AMD-P	01-07-035	4- 25-722	REP	01-11-128	16-143-060	REP-P	01-11-144
4- 25-521	AMD	01-11-126	4- 25-730	AMD	01-03-011	16-143-060	REP	01-16-033
4- 25-530	AMD-P	01-15-087	4- 25-730	AMD-P	01-15-087	16-143-070	REP-P	01-11-144
4- 25-540	AMD-P	01-15-087	4- 25-735	NEW-P	01-15-087	16-143-070	REP	01-16-033
4- 25-550	AMD-P	01-15-087	4- 25-745	AMD-P	01-15-087	16-143-080	REP-P	01-11-144
4- 25-551	AMD-P	01-15-087	4- 25-746	AMD-P	01-15-087	16-143-080	REP	01-16-033
4- 25-600	AMD-P	01-07-036	4- 25-750	AMD-P	01-15-087	16-143-090	REP-P	01-11-144
4- 25-600	AMD-W	01-11-123	4- 25-752	NEW-P	01-15-087	16-143-090	REP	01-16-033
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4- 25-610	AMD-P	01-15-087	4- 25-782	AMD-P	01-15-087	16-143-110	REP-P	01-11-144
4- 25-620	REP-P	01-07-037	4- 25-783	AMD-P	01-15-087	16-143-110	REP	01-16-033
4- 25-620	REP-W	01-11-123	4- 25-790	AMD-P	01-15-087	16-154	PREP	01-14-023
4- 25-620	AMD-P	01-15-087	4- 25-791	AMD-P	01-15-087	16-156	AMD-P	01-12-100
4- 25-622	AMD-P	01-07-038	4- 25-792	AMD-P	01-15-087	16-156	PREP	01-14-023
4- 25-622	AMD-W	01-11-123	4- 25-793	NEW-P	01-15-087	16-156	AMD	01-16-032
4- 25-622	AMD-P	01-15-087	4- 25-795	AMD-P	01-15-087	16-156-004	AMD-P	01-12-100
4- 25-626	AMD	01-03-012	4- 25-820	AMD-P	01-15-087	16-156-004	AMD	01-16-032
4- 25-626	AMD-P	01-15-087	4- 25-830	AMD-P	01-15-087	16-156-030	AMD-P	01-12-100
4- 25-630	REP-P	01-07-037	4- 25-831	AMD-P	01-15-087	16-156-030	AMD	01-16-032
4- 25-630	REP-W	01-11-123	4- 25-832	AMD-P	01-15-087	16-156-035	AMD-P	01-12-100
4- 25-630	AMD-P	01-15-087	4- 25-833	AMD-P	01-15-087	16-156-035	AMD	01-16-032
4- 25-631	PREP	01-06-002	4- 25-910	AMD-P	01-15-087	16-156-050	AMD-P	01-12-100
4- 25-631	AMD-P	01-15-087	16-143	PREP	01-08-100	16-156-050	AMD	01-16-032
4- 25-640	AMD-P	01-07-039	16-143	REP-C	01-14-034	16-156-060	AMD-P	01-12-100

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16-156-070	NEW	01-16-032	16-202-2017	NEW	01-13-063	16-333-041	NEW-P	01-07-097
16-158	PREP	01-14-023	16-202-2018	NEW-P	01-06-053	16-333-041	NEW	01-11-030
16-160	PREP	01-14-023	16-202-2018	NEW	01-13-063	16-333-045	AMD-P	01-07-097
16-162	PREP	01-14-023	16-202-2019	NEW-P	01-06-053	16-333-045	AMD	01-11-030
16-164	PREP	01-14-023	16-202-2019	NEW	01-13-063	16-333-085	AMD-P	01-07-097
16-202	AMD-C	01-11-130	16-202-2020	NEW-P	01-06-053	16-333-085	AMD	01-11-030
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16-202-1003	NEW-P	01-06-052	16-228-1155	NEW-W	01-02-080	16-400-100	AMD-P	01-07-095
16-202-1004	NEW-P	01-06-052	16-228-2000	PREP	01-06-021	16-400-100	AMD	01-11-086
16-202-1006	NEW-P	01-06-052	16-228-2020	PREP	01-06-021	16-400-210	AMD-P	01-07-095
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16-202-1023	NEW-P	01-06-052	16-238-060	NEW	01-12-021	16-403	AMD	01-12-079
16-202-1024	NEW-P	01-06-052	16-238-060	NEW-E	01-13-001	16-403-141	AMD-P	01-08-068
16-202-1025	NEW-P	01-06-052	16-238-070	NEW-E	01-05-003	16-403-141	AMD	01-12-079
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16-202-2001	NEW	01-13-063	16-238-070	NEW-E	01-13-001	16-403-220	AMD-P	01-08-068
16-202-2002	NEW-P	01-06-053	16-238-080	NEW-E	01-05-003	16-403-220	AMD	01-12-079
16-202-2003	NEW-P	01-06-053	16-238-080	NEW-E	01-13-001	16-470	PREP	01-02-100
16-202-2004	NEW-P	01-06-053	16-238-082	NEW-E	01-05-003	16-470-010	AMD-P	01-11-145
16-202-2004	NEW	01-13-063	16-238-082	NEW-P	01-09-075	16-470-010	AMD	01-14-075
16-202-2005	NEW-P	01-06-053	16-238-082	NEW	01-12-021	16-470-100	REP-P	01-11-145
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16-202-2007	NEW-P	01-06-053	16-238-090	NEW-E	01-05-003	16-470-101	NEW-P	01-11-145
16-202-2007	NEW	01-13-063	16-238-090	NEW-P	01-09-075	16-470-101	NEW	01-14-075
16-202-2008	NEW-P	01-06-053	16-238-090	NEW	01-12-021	16-470-103	NEW-P	01-11-145
16-202-2008	NEW	01-13-063	16-238-090	NEW-E	01-13-001	16-470-103	NEW	01-14-075
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16-202-2010	NEW	01-13-063	16-238-100	NEW-E	01-13-001	16-470-108	NEW	01-14-075
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16-202-2011	NEW	01-13-063	16-238-110	NEW-P	01-09-075	16-470-110	REP	01-14-075
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16-202-2012	NEW	01-13-063	16-238-110	NEW-E	01-13-001	16-470-111	NEW	01-14-075
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16-470-127	NEW	01-14-075	51- 11-0536	AMD-P	01-16-120	51- 11-1454	AMD	01-03-010
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16-470-911	AMD	01-11-033	51- 11-0602	AMD-W	01-07-073	51- 11-1521	AMD	01-03-010
16-470-912	NEW-P	01-07-096	51- 11-0602	AMD-P	01-16-120	51- 11-1530	AMD	01-03-010
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16-470-916	AMD-P	01-07-096	51- 11-0604	AMD	01-03-010	51- 11-1532	AMD	01-03-010
16-470-916	AMD	01-11-033	51- 11-0605	AMD	01-03-010	51- 11-1701	REP	01-03-010
16-470-917	NEW-P	01-07-096	51- 11-0625	AMD	01-03-010	51- 11-2000	REP	01-03-010
16-470-917	NEW	01-11-033	51- 11-0625	AMD-P	01-16-120	51- 11-2001	REP	01-03-010
16-470-921	AMD-P	01-07-096	51- 11-0626	AMD	01-03-010	51- 11-2002	REP	01-03-010
16-470-921	AMD	01-11-033	51- 11-0626	AMD-P	01-16-120	51- 11-2003	REP	01-03-010
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16-516-100	NEW	01-09-028	51- 11-0627	AMD-P	01-16-120	51- 11-2005	REP	01-03-010
16-516-170	NEW-P	01-04-088	51- 11-0628	AMD	01-03-010	51- 11-2007	REP	01-03-010
16-516-170	NEW	01-09-028	51- 11-0628	AMD-P	01-16-120	51- 11-2008	REP	01-03-010
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16-557-020	AMD-P	01-02-094	51- 11-0630	AMD-P	01-16-120	51- 11-99903	AMD	01-03-010
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16-602-005	REP	01-11-146	51- 11-1002	AMD	01-03-010	51- 13-302	AMD	01-02-099
16-602-010	REP-P	01-08-087	51- 11-1003	AMD	01-03-010	51- 13-303	AMD	01-02-099
16-602-010	REP	01-11-146	51- 11-1004	AMD	01-03-010	51- 13-304	AMD	01-02-099
16-602-020	REP-P	01-08-087	51- 11-1005	AMD	01-03-010	51- 13-503	AMD	01-02-099
16-602-020	REP	01-11-146	51- 11-1006	AMD	01-03-010	51- 40-0200	AMD	01-02-095
16-602-025	AMD-P	01-08-087	51- 11-1006	AMD-P	01-16-120	51- 40-0310	AMD	01-02-095
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16-602-026	AMD-P	01-08-087	51- 11-1008	AMD	01-03-010	51- 40-0403	AMD-W	01-05-028
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16-602-027	REP-P	01-08-087	51- 11-1132	AMD	01-03-010	51- 40-0902	AMD	01-02-095
16-602-027	REP	01-11-146	51- 11-1201	REP	01-03-010	51- 40-1003	AMD	01-02-095
16-602-030	REP-P	01-08-087	51- 11-1210	REP	01-03-010	51- 40-1004	AMD	01-02-095
16-602-030	REP	01-11-146	51- 11-1312	AMD	01-03-010	51- 40-1103	AMD-W	01-05-028
16-602-040	REP-P	01-08-087	51- 11-1313	AMD	01-03-010	51- 40-1104	AMD	01-02-095
16-602-040	REP	01-11-146	51- 11-1322	AMD	01-03-010	51- 40-1105	AMD	01-02-095
16-602-045	REP-P	01-08-087	51- 11-1323	AMD	01-03-010	51- 40-1106	AMD	01-02-095
16-602-045	REP	01-11-146	51- 11-1331	AMD	01-03-010	51- 40-1202	NEW	01-02-095
16-602-050	AMD-P	01-08-087	51- 11-1334	AMD	01-03-010	51- 40-1203	AMD	01-02-095
16-602-050	AMD	01-11-146	51- 11-1401	AMD-W	01-07-073	51- 40-1505	NEW-W	01-05-028
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16-662-110	AMD-P	01-11-045	51- 11-1411	AMD	01-03-010	51- 40-1700	NEW-W	01-05-028
16-662-110	AMD	01-16-005	51- 11-1411	AMD-P	01-16-120	51- 40-1800	NEW-W	01-05-028
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51- 04-040	AMD-P	01-16-121	51- 11-1413	AMD-P	01-16-120	51- 40-2100	NEW-W	01-05-028
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51- 11-0201	AMD	01-03-010	51- 11-1415	AMD	01-03-010	51- 40-2200	NEW-W	01-05-028
51- 11-0502	AMD	01-03-010	51- 11-1416	NEW	01-03-010	51- 40-2300	NEW-W	01-05-028
51- 11-0502	AMD-P	01-16-120	51- 11-1423	AMD	01-03-010	51- 40-2900	AMD	01-02-095
51- 11-0503	AMD	01-03-010	51- 11-1423	AMD-P	01-16-120	51- 40-2929	AMD-W	01-05-028
51- 11-0503	AMD-P	01-16-120	51- 11-1433	AMD	01-03-010	51- 40-3102	AMD	01-02-095
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51-42-1103	AMD	01-02-098	51-46-0301	REP-W	01-05-029	51-46-0600	REP-W	01-05-029
51-42-1105	AMD	01-02-098	51-46-0301	REP-P	01-16-122	51-46-0600	REP-P	01-16-122
51-42-1109	NEW	01-02-098	51-46-0310	REP-W	01-05-029	51-46-0603	AMD	01-02-097
51-42-1110	NEW	01-02-098	51-46-0310	REP-P	01-16-122	51-46-0603	REP-P	01-16-122
51-42-1111	NEW	01-02-098	51-46-0311	REP-W	01-05-029	51-46-0604	REP-W	01-05-029
51-42-1112	NEW	01-02-098	51-46-0311	REP-P	01-16-122	51-46-0604	REP-P	01-16-122
51-42-1113	NEW	01-02-098	51-46-0313	REP-W	01-05-029	51-46-0608	REP-W	01-05-029
51-42-1114	NEW	01-02-098	51-46-0313	REP-P	01-16-122	51-46-0608	REP-P	01-16-122
51-42-1115	NEW	01-02-098	51-46-0314	REP-W	01-05-029	51-46-0609	REP-W	01-05-029
51-42-1116	NEW	01-02-098	51-46-0314	REP-P	01-16-122	51-46-0609	REP-P	01-16-122
51-42-1117	NEW	01-02-098	51-46-0316	REP-W	01-05-029	51-46-0610	REP-W	01-05-029
51-42-1118	NEW	01-02-098	51-46-0316	REP-P	01-16-122	51-46-0610	REP-P	01-16-122
51-42-1119	NEW	01-02-098	51-46-0392	REP-W	01-05-029	51-46-0700	REP-W	01-05-029
51-42-1120	NEW	01-02-098	51-46-0392	REP-P	01-16-122	51-46-0700	REP-P	01-16-122
51-42-1121	NEW	01-02-098	51-46-0400	REP-W	01-05-029	51-46-0701	REP-W	01-05-029
51-42-1122	NEW	01-02-098	51-46-0400	REP-P	01-16-122	51-46-0701	REP-P	01-16-122
51-42-1123	NEW	01-02-098	51-46-0402	REP-W	01-05-029	51-46-0704	REP-W	01-05-029
51-42-1124	NEW	01-02-098	51-46-0402	REP-P	01-16-122	51-46-0704	REP-P	01-16-122
51-42-1126	NEW	01-02-098	51-46-0412	REP-W	01-05-029	51-46-0710	REP-W	01-05-029
51-42-1301	NEW	01-02-098	51-46-0412	REP-P	01-16-122	51-46-0710	REP-P	01-16-122
51-44-0103	AMD	01-02-096	51-46-0413	REP-W	01-05-029	51-46-0713	REP-W	01-05-029
51-44-0105	NEW	01-02-096	51-46-0413	REP-P	01-16-122	51-46-0713	REP-P	01-16-122
51-44-0200	AMD	01-02-096	51-46-0500	REP-W	01-05-029	51-46-0793	REP-W	01-05-029
51-44-1007	AMD	01-02-096	51-46-0500	REP-P	01-16-122	51-46-0793	REP-P	01-16-122
51-44-1102	NEW	01-02-096	51-46-0501	REP-W	01-05-029	51-46-0800	REP-W	01-05-029
51-44-1109	AMD	01-02-096	51-46-0501	REP-P	01-16-122	51-46-0800	REP-P	01-16-122
51-44-2500	AMD	01-02-096	51-46-0502	REP-W	01-05-029	51-46-0810	REP-W	01-05-029
51-44-5200	AMD	01-02-096	51-46-0502	REP-P	01-16-122	51-46-0810	REP-P	01-16-122
51-44-6100	AMD-W	01-05-031	51-46-0505	REP-W	01-05-029	51-46-0814	REP-W	01-05-029
51-44-6300	AMD-W	01-05-031	51-46-0505	REP-P	01-16-122	51-46-0814	REP-P	01-16-122
51-44-7900	AMD	01-02-096	51-46-0507	REP-W	01-05-029	51-46-0815	REP-W	01-05-029
51-44-8000	AMD-W	01-05-031	51-46-0507	REP-P	01-16-122	51-46-0815	REP-P	01-16-122
51-44-8102	NEW-S	01-05-031	51-46-0509	REP-W	01-05-029	51-46-0900	REP-W	01-05-029
51-45-10100	NEW-W	01-05-031	51-46-0509	REP-P	01-16-122	51-46-0900	REP-P	01-16-122
51-46-001	REP-W	01-05-029	51-46-0512	REP-W	01-05-029	51-46-0903	REP-W	01-05-029
51-46-001	REP-P	01-16-122	51-46-0512	REP-P	01-16-122	51-46-0903	REP-P	01-16-122
51-46-002	REP-W	01-05-029	51-46-0513	REP-W	01-05-029	51-46-1000	REP-W	01-05-029
51-46-002	REP-P	01-16-122	51-46-0513	REP-P	01-16-122	51-46-1000	REP-P	01-16-122
51-46-003	REP-W	01-05-029	51-46-0514	REP-W	01-05-029	51-46-1003	REP-W	01-05-029
51-46-003	REP-P	01-16-122	51-46-0514	REP-P	01-16-122	51-46-1003	REP-P	01-16-122
51-46-007	REP-W	01-05-029	51-46-0515	REP-W	01-05-029	51-46-1012	REP-W	01-05-029
51-46-007	REP-P	01-16-122	51-46-0515	REP-P	01-16-122	51-46-1012	REP-P	01-16-122
51-46-008	REP-W	01-05-029	51-46-0516	REP-W	01-05-029	51-46-1300	REP-W	01-05-029
51-46-008	REP-P	01-16-122	51-46-0516	REP-P	01-16-122	51-46-1300	REP-P	01-16-122
51-46-0100	REP-W	01-05-029	51-46-0517	REP-W	01-05-029	51-46-1301	REP-W	01-05-029
51-46-0100	REP-P	01-16-122	51-46-0517	REP-P	01-16-122	51-46-1301	REP-P	01-16-122
51-46-0101	REP-W	01-05-029	51-46-0518	REP-W	01-05-029	51-46-1302	REP-W	01-05-029
51-46-0101	REP-P	01-16-122	51-46-0518	REP-P	01-16-122	51-46-1302	REP-P	01-16-122
51-46-0102	REP-W	01-05-029	51-46-0519	REP-W	01-05-029	51-46-1303	REP-W	01-05-029
51-46-0102	REP-P	01-16-122	51-46-0519	REP-P	01-16-122	51-46-1303	REP-P	01-16-122
51-46-0103	REP-W	01-05-029	51-46-0520	REP-W	01-05-029	51-46-1304	REP-W	01-05-029
51-46-0103	REP-P	01-16-122	51-46-0520	REP-P	01-16-122	51-46-1304	REP-P	01-16-122
51-46-0200	AMD	01-02-097	51-46-0521	REP-W	01-05-029	51-46-1305	REP-W	01-05-029
51-46-0200	REP-P	01-16-122	51-46-0521	REP-P	01-16-122	51-46-1305	REP-P	01-16-122
51-46-0205	REP-W	01-05-029	51-46-0522	REP-W	01-05-029	51-46-1400	REP-W	01-05-029
51-46-0205	REP-P	01-16-122	51-46-0522	REP-P	01-16-122	51-46-1400	REP-P	01-16-122
51-46-0215	REP-W	01-05-029	51-46-0523	REP-W	01-05-029	51-46-1401	REP-W	01-05-029
51-46-0215	REP-P	01-16-122	51-46-0523	REP-P	01-16-122	51-46-1401	REP-P	01-16-122
51-46-0218	REP-W	01-05-029	51-46-0524	REP-W	01-05-029	51-46-1491	REP-W	01-05-029
51-46-0218	REP-P	01-16-122	51-46-0524	REP-P	01-16-122	51-46-1491	REP-P	01-16-122

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-46-97120	REP-W	01-05-029	51-56-1500	NEW-W	01-05-029	72-120-313	NEW	01-16-023
51-46-97120	REP-P	01-16-122	51-56-1500	NEW-P	01-16-122	72-120-314	NEW-P	01-09-057
51-46-97121	REP-W	01-05-029	51-56-201300	NEW-W	01-05-029	72-120-314	NEW	01-16-023
51-46-97121	REP-P	01-16-122	51-56-201300	NEW-P	01-16-122	72-171-001	AMD-P	01-09-019
51-46-97122	REP-W	01-05-029	51-57-001	NEW-W	01-05-029	72-171-001	AMD	01-16-022
51-46-97122	REP-P	01-16-122	51-57-001	NEW-P	01-16-122	72-171-010	AMD-P	01-09-019
51-46-97123	REP-W	01-05-029	51-57-002	NEW-W	01-05-029	72-171-010	AMD	01-16-022
51-46-97123	REP-P	01-16-122	51-57-002	NEW-P	01-16-122	72-171-015	AMD-P	01-09-019
51-46-97124	REP-W	01-05-029	51-57-003	NEW-W	01-05-029	72-171-015	AMD	01-16-022
51-46-97124	REP-P	01-16-122	51-57-003	NEW-P	01-16-122	72-171-016	AMD-P	01-09-019
51-46-97125	REP-W	01-05-029	51-57-007	NEW-W	01-05-029	72-171-016	AMD	01-16-022
51-46-97125	REP-P	01-16-122	51-57-007	NEW-P	01-16-122	72-171-100	REP-P	01-09-019
51-46-97126	REP-W	01-05-029	51-57-008	NEW-W	01-05-029	72-171-100	REP	01-16-022
51-46-97126	REP-P	01-16-122	51-57-008	NEW-P	01-16-122	72-171-110	AMD-P	01-09-019
51-46-97127	REP-W	01-05-029	51-57-790000	NEW-W	01-05-029	72-171-110	AMD	01-16-022
51-46-97127	REP-P	01-16-122	51-57-790000	NEW-P	01-16-122	72-171-120	AMD-P	01-09-019
51-46-97128	REP-W	01-05-029	51-57-895000	NEW-W	01-05-029	72-171-120	AMD	01-16-022
51-46-97128	REP-P	01-16-122	51-57-895000	NEW-P	01-16-122	72-171-130	REP-P	01-09-019
51-46-97129	REP-W	01-05-029	67-25-460	NEW-P	01-14-064	72-171-130	REP	01-16-022
51-46-97129	REP-P	01-16-122	67-25-470	NEW-P	01-14-064	72-171-131	NEW-P	01-09-019
51-47-001	REP-W	01-05-029	67-25-480	NEW-P	01-14-064	72-171-131	NEW	01-16-022
51-47-001	REP-P	01-16-122	72-120-100	AMD-P	01-09-057	72-171-140	AMD-P	01-09-019
51-47-002	REP-W	01-05-029	72-120-100	AMD	01-16-023	72-171-140	AMD	01-16-022
51-47-002	REP-P	01-16-122	72-120-200	AMD-P	01-09-057	72-171-150	AMD-P	01-09-019
51-47-003	REP-W	01-05-029	72-120-200	AMD	01-16-023	72-171-150	AMD	01-16-022
51-47-003	REP-P	01-16-122	72-120-220	AMD-P	01-09-057	72-171-200	REP-P	01-09-019
51-47-007	REP-W	01-05-029	72-120-220	AMD	01-16-023	72-171-200	REP	01-16-022
51-47-007	REP-P	01-16-122	72-120-225	AMD-P	01-09-057	72-171-210	AMD-P	01-09-019
51-47-008	REP-W	01-05-029	72-120-225	AMD	01-16-023	72-171-210	AMD	01-16-022
51-47-008	REP-P	01-16-122	72-120-230	AMD-P	01-09-057	72-171-220	AMD-P	01-09-019
51-56-001	NEW-W	01-05-029	72-120-230	AMD	01-16-023	72-171-220	AMD	01-16-022
51-56-001	NEW-P	01-16-122	72-120-234	AMD-P	01-09-057	72-171-230	AMD-P	01-09-019
51-56-002	NEW-W	01-05-029	72-120-234	AMD	01-16-023	72-171-230	AMD	01-16-022
51-56-002	NEW-P	01-16-122	72-120-236	AMD-P	01-09-057	72-171-240	AMD-P	01-09-019
51-56-003	NEW-W	01-05-029	72-120-236	AMD	01-16-023	72-171-240	AMD	01-16-022
51-56-003	NEW-P	01-16-122	72-120-300	NEW-P	01-09-057	72-171-242	NEW-P	01-09-019
51-56-007	NEW-W	01-05-029	72-120-300	NEW	01-16-023	72-171-242	NEW	01-16-022
51-56-007	NEW-P	01-16-122	72-120-301	NEW-P	01-09-057	72-171-244	NEW-P	01-09-019
51-56-008	NEW-W	01-05-029	72-120-301	NEW	01-16-023	72-171-244	NEW	01-16-022
51-56-008	NEW-P	01-16-122	72-120-302	NEW-P	01-09-057	72-171-400	REP-P	01-09-019
51-56-0100	NEW-W	01-05-029	72-120-302	NEW	01-16-023	72-171-400	REP	01-16-022
51-56-0100	NEW-P	01-16-122	72-120-303	NEW-P	01-09-057	72-171-410	AMD-P	01-09-019
51-56-0200	NEW-W	01-05-029	72-120-303	NEW	01-16-023	72-171-410	AMD	01-16-022
51-56-0200	NEW-P	01-16-122	72-120-304	NEW-P	01-09-057	72-171-420	REP-P	01-09-019
51-56-0300	NEW-W	01-05-029	72-120-304	NEW	01-16-023	72-171-420	REP	01-16-022
51-56-0300	NEW-P	01-16-122	72-120-305	NEW-P	01-09-057	72-171-430	REP-P	01-09-019
51-56-0400	NEW-W	01-05-029	72-120-305	NEW	01-16-023	72-171-430	REP	01-16-022
51-56-0400	NEW-P	01-16-122	72-120-306	NEW-P	01-09-057	72-171-500	AMD-P	01-09-019
51-56-0500	NEW-W	01-05-029	72-120-306	NEW	01-16-023	72-171-500	AMD	01-16-022
51-56-0500	NEW-P	01-16-122	72-120-307	NEW-P	01-09-057	72-171-510	AMD-P	01-09-019
51-56-0600	NEW-W	01-05-029	72-120-307	NEW	01-16-023	72-171-510	AMD	01-16-022
51-56-0600	NEW-P	01-16-122	72-120-308	NEW-P	01-09-057	72-171-512	NEW-P	01-09-019
51-56-0700	NEW-W	01-05-029	72-120-308	NEW	01-16-023	72-171-512	NEW	01-16-022
51-56-0700	NEW-P	01-16-122	72-120-309	NEW-P	01-09-057	72-171-514	NEW-P	01-09-019
51-56-0800	NEW-W	01-05-029	72-120-309	NEW	01-16-023	72-171-514	NEW	01-16-022
51-56-0800	NEW-P	01-16-122	72-120-310	NEW-P	01-09-057	72-171-550	NEW-P	01-09-019
51-56-0900	NEW-W	01-05-029	72-120-310	NEW	01-16-023	72-171-550	NEW	01-16-022
51-56-0900	NEW-P	01-16-122	72-120-311	NEW-P	01-09-057	72-171-600	REP-P	01-09-019
51-56-1300	NEW-W	01-05-029	72-120-311	NEW	01-16-023	72-171-600	REP	01-16-022
51-56-1300	NEW-P	01-16-122	72-120-312	NEW-P	01-09-057	72-171-601	NEW-P	01-09-019
51-56-1400	NEW-W	01-05-029	72-120-312	NEW	01-16-023	72-171-601	NEW	01-16-022
51-56-1400	NEW-P	01-16-122	72-120-313	NEW-P	01-09-057	72-171-605	NEW-P	01-09-019

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
72-171-605	NEW	01-16-022	132G-120-070	AMD-P	01-08-082	132W-105-060	NEW	01-12-015
72-171-610	REP-P	01-09-019	132G-120-070	AMD	01-13-065	132W-105-070	NEW-P	01-07-058
72-171-610	REP	01-16-022	132G-120-080	AMD-P	01-08-082	132W-105-070	NEW	01-12-015
72-171-620	REP-P	01-09-019	132G-120-080	AMD	01-13-065	132W-105-080	NEW-P	01-07-058
72-171-620	REP	01-16-022	132G-120-090	AMD-P	01-08-082	132W-105-080	NEW	01-12-015
72-171-630	REP-P	01-09-019	132G-120-090	AMD	01-13-065	132W-108	PREP	01-03-103
72-171-630	REP	01-16-022	132G-120-100	AMD-P	01-08-082	132W-108-001	REP-P	01-04-004
72-171-640	REP-P	01-09-019	132G-120-100	AMD	01-13-065	132W-108-001	REP	01-07-059
72-171-640	REP	01-16-022	132G-120-110	AMD-P	01-08-082	132W-108-005	REP-P	01-04-004
72-171-650	AMD-P	01-09-019	132G-120-110	AMD	01-13-065	132W-108-005	REP	01-07-059
72-171-650	AMD	01-16-022	132G-120-120	REP-P	01-08-082	132W-108-010	REP-P	01-04-004
72-171-700	REP-P	01-09-019	132G-120-120	REP	01-13-065	132W-108-010	REP	01-07-059
72-171-700	REP	01-16-022	132G-120-130	AMD-P	01-08-082	132W-108-080	REP-P	01-04-004
72-171-710	NEW-P	01-09-019	132G-120-130	AMD	01-13-065	132W-108-080	REP	01-07-059
72-171-710	NEW-W	01-10-018	132G-120-140	AMD-P	01-08-082	132W-108-090	REP-P	01-04-004
72-171-710	NEW	01-16-022	132G-120-140	AMD	01-13-065	132W-108-090	REP	01-07-059
82-50-021	AMD-P	01-09-085	132K-122-020	PREP	01-03-125	132W-108-100	REP-P	01-04-004
82-50-021	AMD	01-12-007	132K-122-020	AMD-P	01-07-062	132W-108-100	REP	01-07-059
118-68-010	NEW	01-09-045	132K-122-020	AMD	01-11-068	132W-108-110	REP-P	01-04-004
118-68-020	NEW	01-09-045	132K-122-100	PREP	01-03-126	132W-108-110	REP	01-07-059
118-68-030	NEW	01-09-045	132K-122-100	AMD-P	01-07-061	132W-108-120	REP-P	01-04-004
118-68-040	NEW	01-09-045	132K-122-100	AMD	01-11-067	132W-108-120	REP	01-07-059
118-68-050	NEW	01-09-045	132W-104	PREP	01-03-103	132W-108-130	REP-P	01-04-004
118-68-060	NEW	01-09-045	132W-104-010	REP-P	01-04-004	132W-108-130	REP	01-07-059
118-68-070	NEW	01-09-045	132W-104-010	REP	01-07-059	132W-108-140	REP-P	01-04-004
118-68-080	NEW	01-09-045	132W-104-020	REP-P	01-04-004	132W-108-140	REP	01-07-059
118-68-090	NEW	01-09-045	132W-104-020	REP	01-07-059	132W-108-230	REP-P	01-04-004
131	PREP	01-09-061	132W-104-030	REP-P	01-04-004	132W-108-230	REP	01-07-059
131-28-005	AMD-P	01-16-119	132W-104-030	REP	01-07-059	132W-108-240	REP-P	01-04-004
131-28-010	AMD-P	01-16-119	132W-104-040	REP-P	01-04-004	132W-108-240	REP	01-07-059
131-28-015	AMD-P	01-16-119	132W-104-040	REP	01-07-059	132W-108-250	REP-P	01-04-004
131-28-021	AMD-P	01-16-119	132W-104-050	REP-P	01-04-004	132W-108-250	REP	01-07-059
131-28-025	AMD-E	01-14-017	132W-104-050	REP	01-07-059	132W-108-260	REP-P	01-04-004
131-28-025	AMD-P	01-16-119	132W-104-060	REP-P	01-04-004	132W-108-260	REP	01-07-059
131-28-02501	AMD-P	01-16-119	132W-104-060	REP	01-07-059	132W-108-270	REP-P	01-04-004
131-28-029	NEW-P	01-16-119	132W-104-070	REP-P	01-04-004	132W-108-270	REP	01-07-059
132A-120-011	AMD-P	01-03-116	132W-104-070	REP	01-07-059	132W-108-280	REP-P	01-04-004
132A-120-011	AMD	01-08-071	132W-104-080	REP-P	01-04-004	132W-108-280	REP	01-07-059
132A-120-021	AMD-P	01-03-116	132W-104-080	REP	01-07-059	132W-108-290	REP-P	01-04-004
132A-120-021	AMD	01-08-071	132W-104-090	REP-P	01-04-004	132W-108-290	REP	01-07-059
132G-120-010	AMD-P	01-08-082	132W-104-090	REP	01-07-059	132W-108-300	REP-P	01-04-004
132G-120-010	AMD	01-13-065	132W-104-100	REP-P	01-04-004	132W-108-300	REP	01-07-059
132G-120-015	NEW-P	01-08-082	132W-104-100	REP	01-07-059	132W-108-310	REP-P	01-04-004
132G-120-015	NEW	01-13-065	132W-104-110	REP-P	01-04-004	132W-108-310	REP	01-07-059
132G-120-020	REP-P	01-08-082	132W-104-110	REP	01-07-059	132W-108-320	REP-P	01-04-004
132G-120-020	REP	01-13-065	132W-104-111	REP-P	01-04-004	132W-108-320	REP	01-07-059
132G-120-030	AMD-P	01-08-082	132W-104-111	REP	01-07-059	132W-108-330	REP-P	01-04-004
132G-120-030	AMD	01-13-065	132W-104-120	REP-P	01-04-004	132W-108-330	REP	01-07-059
132G-120-040	AMD-P	01-08-082	132W-104-120	REP	01-07-059	132W-108-340	REP-P	01-04-004
132G-120-040	AMD	01-13-065	132W-104-130	REP-P	01-04-004	132W-108-340	REP	01-07-059
132G-120-060	AMD-P	01-08-082	132W-104-130	REP	01-07-059	132W-108-350	REP-P	01-04-004
132G-120-060	AMD	01-13-065	132W-105-010	NEW-P	01-07-058	132W-108-350	REP	01-07-059
132G-120-061	AMD-P	01-08-082	132W-105-010	NEW	01-12-015	132W-108-360	REP-P	01-04-004
132G-120-061	AMD	01-13-065	132W-105-020	NEW-P	01-07-058	132W-108-360	REP	01-07-059
132G-120-062	AMD-P	01-08-082	132W-105-020	NEW	01-12-015	132W-108-400	REP-P	01-04-004
132G-120-062	AMD	01-13-065	132W-105-030	NEW-P	01-07-058	132W-108-400	REP	01-07-059
132G-120-063	AMD-P	01-08-082	132W-105-030	NEW	01-12-015	132W-108-410	REP-P	01-04-004
132G-120-063	AMD	01-13-065	132W-105-040	NEW-P	01-07-058	132W-108-410	REP	01-07-059
132G-120-064	AMD-P	01-08-082	132W-105-040	NEW	01-12-015	132W-108-420	REP-P	01-04-004
132G-120-064	AMD	01-13-065	132W-105-050	NEW-P	01-07-058	132W-108-420	REP	01-07-059
132G-120-065	AMD-P	01-08-082	132W-105-050	NEW	01-12-015	132W-108-430	REP-P	01-04-004
132G-120-065	AMD	01-13-065	132W-105-060	NEW-P	01-07-058	132W-108-430	REP	01-07-059

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132W-108-440	REP-P	01-04-004	132W-115-030	NEW-P	01-07-058	132W-117-060	NEW	01-12-015
132W-108-440	REP	01-07-059	132W-115-030	NEW	01-12-015	132W-117-070	NEW-P	01-07-058
132W-108-450	REP-P	01-04-004	132W-115-040	NEW-P	01-07-058	132W-117-070	NEW	01-12-015
132W-108-450	REP	01-07-059	132W-115-040	NEW	01-12-015	132W-117-080	NEW-P	01-07-058
132W-108-460	REP-P	01-04-004	132W-115-050	NEW-P	01-07-058	132W-117-080	NEW	01-12-015
132W-108-460	REP	01-07-059	132W-115-050	NEW	01-12-015	132W-117-090	NEW-P	01-07-058
132W-108-470	REP-P	01-04-004	132W-115-060	NEW-P	01-07-058	132W-117-090	NEW	01-12-015
132W-108-470	REP	01-07-059	132W-115-060	NEW	01-12-015	132W-117-100	NEW-P	01-07-058
132W-108-480	REP-P	01-04-004	132W-115-070	NEW-P	01-07-058	132W-117-100	NEW	01-12-015
132W-108-480	REP	01-07-059	132W-115-070	NEW	01-12-015	132W-117-110	NEW-P	01-07-058
132W-109-010	NEW-P	01-07-058	132W-115-080	NEW-P	01-07-058	132W-117-110	NEW	01-12-015
132W-109-010	NEW	01-12-015	132W-115-080	NEW	01-12-015	132W-117-120	NEW-P	01-07-058
132W-109-020	NEW-P	01-07-058	132W-115-090	NEW-P	01-07-058	132W-117-120	NEW	01-12-015
132W-109-020	NEW	01-12-015	132W-115-090	NEW	01-12-015	132W-117-130	NEW-P	01-07-058
132W-109-030	NEW-P	01-07-058	132W-115-100	NEW-P	01-07-058	132W-117-130	NEW	01-12-015
132W-109-030	NEW	01-12-015	132W-115-100	NEW	01-12-015	132W-117-140	NEW-P	01-07-058
132W-109-040	NEW-P	01-07-058	132W-115-110	NEW-P	01-07-058	132W-117-140	NEW	01-12-015
132W-109-040	NEW	01-12-015	132W-115-110	NEW	01-12-015	132W-117-150	NEW-P	01-07-058
132W-109-050	NEW-P	01-07-058	132W-115-120	NEW-P	01-07-058	132W-117-150	NEW	01-12-015
132W-109-050	NEW	01-12-015	132W-115-120	NEW	01-12-015	132W-117-160	NEW-P	01-07-058
132W-109-060	NEW-P	01-07-058	132W-115-130	NEW-P	01-07-058	132W-117-160	NEW	01-12-015
132W-109-060	NEW	01-12-015	132W-115-130	NEW	01-12-015	132W-117-170	NEW-P	01-07-058
132W-109-070	NEW-P	01-07-058	132W-115-140	NEW-P	01-07-058	132W-117-170	NEW	01-12-015
132W-109-070	NEW	01-12-015	132W-115-140	NEW	01-12-015	132W-117-180	NEW-P	01-07-058
132W-109-085	NEW-P	01-07-058	132W-115-150	NEW-P	01-07-058	132W-117-180	NEW	01-12-015
132W-109-085	NEW	01-12-015	132W-115-150	NEW	01-12-015	132W-117-190	NEW-P	01-07-058
132W-112	PREP	01-03-103	132W-115-160	NEW-P	01-07-058	132W-117-190	NEW	01-12-015
132W-112-001	NEW-P	01-07-058	132W-115-160	NEW	01-12-015	132W-117-200	NEW-P	01-07-058
132W-112-001	NEW	01-12-015	132W-115-170	NEW-P	01-07-058	132W-117-200	NEW	01-12-015
132W-112-010	NEW-P	01-07-058	132W-115-170	NEW	01-12-015	132W-117-210	NEW-P	01-07-058
132W-112-010	NEW	01-12-015	132W-115-180	NEW-P	01-07-058	132W-117-210	NEW	01-12-015
132W-112-020	NEW-P	01-07-058	132W-115-180	NEW	01-12-015	132W-117-220	NEW-P	01-07-058
132W-112-020	NEW	01-12-015	132W-115-190	NEW-P	01-07-058	132W-117-220	NEW	01-12-015
132W-112-030	NEW-P	01-07-058	132W-115-190	NEW	01-12-015	132W-117-230	NEW-P	01-07-058
132W-112-030	NEW	01-12-015	132W-115-200	NEW-P	01-07-058	132W-117-230	NEW	01-12-015
132W-112-040	NEW-P	01-07-058	132W-115-200	NEW	01-12-015	132W-117-240	NEW-P	01-07-058
132W-112-040	NEW	01-12-015	132W-115-210	NEW-P	01-07-058	132W-117-240	NEW	01-12-015
132W-112-050	NEW-P	01-07-058	132W-115-210	NEW	01-12-015	132W-117-250	NEW-P	01-07-058
132W-112-050	NEW	01-12-015	132W-115-220	NEW-P	01-07-058	132W-117-250	NEW	01-12-015
132W-112-060	NEW-P	01-07-058	132W-115-220	NEW	01-12-015	132W-117-260	NEW-P	01-07-058
132W-112-060	NEW	01-12-015	132W-116	PREP	01-03-103	132W-117-260	NEW	01-12-015
132W-112-070	NEW-P	01-07-058	132W-116-010	REP-P	01-04-004	132W-117-270	NEW-P	01-07-058
132W-112-070	NEW	01-12-015	132W-116-010	REP	01-07-059	132W-117-270	NEW	01-12-015
132W-112-080	NEW-P	01-07-058	132W-116-020	REP-P	01-04-004	132W-117-280	NEW-P	01-07-058
132W-112-080	NEW	01-12-015	132W-116-020	REP	01-07-059	132W-117-280	NEW	01-12-015
132W-112-090	NEW-P	01-07-058	132W-116-040	REP-P	01-04-004	132W-120-010	REP-P	01-04-004
132W-112-090	NEW	01-12-015	132W-116-040	REP	01-07-059	132W-120-010	REP	01-07-059
132W-112-100	NEW-P	01-07-058	132W-116-050	REP-P	01-04-004	132W-120-030	REP-P	01-04-004
132W-112-100	NEW	01-12-015	132W-116-050	REP	01-07-059	132W-120-030	REP	01-07-059
132W-112-110	NEW-P	01-07-058	132W-116-065	REP-P	01-04-004	132W-120-040	REP-P	01-04-004
132W-112-110	NEW	01-12-015	132W-116-065	REP	01-07-059	132W-120-040	REP	01-07-059
132W-112-120	NEW-P	01-07-058	132W-117-010	NEW-P	01-07-058	132W-120-050	REP-P	01-04-004
132W-112-120	NEW	01-12-015	132W-117-010	NEW	01-12-015	132W-120-050	REP	01-07-059
132W-112-130	NEW-P	01-07-058	132W-117-020	NEW-P	01-07-058	132W-120-060	REP-P	01-04-004
132W-112-130	NEW	01-12-015	132W-117-020	NEW	01-12-015	132W-120-060	REP	01-07-059
132W-112-140	NEW-P	01-07-058	132W-117-030	NEW-P	01-07-058	132W-120-070	REP-P	01-04-004
132W-112-140	NEW	01-12-015	132W-117-030	NEW	01-12-015	132W-120-070	REP	01-07-059
132W-115	PREP	01-03-103	132W-117-040	NEW-P	01-07-058	132W-120-100	REP-P	01-04-004
132W-115-010	NEW-P	01-07-058	132W-117-040	NEW	01-12-015	132W-120-100	REP	01-07-059
132W-115-010	NEW	01-12-015	132W-117-050	NEW-P	01-07-058	132W-120-130	REP-P	01-04-004
132W-115-020	NEW-P	01-07-058	132W-117-050	NEW	01-12-015	132W-120-130	REP	01-07-059
132W-115-020	NEW	01-12-015	132W-117-060	NEW-P	01-07-058	132W-120-300	REP-P	01-04-004

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132W-120-300	REP	01-07-059	132W-164-010	REP-P	01-10-016	132W-277-130	NEW-P	01-07-058
132W-120-310	REP-P	01-04-004	132W-164-010	REP	01-13-073	132W-277-130	NEW	01-12-015
132W-120-310	REP	01-07-059	132W-164-011	REP-P	01-10-016	132W-277-140	NEW-P	01-07-058
132W-120-320	REP-P	01-04-004	132W-164-011	REP	01-13-073	132W-277-140	NEW	01-12-015
132W-120-320	REP	01-07-059	132W-164-012	REP-P	01-10-016	132W-300	PREP	01-06-056
132W-120-330	REP-P	01-04-004	132W-164-012	REP	01-13-073	132W-300-001	NEW-P	01-10-015
132W-120-330	REP	01-07-059	132W-164-013	REP-P	01-10-016	132W-300-001	NEW	01-14-016
132W-120-400	REP-P	01-04-004	132W-164-013	REP	01-13-073	132W-300-010	NEW-P	01-10-015
132W-120-400	REP	01-07-059	132W-164-020	REP-P	01-10-016	132W-300-010	NEW	01-14-016
132W-125-010	NEW-P	01-07-058	132W-164-020	REP	01-13-073	132W-300-020	NEW-P	01-10-015
132W-125-010	NEW	01-12-015	132W-168	PREP	01-06-010	132W-300-020	NEW	01-14-016
132W-125-020	NEW-P	01-07-058	132W-168-010	NEW-P	01-10-015	132W-300-030	NEW-P	01-10-015
132W-125-020	NEW	01-12-015	132W-168-010	NEW	01-14-016	132W-300-030	NEW	01-14-016
132W-125-030	NEW-P	01-07-058	132W-168-020	NEW-P	01-10-015	132W-300-040	NEW-P	01-10-015
132W-125-030	NEW	01-12-015	132W-168-020	NEW	01-14-016	132W-300-040	NEW	01-14-016
132W-129	PREP	01-06-011	132W-168-030	NEW-P	01-10-015	132W-300-050	NEW-P	01-10-015
132W-129-001	REP-P	01-10-016	132W-168-030	NEW	01-14-016	132W-300-050	NEW	01-14-016
132W-129-001	REP	01-13-073	132W-168-040	NEW-P	01-10-015	132W-300-060	NEW-P	01-10-015
132W-130	PREP	01-06-010	132W-168-040	NEW	01-14-016	132W-300-060	NEW	01-14-016
132W-131-010	NEW-P	01-10-015	132W-276	PREP	01-03-103	132W-325	PREP	01-03-103
132W-131-010	NEW	01-14-016	132W-276-001	REP-P	01-04-004	132W-325-010	NEW-P	01-07-058
132W-131-020	NEW-P	01-10-015	132W-276-001	REP	01-07-059	132W-325-010	NEW	01-12-015
132W-131-020	NEW	01-14-016	132W-276-005	REP-P	01-04-004	136-130-030	AMD	01-05-009
132W-131-030	NEW-P	01-10-015	132W-276-005	REP	01-07-059	136-130-040	AMD-P	01-06-017
132W-131-030	NEW	01-14-016	132W-276-010	REP-P	01-04-004	136-130-040	AMD	01-09-077
132W-134	PREP	01-06-010	132W-276-010	REP	01-07-059	136-130-050	AMD	01-05-009
132W-134-010	NEW-P	01-10-015	132W-276-060	REP-P	01-04-004	136-130-060	AMD	01-05-009
132W-134-010	NEW	01-14-016	132W-276-060	REP	01-07-059	136-130-070	AMD	01-05-009
132W-135-010	REP-P	01-04-004	132W-276-070	REP-P	01-04-004	136-150-020	AMD-P	01-12-051
132W-135-010	REP	01-07-059	132W-276-070	REP	01-07-059	136-150-022	AMD-P	01-12-051
132W-140	PREP	01-06-010	132W-276-080	REP-P	01-04-004	136-150-023	AMD-P	01-12-051
132W-140	PREP	01-06-011	132W-276-080	REP	01-07-059	136-150-024	AMD-P	01-12-051
132W-140-010	REP-P	01-10-016	132W-276-090	REP-P	01-04-004	136-150-030	AMD-P	01-12-051
132W-140-010	REP	01-13-073	132W-276-090	REP	01-07-059	136-150-040	AMD-P	01-12-051
132W-140-011	REP-P	01-10-016	132W-276-100	REP-P	01-04-004	136-161-020	AMD	01-05-009
132W-140-011	REP	01-13-073	132W-276-100	REP	01-07-059	136-161-030	AMD	01-05-009
132W-140-012	REP-P	01-10-016	132W-276-110	REP-P	01-04-004	136-161-040	AMD	01-05-009
132W-140-012	REP	01-13-073	132W-276-110	REP	01-07-059	136-161-050	AMD	01-05-009
132W-140-013	REP-P	01-10-016	132W-277-010	NEW-P	01-07-058	136-161-070	AMD	01-05-009
132W-140-013	REP	01-13-073	132W-277-010	NEW	01-12-015	136-163-050	AMD	01-05-009
132W-141-010	NEW-P	01-10-015	132W-277-020	NEW-P	01-07-058	136-167-040	AMD-P	01-06-017
132W-141-010	NEW	01-14-016	132W-277-020	NEW	01-12-015	136-167-040	AMD	01-09-077
132W-141-020	NEW-P	01-10-015	132W-277-030	NEW-P	01-07-058	136-170-030	AMD	01-05-008
132W-141-020	NEW	01-14-016	132W-277-030	NEW	01-12-015	136-210-020	AMD-P	01-12-051
132W-141-030	NEW-P	01-10-015	132W-277-040	NEW-P	01-07-058	136-210-030	AMD	01-05-009
132W-141-030	NEW	01-14-016	132W-277-040	NEW	01-12-015	136-210-040	AMD	01-05-009
132W-141-040	NEW-P	01-10-015	132W-277-050	NEW-P	01-07-058	136-210-050	AMD	01-05-009
132W-141-040	NEW	01-14-016	132W-277-050	NEW	01-12-015	137-04-010	AMD	01-03-079
132W-141-050	NEW-P	01-10-015	132W-277-060	NEW-P	01-07-058	137-04-020	AMD	01-03-079
132W-141-050	NEW	01-14-016	132W-277-060	NEW	01-12-015	137-52-010	AMD	01-04-001
132W-141-060	NEW-P	01-10-015	132W-277-070	NEW-P	01-07-058	137-104-010	NEW	01-04-044
132W-141-060	NEW	01-14-016	132W-277-070	NEW	01-12-015	137-104-020	NEW	01-04-044
132W-141-070	NEW-P	01-10-015	132W-277-080	NEW-P	01-07-058	137-104-030	NEW	01-04-044
132W-141-070	NEW	01-14-016	132W-277-080	NEW	01-12-015	137-104-040	NEW	01-04-044
132W-141-080	NEW-P	01-10-015	132W-277-090	NEW-P	01-07-058	137-104-050	NEW	01-04-044
132W-141-080	NEW	01-14-016	132W-277-090	NEW	01-12-015	137-104-060	NEW	01-04-044
132W-141-090	NEW-P	01-10-015	132W-277-100	NEW-P	01-07-058	137-104-070	NEW	01-04-044
132W-141-090	NEW	01-14-016	132W-277-100	NEW	01-12-015	139-05	PREP	01-08-033
132W-149	PREP	01-06-011	132W-277-110	NEW-P	01-07-058	142-30-010	AMD-P	01-12-058
132W-149-010	REP-P	01-10-016	132W-277-110	NEW	01-12-015	148-120-100	AMD-P	01-12-062
132W-149-010	REP	01-13-073	132W-277-120	NEW-P	01-07-058	148-120-100	AMD-S	01-16-099
132W-164	PREP	01-06-011	132W-277-120	NEW	01-12-015			

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
148-120-200	AMD-P	01-12-062	148-171-210	AMD-P	01-12-061	173-167-030	NEW-E	01-10-004
148-120-200	AMD	01-16-100	148-171-210	AMD	01-16-101	173-167-030	REP-E	01-12-067
148-120-220	AMD-P	01-12-062	148-171-220	AMD-P	01-12-061	173-167-035	NEW-E	01-12-068
148-120-220	AMD	01-16-100	148-171-220	AMD	01-16-101	173-167-040	NEW-E	01-10-004
148-120-225	AMD-P	01-12-062	148-171-230	AMD-P	01-12-061	173-167-040	REP-E	01-12-067
148-120-225	AMD	01-16-100	148-171-230	AMD	01-16-101	173-167-045	NEW-E	01-12-068
148-120-230	AMD-P	01-12-062	148-171-240	AMD-P	01-12-061	173-167-050	NEW-E	01-10-004
148-120-230	AMD	01-16-100	148-171-240	AMD	01-16-101	173-167-050	REP-E	01-12-067
148-120-234	AMD-P	01-12-062	148-171-242	NEW-P	01-12-061	173-167-055	NEW-E	01-12-068
148-120-234	AMD	01-16-100	148-171-242	NEW	01-16-101	173-167-060	NEW-E	01-10-004
148-120-236	AMD-P	01-12-062	148-171-244	NEW-P	01-12-061	173-167-060	REP-E	01-12-067
148-120-236	AMD	01-16-100	148-171-244	NEW	01-16-101	173-167-065	NEW-E	01-12-068
148-120-300	NEW-P	01-12-062	148-171-400	REP-P	01-12-061	173-167-070	NEW-E	01-10-004
148-120-300	NEW	01-16-100	148-171-400	REP	01-16-101	173-167-070	REP-E	01-12-067
148-120-301	NEW-P	01-12-062	148-171-410	AMD-P	01-12-061	173-167-075	NEW-E	01-12-068
148-120-301	NEW	01-16-100	148-171-410	AMD	01-16-101	173-167-080	NEW-E	01-10-004
148-120-302	NEW-P	01-12-062	148-171-420	REP-P	01-12-061	173-167-080	REP-E	01-12-067
148-120-302	NEW	01-16-100	148-171-420	REP	01-16-101	173-167-085	NEW-E	01-12-068
148-120-303	NEW-P	01-12-062	148-171-430	REP-P	01-12-061	173-167-090	NEW-E	01-10-004
148-120-303	NEW	01-16-100	148-171-430	REP	01-16-101	173-167-090	REP-E	01-12-067
148-120-304	NEW-P	01-12-062	148-171-500	AMD-P	01-12-061	173-167-095	NEW-E	01-12-068
148-120-304	NEW	01-16-100	148-171-500	AMD	01-16-101	173-173-010	NEW-P	01-16-131
148-120-305	NEW-P	01-12-062	148-171-510	AMD-P	01-12-061	173-173-020	NEW-P	01-16-131
148-120-305	NEW	01-16-100	148-171-510	AMD	01-16-101	173-173-030	NEW-P	01-16-131
148-120-306	NEW-P	01-12-062	148-171-512	NEW-P	01-12-061	173-173-040	NEW-P	01-16-131
148-120-306	NEW	01-16-100	148-171-512	NEW	01-16-101	173-173-050	NEW-P	01-16-131
148-120-307	NEW-P	01-12-062	148-171-514	NEW-P	01-12-061	173-173-060	NEW-P	01-16-131
148-120-307	NEW	01-16-100	148-171-514	NEW	01-16-101	173-173-070	NEW-P	01-16-131
148-120-308	NEW-P	01-12-062	148-171-550	NEW-P	01-12-061	173-173-080	NEW-P	01-16-131
148-120-308	NEW	01-16-100	148-171-550	NEW	01-16-101	173-173-090	NEW-P	01-16-131
148-120-309	NEW-P	01-12-062	148-171-600	REP-P	01-12-061	173-173-100	NEW-P	01-16-131
148-120-309	NEW	01-16-100	148-171-600	REP	01-16-101	173-173-110	NEW-P	01-16-131
148-120-310	NEW-P	01-12-062	148-171-601	NEW-P	01-12-061	173-173-120	NEW-P	01-16-131
148-120-310	NEW	01-16-100	148-171-601	NEW	01-16-101	173-173-130	NEW-P	01-16-131
148-120-311	NEW-P	01-12-062	148-171-605	NEW-P	01-12-061	173-173-140	NEW-P	01-16-131
148-120-311	NEW	01-16-100	148-171-605	NEW	01-16-101	173-173-150	NEW-P	01-16-131
148-120-312	NEW-P	01-12-062	148-171-610	REP-P	01-12-061	173-173-160	NEW-P	01-16-131
148-120-312	NEW	01-16-100	148-171-610	REP	01-16-101	173-173-170	NEW-P	01-16-131
148-120-313	NEW-P	01-12-062	148-171-620	REP-P	01-12-061	173-173-180	NEW-P	01-16-131
148-120-313	NEW	01-16-100	148-171-620	REP	01-16-101	173-173-190	NEW-P	01-16-131
148-120-314	NEW-P	01-12-062	148-171-630	REP-P	01-12-061	173-173-200	NEW-P	01-16-131
148-120-314	NEW	01-16-100	148-171-630	REP	01-16-101	173-173-210	NEW-P	01-16-131
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148-171-010	AMD	01-16-101	148-171-650	AMD	01-16-101	173-321-020	AMD	01-05-024
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148-171-110	AMD	01-16-101	173-09-020	REP	01-05-035	173-321-070	AMD	01-05-024
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148-171-120	AMD	01-16-101	173-09-040	REP	01-05-035	173-322	AMD	01-05-024
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173-340-390	NEW	01-05-024	173-400-136	AMD-P	01-04-072	175- 20-010	REP	01-13-074
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173-340-410	AMD	01-05-024	173-400-151	AMD-P	01-04-072	175- 20-020	REP	01-13-074
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173-340-710	AMD	01-05-024	175- 08-010	REP-XR	01-10-111	175- 20-130	REP-XR	01-10-111
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173-340-745	AMD	01-05-024	175- 12-005	REP-XR	01-10-111	175- 20-145	REP-XR	01-10-111
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173-340-7490	NEW	01-05-024	175- 12-010	REP-XR	01-10-111	175- 20-150	REP-XR	01-10-111
173-340-7491	NEW	01-05-024	175- 12-010	REP	01-13-074	175- 20-150	REP	01-13-074
173-340-7492	NEW	01-05-024	175- 12-015	REP-XR	01-10-111	175- 20-155	REP-XR	01-10-111
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180- 26-050	AMD-P	01-15-097	180- 57	PREP	01-15-100	180- 79A-265	REP-E	01-08-041
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183-04-080	NEW	01-12-002	192-270-035	NEW	01-11-085	208-418-020	AMD	01-12-004
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183-04-090	NEW	01-12-002	192-270-040	NEW-P	01-05-118	208-418-040	AMD	01-12-004
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183-06-030	NEW	01-12-002	192-270-055	NEW	01-11-085	208-418-100	NEW	01-12-004
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192-16-011	REP-P	01-05-118	192-270-060	NEW-P	01-05-118	208-460-010	NEW	01-10-084
192-16-011	REP	01-11-085	192-270-060	NEW	01-11-085	208-460-020	NEW-P	01-05-072
192-16-017	REP-E	01-05-071	192-270-065	NEW-E	01-05-071	208-460-020	NEW	01-10-084
192-16-017	REP-P	01-05-118	192-270-065	NEW-P	01-05-118	208-460-030	NEW-P	01-05-072
192-16-017	REP	01-11-085	192-270-065	NEW	01-11-085	208-460-030	NEW	01-10-084
192-16-021	REP-P	01-05-117	192-270-070	NEW-E	01-05-071	208-460-040	NEW-P	01-05-072
192-16-061	REP	01-03-009	192-270-070	NEW-P	01-05-118	208-460-040	NEW	01-10-084
192-16-070	REP-P	01-04-082	192-270-070	NEW	01-11-085	208-460-050	NEW-P	01-05-072
192-16-070	REP	01-12-009	192-320-075	NEW-P	01-05-117	208-460-050	NEW	01-10-084
192-150-050	NEW-E	01-05-071	196-12-030	AMD-P	01-04-094	208-460-060	NEW-P	01-05-072
192-150-050	NEW-P	01-05-118	196-12-030	AMD	01-09-016	208-460-060	NEW	01-10-084
192-150-050	NEW	01-11-085	196-12-035	NEW-P	01-04-094	208-460-070	NEW-P	01-05-072
192-150-060	NEW-P	01-05-117	196-12-035	NEW	01-09-016	208-460-070	NEW	01-10-084
192-150-065	NEW-E	01-05-071	196-23-070	NEW-P	01-04-050	208-460-080	NEW-P	01-05-072
192-150-065	NEW-P	01-05-118	196-23-070	NEW	01-09-017	208-460-080	NEW	01-10-084
192-150-065	NEW	01-11-085	196-33-100	NEW-P	01-05-033	208-460-090	NEW-P	01-05-072
192-150-085	NEW-E	01-05-071	196-33-100	NEW	01-11-102	208-460-090	NEW	01-10-084
192-150-085	NEW-P	01-05-118	196-33-200	NEW-P	01-05-033	208-460-100	NEW-P	01-05-072
192-150-085	NEW	01-11-085	196-33-200	NEW	01-11-102	208-460-100	NEW	01-10-084
192-150-100	NEW-P	01-04-082	196-33-300	NEW-P	01-05-033	208-460-100	NEW-P	01-05-072
192-150-100	NEW	01-12-009	196-33-300	NEW	01-11-102	208-460-110	NEW-P	01-05-072
192-170-050	NEW-P	01-05-117	196-33-400	NEW-P	01-05-033	208-460-110	NEW	01-10-084
192-180-012	NEW-P	01-05-117	196-33-400	NEW	01-11-102	208-460-120	NEW-P	01-05-072
192-210-005	PREP	01-10-117	196-33-500	NEW-P	01-05-033	208-460-120	NEW	01-10-084
192-210-005	AMD-E	01-12-010	196-33-500	NEW	01-11-102	208-460-130	NEW-P	01-05-072
192-210-015	PREP	01-10-117	204-36	PREP	01-11-117	208-460-130	NEW	01-10-084
192-210-015	AMD-E	01-12-010	204-38-030	AMD-P	01-05-097	208-460-140	NEW-P	01-05-072
192-210-020	NEW-E	01-12-010	204-38-030	AMD	01-11-118	208-460-140	NEW	01-10-084
192-270-005	NEW-E	01-05-071	204-38-040	AMD-P	01-05-097	208-460-150	NEW-P	01-05-072
192-270-005	NEW-P	01-05-118	204-38-040	AMD	01-11-118	208-460-150	NEW	01-10-084
192-270-005	NEW	01-11-085	204-38-050	AMD-P	01-05-097	208-460-160	NEW-P	01-05-072
192-270-010	NEW-E	01-05-071	204-38-050	AMD	01-11-118	208-460-160	NEW	01-10-084
192-270-010	NEW-P	01-05-118	204-38-050	AMD	01-11-118	208-460-170	NEW-P	01-05-072
192-270-010	NEW	01-11-085	204-82A-060	PREP	01-13-051	208-460-170	NEW	01-10-084
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208-512-280	AMD	01-06-024	208-680B-050	AMD	01-08-055	220- 24-02000Q	REP-E	01-10-058
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208-514-140	AMD	01-06-024	208-680B-081	NEW-P	01-07-083	220- 24-02000R	REP-E	01-13-050
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208-528-040	AMD	01-06-024	208-680B-082	NEW-P	01-07-083	220- 24-02000S	REP-E	01-15-018
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208-532-050	AMD	01-06-024	208-680B-090	AMD	01-08-055	220- 24-02000T	REP-E	01-16-013
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208-544-037	REP-P	01-07-081	208-680C-040	AMD	01-08-055	220- 32-05000D	REP-E	01-16-092
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208-544-039	AMD-P	01-03-107	208-680C-050	AMD	01-08-055	220- 32-05100A	REP-E	01-12-006
208-544-039	AMD	01-06-024	208-680D-010	AMD	01-08-055	220- 32-05100B	NEW-E	01-12-006
208-544-039	AMD-P	01-07-081	208-680D-020	AMD	01-08-055	220- 32-05100B	REP-E	01-12-006
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208-544-050	REP-P	01-07-081	208-680D-040	AMD	01-08-055	220- 32-05100C	REP-E	01-14-014
208-544-050	REP	01-12-003	208-680D-050	AMD	01-08-055	220- 32-05100D	NEW-E	01-14-030
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208-586-135	AMD	01-06-024	208-680E-011	AMD-W	01-08-067	220- 32-05100	REP-E	01-04-042
208-586-135	REP-P	01-07-081	208-680F-010	AMD	01-08-055	220- 32-05100	REP-E	01-07-023
208-586-135	REP	01-12-003	208-680F-020	AMD	01-08-055	220- 32-05100X	NEW-E	01-09-067
208-586-140	AMD-P	01-03-107	208-680F-040	AMD	01-08-055	220- 32-05100X	REP-E	01-09-067
208-586-140	AMD	01-06-024	208-680F-060	AMD	01-08-055	220- 32-05100Y	NEW-E	01-10-022
208-586-140	AMD-P	01-07-081	208-680F-070	AMD	01-08-055	220- 32-05100Y	REP-E	01-10-022
208-586-140	AMD	01-12-003	208-680G-010	NEW	01-08-055	220- 32-05100Y	REP-E	01-11-002
208-586-150	NEW-P	01-07-081	208-680G-020	NEW	01-08-055	220- 32-05100Z	NEW-E	01-11-002
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208-620-190	AMD	01-12-029	208-680G-040	NEW	01-08-055	220- 32-05700I	NEW-E	01-12-024
208-620-191	NEW-P	01-07-083	208-680G-050	NEW	01-08-055	220- 32-05700I	REP-E	01-12-024
208-620-191	NEW	01-12-029	210- 03-010	NEW-P	01-06-060	220- 32-05700I	REP-E	01-16-083
208-620-192	NEW-P	01-07-083	210- 03-010	NEW	01-11-062	220- 32-05700J	NEW-E	01-16-083
208-620-192	NEW	01-12-029	210- 03-020	NEW-P	01-06-060	220- 32-05700J	REP-E	01-16-083
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220-33-01000	REP-E	01-16-082	220-52-04000X	NEW-E	01-04-076	220-56-105	AMD	01-14-001
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220-33-04000L	REP-E	01-07-005	220-52-046	AMD	01-11-009	220-56-12400G	NEW-E	01-10-038
220-33-04000L	REP-E	01-07-047	220-52-04600I	REP-E	01-04-030	220-56-126	AMD	01-06-036
220-33-04000	NEW-E	01-07-047	220-52-04600K	NEW-E	01-04-030	220-56-145	AMD	01-06-036
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220-36-021	AMD	01-13-055	220-52-04600N	REP-E	01-12-064	220-56-195	AMD	01-14-001
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220-40-021	AMD	01-13-055	220-52-051	AMD	01-03-016	220-56-23500K	NEW-E	01-07-009
220-40-027	AMD-P	01-10-116	220-52-05100K	NEW-E	01-09-054	220-56-240	AMD	01-06-036
220-40-027	AMD	01-13-055	220-52-05100K	REP-E	01-10-040	220-56-24000E	NEW-E	01-03-044
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220- 56-32500P	NEW-E	01-14-013	220- 88C-020	NEW	01-07-016	222- 12-045	AMD	01-12-042
220- 56-32500P	REP-E	01-16-093	220- 88C-030	NEW-S	01-02-082	222- 12-046	AMD-C	01-07-117
220- 56-32500Q	NEW-E	01-16-093	220- 88C-030	NEW	01-07-016	222- 12-046	AMD	01-12-042
220- 56-330	AMD	01-06-036	220- 88C-040	NEW-S	01-02-082	222- 12-050	AMD-C	01-07-117
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220- 56-33000K	NEW-E	01-08-072	220- 88C-050	NEW-S	01-02-082	222- 12-070	AMD-C	01-07-117
220- 56-33000K	REP-E	01-10-006	220- 88C-050	NEW	01-07-016	222- 12-070	AMD	01-12-042
220- 56-33000L	NEW-E	01-10-006	220- 95-013	AMD-P	01-05-120	222- 12-090	AMD-C	01-07-117
220- 56-33000L	REP-E	01-11-094	220- 95-013	AMD	01-10-031	222- 12-090	AMD	01-12-042
220- 56-33000	NEW-E	01-11-094	220- 95-018	AMD-P	01-05-120	222- 16-010	AMD-C	01-07-117
220- 56-33000	REP-E	01-12-027	220- 95-018	AMD	01-10-031	222- 16-010	AMD	01-12-042
220- 56-33000N	NEW-E	01-12-027	220- 95-01800B	NEW-E	01-10-032	222- 16-030	AMD-C	01-07-117
220- 56-33000N	REP-E	01-12-065	220- 95-022	AMD-P	01-05-120	222- 16-030	AMD	01-12-042
220- 56-33000P	NEW-E	01-12-065	220- 95-022	AMD	01-10-031	222- 16-031	NEW-C	01-07-117
220- 56-33000P	REP-E	01-13-007	220- 95-02200C	NEW-E	01-10-032	222- 16-031	NEW	01-12-042
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220- 56-33000S	NEW-E	01-14-002	220- 95-034	NEW-P	01-05-120	222- 16-050	AMD-C	01-07-117
220- 56-33000S	REP-E	01-14-028	220-130-040	AMD-P	01-13-083	222- 16-050	AMD	01-12-042
220- 56-33000S	REP-E	01-14-050	220-140-020	AMD-P	01-13-083	222- 16-051	NEW	01-12-042
220- 56-33000T	NEW-E	01-14-028	222- 08-020	AMD-C	01-07-117	222- 16-070	AMD-C	01-07-117
220- 56-33000T	REP-E	01-14-050	222- 08-020	AMD	01-12-042	222- 16-070	AMD	01-12-042
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220- 56-350	AMD	01-06-036	222- 08-030	AMD	01-12-042	222- 16-080	AMD	01-12-042
220- 56-35000H	REP-E	01-06-035	222- 08-035	AMD-C	01-07-117	222- 16-100	AMD-C	01-07-117
220- 56-35000I	NEW-E	01-06-035	222- 08-035	AMD	01-12-042	222- 16-100	AMD	01-12-042
220- 56-36000G	NEW-E	01-04-046	222- 10-010	AMD-C	01-07-117	222- 16-105	AMD-C	01-07-117
220- 56-36000G	REP-E	01-04-046	222- 10-010	AMD	01-12-042	222- 16-105	AMD	01-12-042
220- 56-36000H	NEW-E	01-10-041	222- 10-020	NEW-W	01-09-071	222- 20-010	AMD-C	01-07-117
220- 56-36000H	REP-E	01-10-041	222- 10-030	NEW-C	01-07-117	222- 20-010	AMD	01-12-042
220- 56-36000I	NEW-E	01-11-036	222- 10-030	NEW	01-12-042	222- 20-015	NEW-C	01-07-117
220- 56-36000I	REP-E	01-11-036	222- 10-035	NEW-C	01-07-117	222- 20-015	NEW	01-12-042
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220- 56-36000J	REP-E	01-11-131	222- 10-041	AMD-C	01-07-117	222- 20-020	AMD	01-12-042
220- 56-380	AMD	01-06-036	222- 10-041	AMD	01-12-042	222- 20-040	AMD-C	01-07-117
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220- 56-38000A	REP-E	01-06-035	222- 10-125	NEW	01-12-042	222- 20-050	AMD-C	01-07-117
220- 56-38000A	REP-E	01-07-006	222- 12-010	AMD-C	01-07-117	222- 20-050	AMD	01-12-042
220- 56-38000B	NEW-E	01-07-006	222- 12-010	AMD	01-12-042	222- 20-055	NEW-C	01-07-117
220- 56-38000B	REP-E	01-14-028	222- 12-020	AMD-C	01-07-117	222- 20-055	NEW	01-12-042
220- 56-38000Z	REP-E	01-07-006	222- 12-020	AMD	01-12-042	222- 20-070	AMD-C	01-07-117
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220- 69-240	AMD-P	01-02-086	222- 12-030	AMD	01-12-042	222- 20-080	AMD-C	01-07-117
220- 69-240	AMD	01-07-015	222- 12-040	AMD-C	01-07-117	222- 20-080	AMD	01-12-042
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220- 69-24000U	REP-E	01-10-040	222- 12-0401	NEW	01-12-042	222- 21-005	NEW-C	01-07-117
220- 69-24000V	NEW-E	01-10-040	222- 12-0402	NEW-C	01-07-117	222- 21-005	NEW	01-12-042
220- 77-010	AMD-W	01-15-061	222- 12-0402	NEW	01-12-042	222- 21-010	NEW-C	01-07-117
220- 77-020	AMD-W	01-15-061	222- 12-0402	NEW	01-12-042	222- 21-010	NEW	01-12-042
220- 77-030	AMD-W	01-15-061	222- 12-0403	NEW-C	01-07-117	222- 21-020	NEW-C	01-07-117
220- 77-070	AMD-W	01-15-061	222- 12-0403	NEW	01-12-042	222- 21-020	NEW	01-12-042
220- 77-080	AMD-W	01-15-061	222- 12-0403	NEW	01-12-042	222- 21-030	NEW-C	01-07-117
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222- 21-050	NEW	01-12-042	222- 30-010	AMD-C	01-07-117	222- 50-060	AMD	01-12-042
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222- 21-070	NEW	01-12-042	222- 30-022	NEW-C	01-07-117	230- 02-366	REP	01-05-020
222- 21-080	NEW-C	01-07-117	222- 30-022	NEW	01-12-042	230- 02-530	REP	01-05-020
222- 21-080	NEW	01-12-042	222- 30-023	NEW-C	01-07-117	230- 02-535	REP	01-05-020
222- 21-090	NEW-C	01-07-117	222- 30-023	NEW	01-12-042	230- 02-540	REP	01-05-020
222- 21-090	NEW	01-12-042	222- 30-025	AMD-C	01-07-117	230- 04-140	AMD	01-05-021
222- 22-010	AMD-W	01-09-071	222- 30-025	AMD	01-12-042	230- 04-142	AMD	01-05-021
222- 22-030	AMD-W	01-09-071	222- 30-030	REP-C	01-07-117	230- 04-190	AMD-P	01-07-091
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222- 22-040	AMD-W	01-09-071	222- 30-040	AMD-C	01-07-117	230- 04-202	AMD	01-05-019
222- 22-050	AMD-W	01-09-071	222- 30-040	AMD	01-12-042	230- 04-202	AMD-W	01-09-072
222- 22-060	AMD-W	01-09-071	222- 30-045	NEW-C	01-07-117	230- 04-202	AMD-P	01-13-090
222- 22-065	NEW-W	01-09-071	222- 30-045	NEW	01-12-042	230- 04-203	AMD	01-05-019
222- 22-070	AMD-C	01-07-117	222- 30-050	AMD-C	01-07-117	230- 04-204	AMD	01-05-019
222- 22-070	AMD	01-12-042	222- 30-050	AMD	01-12-042	230- 04-260	AMD	01-05-020
222- 22-075	NEW-C	01-07-117	222- 30-060	AMD-C	01-07-117	230- 08-027	AMD-P	01-10-122
222- 22-075	NEW	01-12-042	222- 30-060	AMD	01-12-042	230- 08-027	DECOD-P	01-10-122
222- 22-076	NEW-C	01-07-117	222- 30-070	AMD-C	01-07-117	230- 08-027	AMD	01-13-091
222- 22-076	NEW	01-12-042	222- 30-070	AMD	01-12-042	230- 08-027	DECOD	01-13-091
222- 22-080	AMD-C	01-07-117	222- 30-100	AMD-C	01-07-117	230- 08-090	AMD-P	01-10-122
222- 22-080	AMD	01-12-042	222- 30-100	AMD	01-12-042	230- 08-090	DECOD-P	01-10-122
222- 22-090	AMD-C	01-07-117	222- 30-110	AMD-C	01-07-117	230- 08-090	AMD	01-13-091
222- 22-090	AMD	01-12-042	222- 30-110	AMD	01-12-042	230- 08-090	DECOD	01-13-091
222- 22-100	AMD-C	01-07-117	222- 34-040	AMD-C	01-07-117	230- 12-072	AMD-P	01-10-122
222- 22-100	AMD	01-12-042	222- 34-040	AMD	01-12-042	230- 12-072	DECOD-P	01-10-122
222- 23-010	NEW-C	01-07-117	222- 38-010	AMD-C	01-07-117	230- 12-072	AMD	01-13-091
222- 23-010	NEW	01-12-042	222- 38-010	AMD	01-12-042	230- 12-072	DECOD	01-13-091
222- 23-020	NEW-C	01-07-117	222- 38-020	AMD-C	01-07-117	230- 12-073	AMD-P	01-10-122
222- 23-020	NEW	01-12-042	222- 38-020	AMD	01-12-042	230- 12-073	DECOD-P	01-10-122
222- 23-025	NEW-C	01-07-117	222- 38-030	AMD-C	01-07-117	230- 12-073	AMD	01-13-091
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222- 23-030	NEW-C	01-07-117	222- 38-040	AMD-C	01-07-117	230- 20-036	NEW-W	01-14-072
222- 23-030	NEW	01-12-042	222- 38-040	AMD	01-12-042	230- 20-058	REP	01-05-020
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222- 24-010	AMD	01-12-042	222- 46-012	NEW	01-12-042	230- 20-060	REP	01-05-020
222- 24-015	NEW-C	01-07-117	222- 46-030	AMD-C	01-07-117	230- 20-062	REP	01-05-020
222- 24-015	NEW	01-12-042	222- 46-030	AMD	01-12-042	230- 20-125	AMD-P	01-10-120
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222- 24-020	AMD	01-12-042	222- 46-040	AMD	01-12-042	230- 30-033	NEW	01-05-018
222- 24-025	REP-C	01-07-117	222- 46-060	AMD-C	01-07-117	230- 30-034	NEW	01-05-018
222- 24-025	REP	01-12-042	222- 46-060	AMD	01-12-042	230- 30-052	AMD	01-05-020
222- 24-026	NEW-C	01-07-117	222- 46-065	AMD-W	01-09-071	230- 30-106	AMD-P	01-10-120
222- 24-026	NEW	01-12-042	222- 46-070	AMD-C	01-07-117	230- 30-106	AMD	01-13-089
222- 24-030	AMD-C	01-07-117	222- 46-070	AMD	01-12-042	230- 40-010	AMD-P	01-07-092
222- 24-030	AMD	01-12-042	222- 46-090	NEW-C	01-07-117	230- 40-010	AMD	01-15-054
222- 24-035	AMD-C	01-07-117	222- 46-090	NEW	01-12-042	230- 40-050	AMD-P	01-10-122
222- 24-035	AMD	01-12-042	222- 50-010	AMD-C	01-07-117	230- 40-050	AMD	01-13-091
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222- 24-051	NEW-C	01-07-117	222- 50-030	AMD	01-12-042	230- 40-070	AMD-P	01-07-092
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230- 40-500	AMD-P	01-10-122	232- 12-141	AMD	01-10-048	232- 28-515	AMD-P	01-05-135
230- 40-500	AMD	01-13-091	232- 12-142	NEW-P	01-05-111	232- 28-515	AMD	01-10-048
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230- 40-505	NEW	01-13-091	232- 12-243	NEW-P	01-13-093	232- 28-619	AMD-P	01-10-109
230- 40-608	RECOD-P	01-10-122	232- 12-24800A	NEW-E	01-07-020	232- 28-619	AMD	01-14-001
230- 40-608	RECOD	01-13-091	232- 12-257	AMD-P	01-13-120	232- 28-61900A	NEW-E	01-10-023
230- 40-610	AMD-P	01-10-122	232- 12-271	AMD-P	01-05-144	232- 28-61900A	REP-E	01-10-023
230- 40-610	AMD	01-13-091	232- 12-271	AMD	01-10-048	232- 28-61900B	NEW-E	01-10-046
230- 40-625	NEW-P	01-10-122	232- 12-619	AMD-W	01-11-074	232- 28-61900B	REP-E	01-10-046
230- 40-625	NEW	01-13-091	232- 28-02203	AMD	01-04-037	232- 28-61900C	NEW-E	01-10-057
230- 40-630	NEW-P	01-10-122	232- 28-02203	AMD-P	01-05-136	232- 28-61900C	REP-E	01-10-057
230- 40-630	NEW	01-13-091	232- 28-02203	AMD	01-10-048	232- 28-61900D	NEW-E	01-11-017
230- 40-803	AMD-P	01-10-122	232- 28-02204	AMD	01-04-037	232- 28-61900D	REP-E	01-11-017
230- 40-803	AMD	01-15-053	232- 28-02205	AMD-P	01-05-136	232- 28-61900E	NEW-E	01-11-066
230- 40-805	AMD-P	01-10-122	232- 28-02205	AMD	01-10-048	232- 28-61900E	REP-E	01-11-066
230- 40-805	AMD	01-13-091	232- 28-02206	AMD	01-04-037	232- 28-61900F	NEW-E	01-11-065
230- 40-808	RECOD-P	01-10-122	232- 28-02220	AMD-P	01-05-143	232- 28-61900F	REP-E	01-11-065
230- 40-808	RECOD	01-13-091	232- 28-02220	AMD	01-10-048	232- 28-61900G	NEW-E	01-11-057
230- 40-815	AMD-P	01-10-122	232- 28-02240	AMD-P	01-05-143	232- 28-61900G	REP-E	01-14-049
230- 40-815	AMD	01-13-091	232- 28-02240	AMD	01-10-048	232- 28-61900H	NEW-E	01-11-088
230- 40-820	REP-P	01-10-122	232- 28-248	AMD-P	01-05-142	232- 28-61900H	REP-E	01-12-025
230- 40-820	REP	01-13-091	232- 28-248	AMD	01-10-048	232- 28-61900I	NEW-E	01-12-025
230- 40-821	RECOD-P	01-10-122	232- 28-258	REP-P	01-05-140	232- 28-61900J	NEW-E	01-12-066
230- 40-821	RECOD	01-13-091	232- 28-258	REP	01-10-048	232- 28-61900J	REP-E	01-12-066
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230- 40-825	AMD	01-13-091	232- 28-260	REP-P	01-05-140	232- 28-61900L	NEW-E	01-15-032
230- 40-830	AMD-P	01-10-122	232- 28-260	REP	01-10-048	232- 28-61900L	REP-E	01-15-032
230- 40-830	AMD	01-13-091	232- 28-271	AMD	01-04-037	232- 28-61900	NEW-E	01-15-055
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230- 40-833	AMD	01-13-091	232- 28-272	AMD	01-10-048	232- 28-61900N	REP-E	01-03-061
230- 40-840	AMD-P	01-10-122	232- 28-272	AMD-P	01-13-093	232- 28-61900N	REP-E	01-05-043
230- 40-840	AMD	01-13-091	232- 28-273	AMD-P	01-05-137	232- 28-61900P	NEW-E	01-04-011
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230- 40-865	AMD	01-13-091	232- 28-274	REP-W	01-03-077	232- 28-61900Q	NEW-E	01-05-010
230- 40-870	AMD-P	01-10-122	232- 28-274	REP-P	01-05-146	232- 28-61900Q	REP-E	01-05-010
230- 40-870	AMD	01-13-091	232- 28-274	REP	01-10-048	232- 28-61900R	NEW-E	01-05-080
230- 40-875	AMD-P	01-10-122	232- 28-275	AMD	01-04-037	232- 28-61900R	REP-E	01-05-080
230- 40-875	AMD	01-13-091	232- 28-276	AMD-P	01-05-141	232- 28-61900S	NEW-E	01-06-007
230- 40-885	AMD-P	01-10-122	232- 28-276	AMD	01-10-048	232- 28-61900S	REP-E	01-06-007
230- 40-885	AMD	01-13-091	232- 28-277	AMD	01-04-037	232- 28-61900T	NEW-E	01-07-007
230- 40-895	AMD-P	01-10-122	232- 28-278	AMD-P	01-05-139	232- 28-61900T	REP-E	01-07-007
230- 40-895	AMD	01-13-091	232- 28-278	AMD	01-10-048	232- 28-61900T	REP-E	01-10-002
230- 40-897	REP-P	01-10-122	232- 28-279	AMD-P	01-05-145	232- 28-61900U	NEW-E	01-07-022
230- 50-010	AMD	01-05-020	232- 28-279	AMD	01-10-048	232- 28-61900U	REP-E	01-09-055
232- 12-001	AMD-P	01-05-135	232- 28-280	REP-P	01-05-146	232- 28-61900V	NEW-E	01-07-089
232- 12-001	AMD	01-10-048	232- 28-280	REP	01-10-048	232- 28-61900V	REP-E	01-07-089
232- 12-004	AMD-P	01-05-144	232- 28-281	REP-P	01-05-146	232- 28-61900	NEW-E	01-09-029
232- 12-004	AMD	01-10-048	232- 28-281	REP	01-10-048	232- 28-61900X	NEW-E	01-09-030
232- 12-007	AMD-P	01-05-144	232- 28-290	NEW-P	01-05-140	232- 28-61900X	REP-E	01-09-030
232- 12-007	AMD	01-10-048	232- 28-290	NEW	01-10-048	232- 28-61900X	REP-E	01-11-066
232- 12-027	AMD-P	01-05-144	232- 28-291	NEW-P	01-05-140	232- 28-61900Y	NEW-E	01-09-053
232- 12-027	AMD	01-10-048	232- 28-291	NEW	01-10-048	232- 28-61900Y	REP-E	01-09-053
232- 12-054	AMD-P	01-13-095	232- 28-292	NEW-P	01-05-140	232- 28-61900Y	REP-E	01-12-026
232- 12-068	AMD-P	01-05-138	232- 28-292	NEW	01-10-048	232- 28-61900Z	NEW-E	01-09-055
232- 12-068	AMD	01-10-048	232- 28-293	NEW-P	01-05-140	232- 28-61900Z	REP-E	01-11-088
232- 12-068	AMD-P	01-13-120	232- 28-293	NEW	01-10-048	232- 28-620	AMD-P	01-10-109
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232- 12-071	AMD	01-10-048	232- 28-299	NEW	01-10-048	232- 28-62000B	NEW-E	01-14-024
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232- 28-62100C	NEW-E	01-15-004	246-260-9901	AMD-P	01-11-158	246-310-990	AMD-P	01-11-154
232- 28-62100C	REP-E	01-15-036	246-260-9901	AMD	01-14-047	246-310-990	AMD	01-15-094
232- 28-62100D	NEW-E	01-15-036	246-282-001	AMD	01-04-054	246-314-990	PREP	01-10-123
232- 28-62100D	REP-E	01-16-118	246-282-005	AMD	01-04-054	246-320-990	PREP	01-10-124
232- 28-62100E	NEW-E	01-16-118	246-282-010	AMD	01-04-054	246-320-990	AMD-P	01-16-150
246- 08-400	AMD-P	01-12-097	246-282-012	NEW	01-04-054	246-322-990	AMD-P	01-11-156
246- 08-400	AMD	01-16-009	246-282-014	NEW	01-04-054	246-322-990	AMD	01-15-092
246-100	PREP	01-08-088	246-282-016	NEW	01-04-054	246-323-990	AMD-P	01-11-157
246-102-001	NEW	01-04-086	246-282-020	AMD	01-04-054	246-323-990	AMD	01-15-091
246-102-010	NEW	01-04-086	246-282-030	REP	01-04-054	246-324-990	AMD-P	01-11-156
246-102-020	NEW	01-04-086	246-282-032	NEW	01-04-054	246-324-990	AMD	01-15-092
246-102-030	NEW	01-04-086	246-282-034	NEW	01-04-054	246-325-990	AMD-P	01-11-157
246-102-040	NEW	01-04-086	246-282-036	NEW	01-04-054	246-325-990	AMD	01-15-091
246-102-050	NEW	01-04-086	246-282-040	REP	01-04-054	246-326-990	AMD-P	01-11-157
246-102-060	NEW	01-04-086	246-282-042	NEW	01-04-054	246-326-990	AMD	01-15-091
246-102-070	NEW	01-04-086	246-282-050	AMD	01-04-054	246-327-990	PREP	01-10-125
246-205-990	AMD-P	01-11-158	246-282-060	AMD	01-04-054	246-327-990	AMD-P	01-16-151
246-205-990	AMD	01-14-047	246-282-070	AMD	01-04-054	246-329-990	AMD-P	01-11-155
246-220-010	AMD-P	01-02-087	246-282-080	AMD	01-04-054	246-329-990	AMD	01-15-090
246-220-010	AMD	01-05-110	246-282-082	NEW	01-04-054	246-331-990	PREP	01-10-125
246-221-005	AMD-P	01-02-087	246-282-090	REP	01-04-054	246-331-990	AMD-P	01-16-151
246-221-005	AMD	01-05-110	246-282-092	NEW	01-04-054	246-336-990	PREP	01-10-125
246-221-010	AMD-P	01-02-087	246-282-100	AMD	01-04-054	246-336-990	AMD-P	01-16-151
246-221-010	AMD	01-05-110	246-282-102	NEW	01-04-054	246-336-990	AMD-P	01-11-153
246-221-015	AMD-P	01-02-087	246-282-104	NEW	01-04-054	246-360-990	AMD	01-15-093
246-221-015	AMD	01-05-110	246-282-110	AMD	01-04-054	246-430-001	REP	01-04-086
246-221-030	AMD-P	01-02-087	246-282-120	AMD	01-04-054	246-430-010	REP	01-04-086
246-221-030	AMD	01-05-110	246-282-130	AMD	01-04-054	246-430-020	REP	01-04-086
246-221-055	AMD-P	01-02-087	246-282-990	AMD	01-04-054	246-430-030	REP	01-04-086
246-221-055	AMD	01-05-110	246-282-990	AMD-P	01-11-158	246-430-040	REP	01-04-086
246-221-090	AMD-P	01-02-087	246-282-990	AMD	01-14-047	246-430-050	REP	01-04-086
246-221-090	AMD	01-05-110	246-296-010	NEW-P	01-14-092	246-430-060	REP	01-04-086
246-221-100	AMD-P	01-02-087	246-296-020	NEW-P	01-14-092	246-491	PREP	01-08-090
246-221-100	AMD	01-05-110	246-296-030	NEW-P	01-14-092	246-680	PREP	01-08-091
246-221-110	AMD-P	01-02-087	246-296-040	NEW-P	01-14-092	246-680	PREP	01-08-093
246-221-110	AMD	01-05-110	246-296-050	NEW-P	01-14-092	246-790	PREP	01-13-115
246-221-113	AMD-P	01-02-087	246-296-060	NEW-P	01-14-092	246-809-080	NEW-P	01-13-118
246-221-113	AMD	01-05-110	246-296-070	NEW-P	01-14-092	246-809-120	NEW-P	01-13-118
246-221-117	AMD-P	01-02-087	246-296-080	NEW-P	01-14-092	246-809-121	NEW-P	01-13-118
246-221-117	AMD	01-05-110	246-296-090	NEW-P	01-14-092	246-809-130	NEW-P	01-13-118
246-221-230	AMD-P	01-02-087	246-296-100	NEW-P	01-14-092	246-809-140	NEW-P	01-13-118
246-221-230	AMD	01-05-110	246-296-110	NEW-P	01-14-092	246-809-220	NEW-P	01-13-118
246-221-250	AMD-P	01-02-087	246-296-120	NEW-P	01-14-092	246-809-221	NEW-P	01-13-118
246-221-250	AMD	01-05-110	246-296-130	NEW-P	01-14-092	246-809-230	NEW-P	01-13-118
246-221-285	AMD-P	01-02-087	246-296-140	NEW-P	01-14-092	246-809-240	NEW-P	01-13-118
246-221-285	AMD	01-05-110	246-296-150	NEW-P	01-14-092	246-809-320	NEW-P	01-13-118
246-244-070	AMD-P	01-02-087	246-296-160	NEW-P	01-14-092	246-809-321	NEW-P	01-13-118
246-244-070	AMD	01-05-110	246-296-170	NEW-P	01-14-092	246-809-340	NEW-P	01-13-118
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246-254-053	AMD	01-14-048	246-305-010	NEW	01-08-023	246-817-440	NEW	01-16-007
246-254-070	AMD-P	01-11-160	246-305-020	NEW	01-08-023	246-817-990	AMD-P	01-08-086
246-254-070	AMD	01-14-046	246-305-030	NEW	01-08-023	246-817-990	AMD-C	01-09-086
246-254-080	AMD-P	01-11-160	246-305-040	NEW	01-08-023	246-817-990	AMD	01-11-166
246-254-080	AMD	01-14-046	246-305-050	NEW	01-08-023	246-836-060	REP-XR	01-10-126
246-254-090	AMD-P	01-11-160	246-305-060	NEW	01-08-023	246-836-060	REP	01-14-091
246-254-090	AMD	01-14-046	246-305-070	NEW	01-08-023	246-840-421	NEW-P	01-10-127
246-254-100	AMD-P	01-11-160	246-305-080	NEW	01-08-023	246-840-421	NEW	01-16-011
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246-840-423	NEW	01-16-011	246-928-030	REP-P	01-07-086	246-928-560	NEW-P	01-07-086
246-840-424	NEW-P	01-10-127	246-928-030	REP	01-11-165	246-928-560	NEW	01-11-165
246-840-424	NEW	01-16-011	246-928-040	REP-P	01-07-086	246-928-570	NEW-P	01-07-086
246-840-425	NEW-P	01-10-127	246-928-040	REP	01-11-165	246-928-570	NEW	01-11-165
246-840-425	NEW	01-16-011	246-928-050	REP-P	01-07-086	246-928-610	NEW-P	01-07-086
246-840-426	NEW-P	01-10-127	246-928-050	REP	01-11-165	246-928-620	NEW-P	01-07-086
246-840-426	NEW	01-16-011	246-928-060	REP-P	01-07-086	246-928-710	NEW-P	01-07-086
246-840-427	NEW-P	01-10-127	246-928-060	REP	01-11-165	246-928-710	NEW	01-11-165
246-840-427	NEW	01-16-011	246-928-080	REP-P	01-07-086	246-928-720	NEW-P	01-07-086
246-840-700	AMD-W	01-15-063	246-928-080	REP	01-11-165	246-928-720	NEW	01-11-165
246-840-705	AMD-W	01-15-063	246-928-085	REP-P	01-07-086	246-928-730	NEW-P	01-07-086
246-840-710	AMD-W	01-15-063	246-928-085	REP	01-11-165	246-928-730	NEW	01-11-165
246-840-715	REP-W	01-15-063	246-928-110	REP-P	01-07-086	246-928-740	NEW-P	01-07-086
246-843-072	REP	01-03-114	246-928-110	REP	01-11-165	246-928-740	NEW	01-11-165
246-843-074	REP	01-03-114	246-928-120	REP-P	01-07-086	246-928-750	NEW-P	01-07-086
246-853-221	NEW-P	01-10-128	246-928-120	REP	01-11-165	246-928-750	NEW	01-11-165
246-853-221	NEW	01-16-008	246-928-130	REP-P	01-07-086	246-928-760	NEW-P	01-07-086
246-853-222	NEW-P	01-10-128	246-928-130	REP	01-11-165	246-928-760	NEW	01-11-165
246-853-222	NEW	01-16-008	246-928-140	REP-P	01-07-086	246-928-990	AMD-P	01-07-086
246-853-223	NEW-P	01-10-128	246-928-140	REP	01-11-165	246-928-990	AMD	01-11-165
246-853-223	NEW	01-16-008	246-928-150	REP-P	01-07-086	246-939-005	NEW-P	01-06-054
246-853-224	NEW-P	01-10-128	246-928-150	REP	01-11-165	246-939-005	NEW	01-14-044
246-853-224	NEW	01-16-008	246-928-160	REP-P	01-07-086	246-939-020	NEW-P	01-06-054
246-853-225	NEW-P	01-10-128	246-928-160	REP	01-11-165	246-939-020	NEW	01-14-044
246-853-225	NEW	01-16-008	246-928-170	REP-P	01-07-086	246-939-040	NEW-P	01-06-054
246-853-226	NEW-P	01-10-128	246-928-170	REP	01-11-165	246-939-040	NEW	01-14-044
246-853-226	NEW	01-16-008	246-928-180	REP-P	01-07-086	246-976-031	PREP	01-11-162
246-853-227	NEW-P	01-10-128	246-928-180	REP	01-11-165	246-976-500	PREP	01-10-131
246-853-227	NEW	01-16-008	246-928-190	REP-P	01-07-086	246-976-510	PREP	01-10-131
246-869-220	AMD	01-04-055	246-928-190	REP	01-11-165	246-976-550	PREP	01-10-131
246-879-090	PREP	01-09-087	246-928-200	REP-P	01-07-086	246-976-560	PREP	01-10-131
246-887-100	AMD	01-03-108	246-928-200	REP	01-11-165	246-976-600	PREP	01-10-131
246-907	PREP	01-05-109	246-928-210	REP-P	01-07-086	246-976-610	PREP	01-10-131
246-907-030	AMD-P	01-09-088	246-928-210	REP	01-11-165	246-976-650	PREP	01-10-131
246-907-030	AMD	01-12-052	246-928-220	REP-P	01-07-086	246-976-720	PREP	01-10-131
246-918-005	AMD-P	01-12-095	246-928-220	REP	01-11-165	246-976-730	PREP	01-10-131
246-918-007	AMD-P	01-12-095	246-928-310	NEW-P	01-07-086	246-976-770	PREP	01-10-131
246-918-050	AMD-P	01-12-095	246-928-310	NEW	01-11-165	246-976-780	PREP	01-10-131
246-918-080	AMD-P	01-12-095	246-928-320	NEW-P	01-07-086	246-976-810	PREP	01-10-131
246-918-120	PREP	01-15-089	246-928-320	NEW	01-11-165	246-976-820	PREP	01-10-131
246-919-330	AMD-P	01-12-098	246-928-410	NEW-P	01-07-086	246-976-885	PREP	01-10-131
246-919-340	AMD-P	01-12-096	246-928-410	NEW	01-11-165	246-976-935	PREP	01-10-132
246-919-475	NEW	01-03-115	246-928-420	NEW-P	01-07-086	246-976-960	PREP	01-11-162
246-919-840	NEW-P	01-10-129	246-928-420	NEW	01-11-165	248-554-001	REP	01-07-053
246-919-840	NEW	01-16-010	246-928-430	NEW-P	01-07-086	248-554-005	REP	01-07-053
246-919-841	NEW-P	01-10-129	246-928-430	NEW	01-11-165	248-554-010	REP	01-07-053
246-919-841	NEW	01-16-010	246-928-440	NEW-P	01-13-117	248-554-015	REP	01-07-053
246-919-842	NEW-P	01-10-129	246-928-441	NEW-P	01-13-117	248-554-018	REP	01-07-053
246-919-842	NEW	01-16-010	246-928-442	NEW-P	01-13-117	248-554-020	REP	01-07-053
246-919-843	NEW-P	01-10-129	246-928-443	NEW-P	01-13-117	248-554-030	REP	01-07-053
246-919-843	NEW	01-16-010	246-928-450	NEW-P	01-07-086	250-44-100	AMD-P	01-06-065
246-919-844	NEW-P	01-10-129	246-928-450	NEW	01-11-165	250-44-100	AMD	01-10-020
246-919-844	NEW	01-16-010	246-928-510	NEW-P	01-07-086	250-44-110	AMD-P	01-06-065
246-919-845	NEW-P	01-10-129	246-928-510	NEW	01-11-165	250-44-110	AMD	01-10-020
246-919-845	NEW	01-16-010	246-928-520	NEW-P	01-07-086	250-44-120	AMD-P	01-06-065
246-919-846	NEW-P	01-10-129	246-928-520	NEW	01-11-165	250-44-120	AMD	01-10-020
246-919-846	NEW	01-16-010	246-928-530	NEW-P	01-07-086	250-63-010	NEW	01-08-017
246-928	PREP	01-14-043	246-928-530	NEW	01-11-165	250-63-020	NEW	01-08-017
246-928-015	REP-P	01-07-086	246-928-540	NEW-P	01-07-086	250-63-030	NEW	01-08-017
246-928-015	REP	01-11-165	246-928-540	NEW	01-11-165	250-63-040	NEW	01-08-017

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250-63-060	NEW	01-08-017	284-43-615	NEW	01-03-033	292-100-050	AMD	01-13-033
250-63-070	NEW	01-08-017	284-43-620	AMD	01-03-033	292-100-060	AMD-P	01-08-080
250-63-080	NEW	01-08-017	284-43-630	NEW	01-03-033	292-100-060	AMD	01-13-033
250-66	PREP	01-15-076	284-43-815	NEW	01-03-032	292-100-070	REP-P	01-08-080
251-01-415	AMD-P	01-08-063	284-43-820	NEW	01-03-033	292-100-070	REP	01-13-033
251-01-415	AMD	01-11-112	284-43-821	NEW	01-03-035	292-100-080	AMD-P	01-08-080
251-12-600	AMD-P	01-08-063	284-43-821	REP-P	01-15-084	292-100-080	AMD	01-13-033
251-12-600	AMD	01-11-112	284-43-822	NEW-W	01-12-083	292-100-100	AMD-P	01-08-080
251-17-150	AMD-W	01-07-056	284-43-822	NEW-P	01-15-084	292-100-100	AMD	01-13-033
251-17-175	AMD-W	01-07-056	284-43-823	NEW	01-03-035	292-100-100	AMD-P	01-08-080
260-48-930	NEW-P	01-16-124	284-43-823	REP-P	01-15-084	292-100-110	AMD-P	01-08-080
260-75-010	PREP	01-12-059	284-43-824	NEW	01-03-035	292-100-110	AMD	01-13-033
260-75-010	REP-P	01-16-123	284-43-824	AMD-E	01-04-087	292-100-130	AMD-P	01-08-080
262-01-110	PREP	01-03-144	284-43-824	AMD-E	01-14-054	292-100-130	AMD	01-13-033
262-01-110	AMD-P	01-07-028	284-43-824	REP-P	01-15-084	292-100-140	AMD-P	01-08-080
262-01-110	AMD	01-11-034	284-43-899	NEW	01-03-033	292-100-140	AMD	01-13-033
262-01-120	PREP	01-03-144	284-66-030	AMD-W	01-12-084	292-100-150	AMD-P	01-08-080
262-01-130	PREP	01-03-144	284-66-063	AMD-W	01-12-084	292-100-150	AMD	01-13-033
262-01-130	AMD-P	01-07-028	284-66-066	AMD-W	01-12-084	292-100-160	AMD-P	01-08-080
262-01-130	AMD	01-11-034	284-66-077	AMD-W	01-12-084	292-100-160	AMD	01-13-033
263-12-050	AMD-P	01-06-058	284-66-092	AMD-W	01-12-084	292-100-170	AMD-P	01-08-080
263-12-050	AMD	01-09-031	284-66-110	AMD-W	01-12-084	292-100-170	AMD	01-13-033
263-12-059	NEW-P	01-06-059	284-66-120	AMD-W	01-12-084	292-100-175	NEW-P	01-08-080
263-12-059	NEW	01-09-032	284-66-142	AMD-W	01-12-084	292-100-175	NEW	01-13-033
275-25-500	REP-XR	01-11-104	284-66-170	AMD-W	01-12-084	292-100-180	AMD-P	01-08-080
275-25-500	REP	01-15-077	286-06	PREP	01-02-090	292-100-180	AMD	01-13-033
284-04-120	NEW	01-03-034	286-06-045	NEW-P	01-09-025	292-100-190	AMD-P	01-08-080
284-04-120	AMD-E	01-14-053	286-06-050	AMD-P	01-09-025	292-100-190	AMD	01-13-033
284-04-200	NEW	01-03-034	286-06-060	AMD-P	01-09-025	292-100-200	AMD-P	01-08-080
284-04-205	NEW	01-03-034	286-06-065	AMD-P	01-09-025	292-100-200	AMD	01-13-033
284-04-210	NEW	01-03-034	286-06-080	AMD-P	01-09-025	292-100-210	AMD-P	01-08-080
284-04-215	NEW	01-03-034	286-06-090	AMD-P	01-09-025	292-100-210	AMD	01-13-033
284-04-220	NEW	01-03-034	286-06-100	AMD-P	01-09-025	292-100-220	NEW	01-13-033
284-04-225	NEW	01-03-034	286-06-110	AMD-P	01-09-025	292-110-010	PREP	01-11-120
284-04-300	NEW	01-03-034	286-06-120	AMD-P	01-09-025	292-110-050	AMD-P	01-08-080
284-04-305	NEW	01-03-034	286-13-040	PREP	01-02-090	292-110-050	AMD	01-13-080
284-04-310	NEW	01-03-034	286-13-040	AMD-P	01-09-025	292-110-060	AMD-P	01-08-080
284-04-400	NEW	01-03-034	286-40-020	AMD-P	01-09-025	292-110-060	AMD	01-13-080
284-04-405	NEW	01-03-034	292-09-040	AMD-P	01-14-025	292-120	PREP	01-11-121
284-04-410	NEW	01-03-034	292-09-050	AMD-P	01-14-025	292-130-020	AMD-P	01-08-080
284-04-500	NEW	01-03-034	292-09-060	AMD-P	01-14-025	292-130-020	AMD	01-13-033
284-04-505	NEW	01-03-034	292-100-007	AMD-P	01-08-080	292-130-030	AMD-P	01-08-080
284-04-510	NEW	01-03-034	292-100-007	AMD	01-13-033	292-130-030	AMD	01-13-033
284-04-515	NEW	01-03-034	292-100-010	AMD-P	01-08-080	292-130-040	AMD-P	01-08-080
284-04-520	NEW	01-03-034	292-100-010	AMD	01-13-033	292-130-040	AMD	01-13-033
284-04-525	NEW	01-03-034	292-100-020	AMD-P	01-08-080	292-130-060	AMD-P	01-08-080
284-04-600	NEW	01-03-034	292-100-020	AMD	01-13-033	292-130-060	AMD	01-13-033
284-04-605	NEW	01-03-034	292-100-030	AMD-P	01-08-080	292-130-065	NEW-P	01-08-080
284-04-610	NEW	01-03-034	292-100-030	AMD	01-13-033	292-130-065	NEW	01-13-033
284-04-615	NEW	01-03-034	292-100-040	AMD-P	01-08-080	292-130-070	AMD-P	01-08-080
284-04-620	NEW	01-03-034	292-100-040	AMD	01-13-033	292-130-070	AMD	01-13-033
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284-43-130	AMD	01-03-033	292-100-046	NEW-P	01-08-080	296-04-010	REP-P	01-16-159
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296-04-105	REP-P	01-16-159	296-05-325	NEW-P	01-16-159	296-23B-0140	NEW-P	01-14-085
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296-04-160	REP-P	01-16-159	296-05-402	NEW-P	01-16-159	296-24	PREP	01-09-093
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296-05-200	NEW-P	01-16-159	296-20-135	AMD-P	01-05-113	296-24-096	REP	01-11-038
296-05-203	NEW-P	01-16-159	296-20-135	AMD	01-10-026	296-24-098	REP	01-11-038
296-05-205	NEW-P	01-16-159	296-20-303	NEW-P	01-08-092	296-24-10203	AMD	01-11-038
296-05-207	NEW-P	01-16-159	296-20-303	NEW-C	01-13-079	296-24-12001	AMD	01-11-038
296-05-209	NEW-P	01-16-159	296-23	PREP	01-02-091	296-24-12003	REP	01-11-038
296-05-211	NEW-P	01-16-159	296-23	PREP	01-14-084	296-24-12005	REP	01-11-038
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296-05-302	NEW-P	01-16-159	296-23-170	AMD-P	01-08-092	296-24-12009	REP	01-11-038
296-05-303	NEW-P	01-16-159	296-23-170	AMD-C	01-13-079	296-24-12010	NEW	01-11-038
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296-05-307	NEW-P	01-16-159	296-23-220	AMD	01-10-026	296-24-12021	REP	01-11-038
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296-24-23507	AMD	01-11-038	296-24-65001	REP	01-11-038	296-45-48535	AMD	01-11-038
296-24-23513	AMD	01-11-038	296-24-65501	AMD	01-11-038	296-45-52530	AMD-E	01-04-090
296-24-23533	AMD-W	01-11-039	296-24-67515	AMD	01-11-038	296-45-52530	AMD-P	01-04-091
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296-24-33015	AMD-W	01-11-039	296-24-73503	REP	01-11-038	296-46A-910	AMD	01-12-035
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296-24-33017	AMD-W	01-11-039	296-24-73513	REP	01-11-038	296-46A-915	AMD-P	01-09-090
296-24-37005	AMD-W	01-11-039	296-24-75001	AMD-W	01-11-039	296-46A-915	AMD	01-12-035
296-24-37019	AMD-W	01-11-039	296-24-75003	REP-W	01-11-039	296-50	PREP	01-07-102
296-24-37023	AMD-W	01-11-039	296-24-75003	AMD-P	01-12-103	296-52	PREP	01-07-102
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296-24-47509	AMD-P	01-12-103	296-24-75009	REP-P	01-12-103	296-52-409	REP-P	01-16-145
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296-24-55007	REP	01-11-038	296-24-78005	AMD-P	01-12-103	296-52-429	REP-P	01-16-145
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296-24-59207	REP	01-11-038	296-36	PREP	01-09-093	296-52-505	REP-P	01-16-145
296-24-59209	REP	01-11-038	296-36-190	AMD-P	01-12-103	296-52-509	REP-P	01-16-145
296-24-59211	REP	01-11-038	296-37-510	AMD	01-11-038	296-52-510	REP-P	01-16-145
296-24-59212	NEW	01-11-038	296-37-575	AMD	01-11-038	296-52-510	REP-P	01-16-145
296-24-59213	REP	01-11-038	296-45	PREP	01-07-102	296-52-550	REP-P	01-16-145
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296-24-63103	REP-P	01-12-103	296-45-125	AMD	01-11-038	296-52-60015	NEW-P	01-16-145
296-24-63105	REP-P	01-12-103	296-45-25505	AMD	01-11-038	296-52-60020	NEW-P	01-16-145
296-24-63107	REP-P	01-12-103	296-45-275	AMD	01-11-038	296-52-60025	NEW-P	01-16-145
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296- 52-70075	NEW-P	01-16-145	296- 62-05207	AMD	01-11-038	296- 62-12000	REP	01-11-038
296- 52-70080	NEW-P	01-16-145	296- 62-05209	AMD-P	01-12-103	296- 62-12003	REP	01-11-038
296- 52-70085	NEW-P	01-16-145	296- 62-05301	NEW	01-11-038	296- 62-12005	REP	01-11-038
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296- 52-71015	NEW-P	01-16-145	296- 62-05315	NEW	01-11-038	296- 62-20013	AMD	01-11-038
296- 52-71020	NEW-P	01-16-145	296- 62-05320	NEW	01-11-038	296- 62-20015	AMD	01-11-038
296- 52-71025	NEW-P	01-16-145	296- 62-05325	NEW	01-11-038	296- 62-30001	AMD	01-11-038
296- 52-71030	NEW-P	01-16-145	296- 62-054	AMD	01-11-038	296- 62-30230	AMD	01-11-038
296- 52-71035	NEW-P	01-16-145	296- 62-05402	NEW	01-11-038	296- 62-30235	AMD	01-11-038
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296- 52-71055	NEW-P	01-16-145	296- 62-05406	NEW	01-11-038	296- 62-3090	AMD	01-11-038
296- 52-71060	NEW-P	01-16-145	296- 62-05407	REP	01-11-038	296- 62-31335	AMD-P	01-12-103
296- 52-71065	NEW-P	01-16-145	296- 62-05408	NEW	01-11-038	296- 62-31410	AMD	01-11-038
296- 52-71070	NEW-P	01-16-145	296- 62-05409	REP	01-11-038	296- 62-3195	AMD	01-11-038
296- 52-71075	NEW-P	01-16-145	296- 62-05410	NEW	01-11-038	296- 62-40003	AMD	01-11-038
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296- 52-71105	NEW-P	01-16-145	296- 62-05419	REP	01-11-038	296- 67-005	AMD	01-11-038
296- 52-720	NEW-P	01-16-145	296- 62-05421	REP	01-11-038	296- 67-053	AMD	01-11-038
296- 54	PREP	01-07-102	296- 62-05423	REP	01-11-038	296- 67-061	AMD	01-11-038
296- 54	PREP	01-09-093	296- 62-05425	REP	01-11-038	296- 67-291	AMD	01-11-038
296- 54-501	AMD	01-11-038	296- 62-05427	REP	01-11-038	296- 78	PREP	01-07-102
296- 54-507	AMD	01-11-038	296- 62-05429	REP	01-11-038	296- 78	PREP	01-09-093
296- 54-51120	AMD	01-11-038	296- 62-07101	AMD	01-11-038	296- 78-500	AMD	01-11-038
296- 54-51160	AMD	01-11-038	296- 62-07306	AMD	01-11-038	296- 78-515	AMD	01-11-038
296- 54-521	AMD-P	01-12-103	296- 62-07308	AMD	01-11-038	296- 78-540	AMD	01-11-038
296- 54-59330	AMD-P	01-12-103	296- 62-07336	AMD	01-11-038	296- 78-545	AMD	01-11-038
296- 54-59340	AMD	01-11-038	296- 62-07338	AMD	01-11-038	296- 78-56501	AMD	01-11-038
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296- 56	PREP	01-09-093	296- 62-07347	AMD	01-11-038	296- 78-670	AMD	01-11-038
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296- 56-60003	AMD	01-11-038	296- 62-07373	AMD	01-11-038	296- 78-71003	AMD	01-11-038
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296- 56-60083	AMD-P	01-12-103	296- 62-07385	AMD	01-11-038	296- 78-71011	AMD	01-11-038
296- 56-60171	AMD-P	01-12-103	296- 62-07417	AMD	01-11-038	296- 78-71015	AMD	01-11-038
296- 56-60207	AMD-P	01-12-103	296- 62-07419	AMD	01-11-038	296- 78-71017	AMD	01-11-038
296- 59	PREP	01-07-102	296- 62-07425	AMD	01-11-038	296- 78-71017	AMD	01-11-038
296- 59-001	AMD	01-11-038	296- 62-07460	AMD	01-11-038	296- 78-71019	AMD	01-11-038
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296- 59-065	AMD	01-11-038	296- 62-07617	AMD	01-11-038	296- 79-020	AMD	01-11-038
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296- 59-085	AMD	01-11-038	296- 62-07621	AMD	01-11-038	296- 79-050	AMD	01-11-038
296- 59-105	AMD-P	01-12-103	296- 62-07621	AMD	01-11-038	296- 79-090	AMD	01-11-038
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296- 62	PREP	01-04-089	296- 62-07717	AMD	01-11-038	296- 79-120	AMD	01-11-038
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296-96-01065	AMD-P	01-09-090	296-104-256	AMD-P	01-16-158	296-155-200	AMD	01-11-038
296-96-01065	AMD	01-12-035	296-104-260	PREP	01-10-034	296-155-20301	AMD	01-11-038
296-99-010	AMD	01-11-038	296-104-265	PREP	01-10-034	296-155-205	AMD	01-04-015
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296-104-001	PREP	01-10-034	296-104-502	AMD-P	01-16-158	296-155-275	AMD-P	01-12-103
296-104-010	PREP	01-10-034	296-104-700	AMD-P	01-09-091	296-155-305	AMD	01-04-015
296-104-010	AMD-P	01-16-158	296-104-700	PREP	01-10-034	296-155-407	AMD	01-11-038
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296-104-017	PREP	01-10-034	296-104-700	AMD-P	01-16-158	296-155-575	AMD-P	01-12-103
296-104-018	PREP	01-10-034	296-115	PREP	01-07-102	296-155-605	PREP	01-05-115
296-104-020	PREP	01-10-034	296-131	PREP	01-05-114	296-155-615	PREP	01-05-115
296-104-020	AMD-P	01-16-158	296-131-117	NEW-P	01-09-092	296-155-625	AMD	01-04-015
296-104-025	PREP	01-10-034	296-131-117	NEW	01-13-012	296-155-655	PREP	01-05-115
296-104-030	PREP	01-10-034	296-150C	PREP	01-03-070	296-155-730	AMD-P	01-12-103
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296-104-040	PREP	01-10-034	296-150C-3000	AMD-P	01-09-090	296-200A	PREP	01-05-116
296-104-040	AMD-P	01-16-158	296-150C-3000	AMD	01-12-035	296-200A	PREP	01-13-097
296-104-045	PREP	01-10-034	296-150F	PREP	01-03-070	296-200A-900	AMD-P	01-09-090
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296-104-050	PREP	01-10-034	296-150F-3000	AMD-P	01-09-090	296-301	PREP	01-07-102
296-104-055	AMD-P	01-09-091	296-150F-3000	AMD	01-12-035	296-301-010	AMD	01-11-038
296-104-055	PREP	01-10-034	296-150M	PREP	01-03-070	296-301-020	AMD	01-11-038
296-104-055	AMD	01-12-034	296-150M	PREP	01-05-116	296-301-215	AMD	01-11-038
296-104-060	PREP	01-10-034	296-150M	PREP	01-13-098	296-301-220	AMD	01-11-038
296-104-060	AMD-P	01-16-158	296-150M-0049	NEW-E	01-08-010	296-302	PREP	01-07-102
296-104-065	PREP	01-10-034	296-150M-0049	NEW-E	01-16-019	296-302-010	AMD	01-11-038
296-104-065	AMD-P	01-16-158	296-150M-0140	AMD-E	01-08-010	296-302-02501	AMD	01-11-038
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296-104-102	PREP	01-10-034	296-150M-3000	AMD	01-12-035	296-302-06513	AMD	01-11-038
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296-104-105	PREP	01-10-034	296-150P	PREP	01-05-116	296-303-01001	AMD	01-11-038
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296-104-115	PREP	01-10-034	296-150P-3000	AMD	01-12-035	296-304-010	AMD	01-11-038
296-104-125	PREP	01-10-034	296-150R	PREP	01-03-070	296-304-06013	AMD	01-11-038
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296-104-140	PREP	01-10-034	296-150T	PREP	01-03-070	296-305-01009	AMD	01-11-038
296-104-145	PREP	01-10-034	296-150T-3000	AMD-P	01-09-090	296-305-01509	AMD	01-11-038
296-104-150	PREP	01-10-034	296-150T-3000	AMD	01-12-035	296-305-01515	AMD	01-11-038
296-104-151	PREP	01-10-034	296-150V	PREP	01-03-070	296-305-01517	AMD	01-11-038
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296-305-06515	AMD	01-11-038	296-800-14025	NEW	01-11-038	296-800-23035	NEW	01-11-038
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296-307-018	AMD-P	01-12-103	296-800-15005	NEW	01-11-038	296-800-24005	NEW	01-11-038
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296-307-03925	NEW-P	01-12-103	296-800-16005	NEW	01-11-038	296-800-260	NEW	01-11-038
296-307-042	REP-P	01-12-103	296-800-16010	NEW	01-11-038	296-800-26005	NEW	01-11-038
296-307-07013	AMD-P	01-12-103	296-800-16015	NEW	01-11-038	296-800-26010	NEW	01-11-038
296-307-12040	AMD-P	01-12-103	296-800-16020	NEW	01-11-038	296-800-270	NEW	01-11-038
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296-401B-700	AMD-P	01-09-090	296-800-18020	NEW	01-11-038	296-800-300	NEW	01-11-038
296-401B-700	AMD	01-12-035	296-800-190	NEW	01-11-038	296-800-30005	NEW	01-11-038
296-402A	PREP	01-15-103	296-800-19005	NEW	01-11-038	296-800-30010	NEW	01-11-038
296-403	PREP	01-15-103	296-800-200	NEW	01-11-038	296-800-30015	NEW	01-11-038
296-800	PREP	01-09-093	296-800-20005	NEW	01-11-038	296-800-30020	NEW	01-11-038
296-800-100	NEW	01-11-038	296-800-210	NEW	01-11-038	296-800-30025	NEW	01-11-038
296-800-110	NEW	01-11-038	296-800-21005	NEW	01-11-038	296-800-310	NEW	01-11-038
296-800-11005	NEW	01-11-038	296-800-220	NEW	01-11-038	296-800-31005	NEW	01-11-038
296-800-11010	NEW	01-11-038	296-800-22005	NEW	01-11-038	296-800-31010	NEW	01-11-038
296-800-11015	NEW	01-11-038	296-800-22010	NEW	01-11-038	296-800-31015	NEW	01-11-038
296-800-11020	NEW	01-11-038	296-800-22015	NEW	01-11-038	296-800-31020	NEW	01-11-038
296-800-11025	NEW	01-11-038	296-800-22020	NEW	01-11-038	296-800-31025	NEW	01-11-038
296-800-11030	NEW	01-11-038	296-800-22022	NEW	01-11-038	296-800-31030	NEW	01-11-038
296-800-11035	NEW	01-11-038	296-800-22025	NEW	01-11-038	296-800-31035	NEW	01-11-038
296-800-120	NEW	01-11-038	296-800-22030	NEW	01-11-038	296-800-31040	NEW	01-11-038
296-800-12005	NEW	01-11-038	296-800-22035	NEW	01-11-038	296-800-31045	NEW	01-11-038
296-800-130	NEW	01-11-038	296-800-22040	NEW	01-11-038	296-800-31050	NEW	01-11-038
296-800-13005	NEW	01-11-038	296-800-230	NEW	01-11-038	296-800-31053	NEW	01-11-038
296-800-13010	NEW	01-11-038	296-800-23005	NEW	01-11-038	296-800-31055	NEW	01-11-038
296-800-13015	NEW	01-11-038	296-800-23010	NEW	01-11-038	296-800-31060	NEW	01-11-038
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296-800-31067	NEW	01-11-038	308- 15-030	NEW-P	01-07-101	308- 56A-150	PREP	01-11-083
296-800-31070	NEW	01-11-038	308- 15-030	NEW	01-12-023	308- 56A-150	AMD-E	01-14-062
296-800-31075	NEW	01-11-038	308- 15-040	NEW-P	01-07-101	308- 56A-150	AMD-P	01-15-083
296-800-31080	NEW	01-11-038	308- 15-040	NEW	01-12-023	308- 56A-310	AMD-P	01-03-072
296-800-320	NEW	01-11-038	308- 15-050	NEW-P	01-07-101	308- 56A-310	AMD	01-08-022
296-800-32005	NEW	01-11-038	308- 15-050	NEW	01-12-023	308- 56A-335	AMD	01-03-002
296-800-32010	NEW	01-11-038	308- 15-060	NEW-P	01-07-101	308- 56A-355	REP	01-03-002
296-800-32015	NEW	01-11-038	308- 15-060	NEW	01-12-023	308- 56A-460	AMD-E	01-14-062
296-800-32020	NEW	01-11-038	308- 15-070	NEW-P	01-07-101	308- 56A-460	AMD-P	01-15-083
296-800-32025	NEW	01-11-038	308- 15-070	NEW	01-12-023	308- 56A-505	AMD-P	01-06-018
296-800-32030	NEW-W	01-14-071	308- 15-075	NEW-P	01-07-101	308- 56A-505	AMD	01-11-069
296-800-330	NEW	01-11-038	308- 15-075	NEW	01-12-023	308- 57-005	AMD-P	01-05-106
296-800-340	NEW	01-11-038	308- 15-080	NEW-P	01-07-101	308- 57-005	AMD-W	01-07-029
296-800-350	NEW	01-11-038	308- 15-080	NEW	01-12-023	308- 57-005	AMD-P	01-08-051
296-800-35002	NEW	01-11-038	308- 15-090	NEW-P	01-07-101	308- 57-005	AMD	01-12-099
296-800-35004	NEW	01-11-038	308- 15-090	NEW	01-12-023	308- 57-010	AMD-P	01-05-106
296-800-35006	NEW	01-11-038	308- 15-100	NEW-P	01-07-101	308- 57-010	AMD-W	01-07-029
296-800-35008	NEW	01-11-038	308- 15-100	NEW	01-12-023	308- 57-010	AMD-P	01-08-051
296-800-35010	NEW	01-11-038	308- 15-101	NEW-P	01-07-101	308- 57-010	AMD	01-12-099
296-800-35012	NEW	01-11-038	308- 15-101	NEW	01-12-023	308- 57-020	AMD-P	01-05-106
296-800-35016	NEW	01-11-038	308- 15-102	NEW-P	01-07-101	308- 57-020	AMD-W	01-07-029
296-800-35018	NEW	01-11-038	308- 15-102	NEW	01-12-023	308- 57-020	AMD-P	01-08-051
296-800-35020	NEW	01-11-038	308- 15-103	NEW-P	01-07-101	308- 57-020	AMD	01-12-099
296-800-35022	NEW	01-11-038	308- 15-103	NEW	01-12-023	308- 57-030	AMD-P	01-05-106
296-800-35024	NEW	01-11-038	308- 15-150	NEW-P	01-07-100	308- 57-030	AMD-W	01-07-029
296-800-35026	NEW	01-11-038	308- 15-150	NEW	01-12-022	308- 57-030	AMD-P	01-08-051
296-800-35028	NEW	01-11-038	308- 20	PREP	01-14-089	308- 57-030	AMD	01-12-099
296-800-35030	NEW	01-11-038	308- 29-010	AMD-P	01-03-130	308- 57-110	AMD-P	01-05-106
296-800-35032	NEW	01-11-038	308- 29-010	AMD	01-11-132	308- 57-110	AMD-W	01-07-029
296-800-35038	NEW	01-11-038	308- 29-020	AMD-P	01-03-130	308- 57-110	AMD-P	01-08-051
296-800-35040	NEW	01-11-038	308- 29-020	AMD	01-11-132	308- 57-110	AMD	01-12-099
296-800-35042	NEW	01-11-038	308- 29-025	NEW-P	01-03-130	308- 57-120	REP-P	01-05-106
296-800-35044	NEW	01-11-038	308- 29-025	NEW	01-11-132	308- 57-120	REP-W	01-07-029
296-800-35046	NEW	01-11-038	308- 29-030	AMD-P	01-03-130	308- 57-120	REP-P	01-08-051
296-800-35048	NEW	01-11-038	308- 29-030	AMD	01-11-132	308- 57-120	REP	01-12-099
296-800-35049	NEW	01-11-038	308- 29-045	AMD-P	01-03-130	308- 57-130	REP-P	01-05-106
296-800-35050	NEW	01-11-038	308- 29-045	AMD	01-11-132	308- 57-130	REP-W	01-07-029
296-800-35052	NEW	01-11-038	308- 29-050	AMD-P	01-03-130	308- 57-130	REP-P	01-08-051
296-800-35056	NEW	01-11-038	308- 29-050	AMD	01-11-132	308- 57-130	REP	01-12-099
296-800-35062	NEW	01-11-038	308- 29-060	AMD-P	01-03-130	308- 57-135	REP-P	01-05-106
296-800-35063	NEW	01-11-038	308- 29-060	AMD	01-11-132	308- 57-135	REP-W	01-07-029
296-800-35064	NEW	01-11-038	308- 29-070	AMD-P	01-03-130	308- 57-135	REP-P	01-08-051
296-800-35065	NEW	01-11-038	308- 29-070	AMD	01-11-132	308- 57-135	REP	01-12-099
296-800-35066	NEW	01-11-038	308- 29-080	AMD-P	01-03-130	308- 57-140	AMD-P	01-05-106
296-800-35072	NEW	01-11-038	308- 29-080	AMD	01-11-132	308- 57-140	AMD-W	01-07-029
296-800-35076	NEW	01-11-038	308- 29-090	NEW-P	01-03-130	308- 57-140	AMD-P	01-08-051
296-800-35078	NEW	01-11-038	308- 29-090	NEW	01-11-132	308- 57-140	AMD	01-12-099
296-800-35080	NEW	01-11-038	308- 29-100	NEW-P	01-03-130	308- 57-210	A/R-P	01-05-106
296-800-35082	NEW	01-11-038	308- 29-100	NEW	01-11-132	308- 57-210	AMD-W	01-07-029
296-800-35084	NEW	01-11-038	308- 29-110	NEW-P	01-03-130	308- 57-210	AMD-P	01-08-051
296-800-360	NEW	01-11-038	308- 29-110	NEW	01-11-132	308- 57-210	AMD	01-12-099
296-800-36005	NEW	01-11-038	308- 29-120	NEW-P	01-03-130	308- 57-230	AMD-P	01-05-106
296-800-370	NEW	01-11-038	308- 29-120	NEW	01-11-132	308- 57-230	AMD-W	01-07-029
308- 08-085	AMD	01-03-129	308- 32-100	REP	01-03-065	308- 57-230	AMD-P	01-08-051
308- 13-150	AMD	01-04-002	308- 32-110	REP	01-03-065	308- 57-230	AMD	01-12-099
308- 13-150	PREP	01-09-026	308- 32-120	REP	01-03-065	308- 57-240	AMD-P	01-05-106
308- 13-150	AMD-P	01-12-063	308- 56A-021	AMD-P	01-03-072	308- 57-240	AMD-W	01-07-029
308- 13-150	AMD	01-15-034	308- 56A-021	AMD	01-08-022	308- 57-240	AMD-P	01-08-051
308- 15-010	NEW-P	01-07-101	308- 56A-065	AMD-P	01-03-072	308- 57-240	AMD	01-12-099
308- 15-010	NEW	01-12-023	308- 56A-065	AMD	01-08-022	308- 57-500	REP-P	01-05-106
308- 15-020	NEW-P	01-07-101	308- 56A-115	AMD-E	01-14-062	308- 57-500	REP-W	01-07-029
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308- 63-010	AMD	01-03-141	308- 93-350	AMD	01-08-021	308- 96A-145	AMD-P	01-08-051
308- 63-040	AMD	01-03-141	308- 93-360	AMD-P	01-03-017	308- 96A-145	AMD	01-12-099
308- 63-070	AMD	01-03-141	308- 93-360	AMD	01-08-021	308- 96A-175	AMD-P	01-04-017
308- 63-100	AMD	01-03-141	308- 93-390	AMD-P	01-03-072	308- 96A-175	AMD	01-10-069
308- 78-010	AMD-P	01-03-083	308- 93-390	AMD	01-08-022	308- 96A-176	AMD-P	01-04-017
308- 78-010	AMD	01-08-083	308- 93-640	AMD-P	01-03-017	308- 96A-176	AMD	01-10-069
308- 78-020	AMD-P	01-03-083	308- 93-640	AMD	01-08-021	308- 96A-177	NEW-P	01-04-017
308- 78-020	AMD	01-08-083	308- 93-660	REP-P	01-11-084	308- 96A-177	NEW	01-10-069
308- 78-030	AMD-P	01-03-083	308- 93-660	REP	01-16-105	308- 96A-202	AMD-P	01-05-106
308- 78-030	AMD	01-08-083	308- 94-030	AMD-P	01-06-049	308- 96A-202	AMD-W	01-07-029
308- 78-035	NEW-P	01-03-083	308- 94-030	AMD	01-11-070	308- 96A-202	AMD-P	01-08-051
308- 78-035	NEW	01-08-083	308- 94-050	AMD-P	01-06-049	308- 96A-202	AMD	01-12-099
308- 78-040	AMD-P	01-03-083	308- 94-050	AMD	01-11-070	308- 96A-203	AMD-P	01-05-106
308- 78-040	AMD	01-08-083	308- 94-080	AMD-P	01-06-049	308- 96A-203	AMD-W	01-07-029
308- 78-045	AMD-P	01-03-083	308- 94-080	AMD	01-11-070	308- 96A-203	AMD-P	01-08-051
308- 78-045	AMD	01-08-083	308- 94-100	AMD-P	01-06-049	308- 96A-203	AMD	01-12-099
308- 78-046	NEW-P	01-03-083	308- 94-100	AMD	01-11-070	308- 96A-260	AMD-P	01-11-090
308- 78-046	NEW	01-08-083	308- 94-105	NEW-P	01-06-049	308- 96A-295	AMD-P	01-04-062
308- 78-060	REP-P	01-03-083	308- 94-105	NEW	01-11-070	308- 96A-295	AMD	01-09-079
308- 78-060	REP	01-08-083	308- 94A-005	AMD-P	01-08-050	308- 96A-300	AMD-P	01-11-090
308- 78-070	AMD-P	01-03-083	308- 94A-005	AMD	01-13-008	308- 96A-345	REP-P	01-11-090
308- 78-070	AMD	01-08-083	308- 94A-010	AMD-P	01-08-050	308- 96A-350	AMD-P	01-13-060
308- 78-075	NEW-P	01-03-083	308- 94A-010	AMD	01-13-008	308- 96A-355	AMD-P	01-13-060
308- 78-075	NEW	01-08-083	308- 94A-015	AMD-P	01-08-050	308- 96A-365	AMD-P	01-13-060
308- 78-080	AMD-P	01-03-083	308- 94A-015	AMD	01-13-008	308- 96A-400	AMD-P	01-05-106
308- 78-080	AMD	01-08-083	308- 94A-020	AMD-P	01-08-050	308- 96A-400	AMD-W	01-07-029
308- 78-090	AMD-P	01-03-083	308- 94A-020	AMD	01-13-008	308- 96A-400	AMD-P	01-08-051
308- 78-090	AMD	01-08-083	308- 94A-025	AMD-P	01-08-050	308- 96A-400	AMD	01-12-099
308- 93	PREP	01-05-076	308- 94A-025	AMD	01-13-008	308- 96A-410	REP-P	01-05-106
308- 93-010	AMD	01-03-128	308- 94A-030	AMD-P	01-08-050	308- 96A-410	REP-W	01-07-029
308- 93-010	PREP	01-14-078	308- 94A-030	AMD	01-13-008	308- 96A-410	REP-P	01-08-051
308- 93-030	AMD	01-03-128	308- 96A-005	AMD-P	01-11-090	308- 96A-410	REP	01-12-099
308- 93-050	AMD	01-03-128	308- 96A-015	AMD-P	01-11-090	308- 96A-550	AMD-P	01-04-017
308- 93-055	AMD	01-03-128	308- 96A-026	AMD-P	01-11-090	308- 96A-550	AMD	01-10-069
308- 93-056	AMD	01-03-128	308- 96A-065	AMD-P	01-04-017	308- 96A-560	AMD-P	01-04-017
308- 93-060	AMD-P	01-03-017	308- 96A-065	AMD	01-10-069	308- 96A-560	AMD	01-10-069
308- 93-060	AMD	01-08-021	308- 96A-066	REP-P	01-04-017	308- 97-230	AMD-P	01-05-106
308- 93-069	AMD-P	01-03-017	308- 96A-066	REP	01-10-069	308- 97-230	AMD-W	01-07-029
308- 93-069	AMD	01-08-021	308- 96A-067	REP-P	01-04-017	308- 97-230	AMD-P	01-13-061
308- 93-070	AMD-P	01-03-017	308- 96A-067	REP	01-10-069	308-100-140	AMD-P	01-04-075
308- 93-070	AMD	01-08-021	308- 96A-068	REP-P	01-04-017	308-100-140	AMD	01-09-062
308- 93-071	AMD-P	01-03-017	308- 96A-068	REP	01-10-069	308-124B-050	PREP	01-08-095
308- 93-071	AMD	01-08-021	308- 96A-070	AMD-P	01-04-017	308-124H-061	PREP	01-08-096
308- 93-073	REP-P	01-03-017	308- 96A-070	AMD	01-10-069	308-125-120	PREP	01-16-004
308- 93-073	REP	01-08-021	308- 96A-071	AMD-P	01-04-017	308-390-100	NEW-P	01-07-084
308- 93-078	AMD-P	01-03-017	308- 96A-071	AMD	01-10-069	308-390-100	NEW	01-10-056
308- 93-078	AMD	01-08-021	308- 96A-072	AMD-P	01-04-017	308-390-101	NEW-P	01-07-084
308- 93-079	AMD	01-03-128	308- 96A-072	AMD	01-10-069	308-390-101	NEW	01-10-056
308- 93-087	AMD-P	01-11-084	308- 96A-073	AMD-P	01-04-017	308-390-102	NEW-P	01-07-084
308- 93-087	AMD	01-16-105	308- 96A-073	AMD	01-10-069	308-390-102	NEW	01-10-056
308- 93-088	AMD-P	01-11-084	308- 96A-074	AMD-P	01-04-017	308-390-103	NEW-P	01-07-084
308- 93-088	AMD	01-16-105	308- 96A-074	AMD	01-10-069	308-390-103	NEW	01-10-056
308- 93-089	NEW-P	01-11-084	308- 96A-099	AMD-P	01-05-106	308-390-104	NEW-P	01-07-084
308- 93-089	NEW	01-16-105	308- 96A-099	AMD-W	01-07-029	308-390-104	NEW	01-10-056
308- 93-090	AMD	01-03-128	308- 96A-099	AMD-P	01-08-051	308-390-105	NEW-P	01-07-084
308- 93-145	PREP	01-05-076	308- 96A-099	AMD	01-12-099	308-390-105	NEW	01-10-056
308- 93-145	AMD-P	01-08-052	308- 96A-135	REP-P	01-05-106	308-390-106	NEW-P	01-07-084
308- 93-145	AMD	01-11-100	308- 96A-135	REP-W	01-07-029	308-390-106	NEW	01-10-056
308- 93-160	AMD	01-03-128	308- 96A-135	AMD-P	01-08-051	308-390-107	NEW-P	01-07-084
308- 93-285	AMD-P	01-03-017	308- 96A-135	AMD	01-12-099	308-390-107	NEW	01-10-056
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308-390-109	NEW-P	01-07-084	308-390-505	NEW-P	01-07-084	314- 08-010	REP-S	01-06-062
308-390-109	NEW	01-10-056	308-390-505	NEW	01-10-056	314- 08-010	REP	01-11-058
308-390-200	NEW-P	01-07-084	308-390-600	NEW-P	01-07-084	314- 08-020	REP-S	01-06-062
308-390-200	NEW	01-10-056	308-390-600	NEW	01-10-056	314- 08-020	REP	01-11-058
308-390-201	NEW-P	01-07-084	308-390-601	NEW-P	01-07-084	314- 08-030	REP-S	01-06-062
308-390-201	NEW	01-10-056	308-390-601	NEW	01-10-056	314- 08-030	REP	01-11-058
308-390-202	NEW-P	01-07-084	308-390-602	NEW-P	01-07-084	314- 08-040	REP-S	01-06-062
308-390-202	NEW	01-10-056	308-390-602	NEW	01-10-056	314- 08-040	REP	01-11-058
308-390-203	NEW-P	01-07-084	308-390-603	NEW-P	01-07-084	314- 08-050	REP-S	01-06-062
308-390-203	NEW	01-10-056	308-390-603	NEW	01-10-056	314- 08-050	REP	01-11-058
308-390-204	NEW-P	01-07-084	308-400	REP-P	01-07-084	314- 08-070	REP-S	01-06-062
308-390-204	NEW	01-10-056	308-400-010	REP-P	01-07-084	314- 08-070	REP	01-11-058
308-390-300	NEW-P	01-07-084	308-400-010	REP	01-10-056	314- 08-080	REP-S	01-06-062
308-390-300	NEW	01-10-056	308-400-020	REP-P	01-07-084	314- 08-080	REP	01-11-058
308-390-301	NEW-P	01-07-084	308-400-020	REP	01-10-056	314- 08-090	REP-S	01-06-062
308-390-301	NEW	01-10-056	308-400-025	REP-P	01-07-084	314- 08-090	REP	01-11-058
308-390-302	NEW-P	01-07-084	308-400-025	REP	01-10-056	314- 08-100	REP-S	01-06-062
308-390-302	NEW	01-10-056	308-400-030	REP-P	01-07-084	314- 08-100	REP	01-11-058
308-390-303	NEW-P	01-07-084	308-400-030	REP	01-10-056	314- 08-110	REP-S	01-06-062
308-390-303	NEW	01-10-056	308-400-053	REP-P	01-07-084	314- 08-110	REP	01-11-058
308-390-304	NEW-P	01-07-084	308-400-053	REP	01-10-056	314- 08-120	REP-S	01-06-062
308-390-304	NEW	01-10-056	308-400-056	REP-P	01-07-084	314- 08-120	REP	01-11-058
308-390-305	NEW-P	01-07-084	308-400-056	REP	01-10-056	314- 08-130	REP-S	01-06-062
308-390-305	NEW	01-10-056	308-400-058	REP-P	01-07-084	314- 08-130	REP	01-11-058
308-390-306	NEW-P	01-07-084	308-400-058	REP	01-10-056	314- 08-140	REP-S	01-06-062
308-390-306	NEW	01-10-056	308-400-059	REP-P	01-07-084	314- 08-140	REP	01-11-058
308-390-307	NEW-P	01-07-084	308-400-059	REP	01-10-056	314- 08-150	REP-S	01-06-062
308-390-307	NEW	01-10-056	308-400-060	REP-P	01-07-084	314- 08-150	REP	01-11-058
308-390-308	NEW-P	01-07-084	308-400-060	REP	01-10-056	314- 08-160	REP-S	01-06-062
308-390-308	NEW	01-10-056	308-400-062	REP-P	01-07-084	314- 08-160	REP	01-11-058
308-390-309	NEW-P	01-07-084	308-400-062	REP	01-10-056	314- 08-170	REP-S	01-06-062
308-390-309	NEW	01-10-056	308-400-080	REP-P	01-07-084	314- 08-170	REP	01-11-058
308-390-310	NEW-P	01-07-084	308-400-080	REP	01-10-056	314- 08-180	REP-S	01-06-062
308-390-310	NEW	01-10-056	308-400-080	REP	01-10-056	314- 08-180	REP	01-11-058
308-390-311	NEW-P	01-07-084	308-400-092	REP-P	01-07-084	314- 08-180	REP	01-11-058
308-390-311	NEW	01-10-056	308-400-092	REP	01-10-056	314- 08-190	REP-S	01-06-062
308-390-312	NEW-P	01-07-084	308-400-095	REP-P	01-07-084	314- 08-190	REP	01-11-058
308-390-312	NEW	01-10-056	308-400-095	REP	01-10-056	314- 08-200	REP-S	01-06-062
308-390-313	NEW-P	01-07-084	308-400-100	REP-P	01-07-084	314- 08-200	REP	01-11-058
308-390-313	NEW	01-10-056	308-400-100	REP	01-10-056	314- 08-210	REP-S	01-06-062
308-390-314	NEW-P	01-07-084	308-400-110	REP-P	01-07-084	314- 08-210	REP	01-11-058
308-390-314	NEW	01-10-056	308-400-110	REP	01-10-056	314- 08-220	REP-S	01-06-062
308-390-315	NEW-P	01-07-084	308-400-120	REP-P	01-07-084	314- 08-220	REP	01-11-058
308-390-315	NEW	01-10-056	308-400-120	REP	01-10-056	314- 08-230	REP-S	01-06-062
308-390-400	NEW-P	01-07-084	308-410	REP-P	01-07-084	314- 08-230	REP	01-11-058
308-390-400	NEW	01-10-056	308-410-010	REP-P	01-07-084	314- 08-240	REP-S	01-06-062
308-390-401	NEW-P	01-07-084	308-410-010	REP	01-10-056	314- 08-240	REP	01-11-058
308-390-401	NEW	01-10-056	308-410-020	REP-P	01-07-084	314- 08-250	REP-S	01-06-062
308-390-402	NEW-P	01-07-084	308-410-020	REP	01-10-056	314- 08-250	REP	01-11-058
308-390-402	NEW	01-10-056	308-410-030	REP-P	01-07-084	314- 08-260	REP-S	01-06-062
308-390-403	NEW-P	01-07-084	308-410-030	REP	01-10-056	314- 08-260	REP	01-11-058
308-390-403	NEW	01-10-056	308-410-040	REP-P	01-07-084	314- 08-270	REP-S	01-06-062
308-390-500	NEW-P	01-07-084	308-410-040	REP	01-10-056	314- 08-270	REP	01-11-058
308-390-500	NEW	01-10-056	308-410-060	REP-P	01-07-084	314- 08-280	REP-S	01-06-062
308-390-501	NEW-P	01-07-084	308-410-060	REP	01-10-056	314- 08-280	REP	01-11-058
308-390-501	NEW	01-10-056	308-410-070	REP-P	01-07-084	314- 08-290	REP-S	01-06-062
308-390-502	NEW-P	01-07-084	308-410-070	REP	01-10-056	314- 08-290	REP	01-11-058
308-390-502	NEW	01-10-056	314- 01-005	NEW	01-06-016	314- 08-300	REP-S	01-06-062
308-390-503	NEW-P	01-07-084	314- 04-005	REP	01-03-086	314- 08-300	REP	01-11-058
308-390-503	NEW	01-10-056	314- 04-006	REP	01-03-086	314- 08-310	REP-S	01-06-062
308-390-504	NEW-P	01-07-084	314- 04-007	REP	01-03-086	314- 08-310	REP	01-11-058
			314- 08-001	REP-S	01-06-062	314- 08-320	REP-S	01-06-062

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
314-08-320	REP	01-11-058	314-11-015	NEW	01-06-014	314-16-125	REP	01-06-014
314-08-330	REP-S	01-06-062	314-11-020	NEW	01-06-014	314-16-145	REP	01-06-014
314-08-330	REP	01-11-058	314-11-025	NEW	01-06-014	314-16-150	REP-W	01-12-082
314-08-340	REP-S	01-06-062	314-11-030	NEW	01-06-014	314-16-160	AMD	01-06-014
314-08-340	REP	01-11-058	314-11-035	NEW	01-06-014	314-17-005	NEW	01-03-085
314-08-350	REP-S	01-06-062	314-11-040	NEW	01-06-014	314-17-010	NEW	01-03-085
314-08-350	REP	01-11-058	314-11-045	NEW	01-06-014	314-17-015	NEW	01-03-085
314-08-360	REP-S	01-06-062	314-11-050	NEW	01-06-014	314-17-020	NEW	01-03-085
314-08-360	REP	01-11-058	314-11-055	NEW	01-06-014	314-17-025	NEW	01-03-085
314-08-370	REP-S	01-06-062	314-11-060	NEW	01-06-014	314-17-030	NEW	01-03-085
314-08-370	REP	01-11-058	314-11-065	NEW	01-06-014	314-17-035	NEW	01-03-085
314-08-380	REP-S	01-06-062	314-11-070	NEW	01-06-014	314-17-040	NEW	01-03-085
314-08-380	REP	01-11-058	314-11-080	NEW	01-06-014	314-17-045	NEW	01-03-085
314-08-390	REP-S	01-06-062	314-11-085	NEW	01-06-014	314-17-050	NEW	01-03-085
314-08-390	REP	01-11-058	314-11-090	NEW	01-06-014	314-17-055	NEW	01-03-085
314-08-400	REP-S	01-06-062	314-11-095	NEW	01-06-014	314-17-060	NEW	01-03-085
314-08-400	REP	01-11-058	314-11-100	NEW	01-06-014	314-17-065	NEW	01-03-085
314-08-410	REP-S	01-06-062	314-11-105	NEW	01-06-014	314-17-070	NEW	01-03-085
314-08-410	REP	01-11-058	314-11-110	NEW	01-06-014	314-17-075	NEW	01-03-085
314-08-415	REP-S	01-06-062	314-12-020	AMD	01-03-087	314-17-080	NEW	01-03-085
314-08-415	REP	01-11-058	314-12-115	REP	01-06-014	314-17-085	NEW	01-03-085
314-08-420	REP-S	01-06-062	314-12-120	REP	01-06-014	314-17-090	NEW	01-03-085
314-08-420	REP	01-11-058	314-12-125	REP	01-06-014	314-17-095	NEW	01-03-085
314-08-430	REP-S	01-06-062	314-12-130	REP	01-06-014	314-17-100	NEW	01-03-085
314-08-430	REP	01-11-058	314-12-140	AMD	01-06-015	314-17-105	NEW	01-03-085
314-08-440	REP-S	01-06-062	314-12-195	REP	01-06-014	314-17-110	NEW	01-03-085
314-08-440	REP	01-11-058	314-13-005	NEW	01-06-015	314-17-115	NEW	01-03-085
314-08-450	REP-S	01-06-062	314-13-010	NEW	01-06-015	314-24-170	REP	01-06-015
314-08-450	REP	01-11-058	314-13-015	NEW	01-06-015	314-29-005	NEW	01-03-086
314-08-460	REP-S	01-06-062	314-13-020	NEW	01-06-015	314-29-010	NEW	01-03-086
314-08-460	REP	01-11-058	314-13-025	NEW	01-06-015	314-42-010	PREP	01-06-061
314-08-470	REP-S	01-06-062	314-13-030	NEW	01-06-015	314-42-010	AMD-P	01-11-059
314-08-470	REP	01-11-058	314-13-040	NEW	01-06-015	314-42-010	AMD	01-15-049
314-08-480	REP-S	01-06-062	314-14-010	REP	01-03-085	314-42-020	NEW-S	01-06-062
314-08-480	REP	01-11-058	314-14-020	REP	01-03-085	314-42-020	NEW	01-11-058
314-08-490	REP-S	01-06-062	314-14-030	REP	01-03-085	314-42-025	NEW-S	01-06-062
314-08-490	REP	01-11-058	314-14-040	REP	01-03-085	314-42-025	NEW	01-11-058
314-08-500	REP-S	01-06-062	314-14-050	REP	01-03-085	314-42-030	NEW-S	01-06-062
314-08-500	REP	01-11-058	314-14-060	REP	01-03-085	314-42-030	NEW	01-11-058
314-08-510	REP-S	01-06-062	314-14-070	REP	01-03-085	314-42-040	NEW-S	01-06-062
314-08-510	REP	01-11-058	314-14-080	REP	01-03-085	314-42-040	NEW	01-11-058
314-08-520	REP-S	01-06-062	314-14-090	REP	01-03-085	314-42-045	NEW-S	01-06-062
314-08-520	REP	01-11-058	314-14-100	REP	01-03-085	314-42-045	NEW	01-11-058
314-08-530	REP-S	01-06-062	314-14-110	REP	01-03-085	314-42-050	NEW-S	01-06-062
314-08-530	REP	01-11-058	314-14-120	REP	01-03-085	314-42-050	NEW	01-11-058
314-08-540	REP-S	01-06-062	314-14-130	REP	01-03-085	314-42-055	NEW-W	01-11-075
314-08-540	REP	01-11-058	314-14-140	REP	01-03-085	314-42-060	NEW-S	01-06-062
314-08-550	REP-S	01-06-062	314-14-150	REP	01-03-085	314-42-060	NEW	01-11-058
314-08-550	REP	01-11-058	314-14-160	REP	01-03-085	314-42-065	NEW-S	01-06-062
314-08-560	REP-S	01-06-062	314-14-165	REP	01-03-085	314-42-065	NEW	01-11-058
314-08-560	REP	01-11-058	314-14-170	REP	01-03-085	314-42-070	NEW-S	01-06-062
314-08-570	REP-S	01-06-062	314-16-020	AMD	01-06-014	314-42-070	NEW	01-11-058
314-08-570	REP	01-11-058	314-16-025	REP	01-06-014	314-42-075	NEW-S	01-06-062
314-08-580	REP-S	01-06-062	314-16-030	REP	01-06-014	314-42-075	NEW	01-11-058
314-08-580	REP	01-11-058	314-16-040	AMD	01-06-014	314-42-080	NEW-S	01-06-062
314-08-590	REP-S	01-06-062	314-16-050	REP	01-06-014	314-42-080	NEW	01-11-058
314-08-590	REP	01-11-058	314-16-060	REP	01-06-014	314-42-085	NEW-S	01-06-062
314-09-005	NEW	01-03-087	314-16-070	REP	01-06-014	314-42-085	NEW	01-11-058
314-09-010	NEW	01-03-087	314-16-075	REP	01-06-014	314-42-090	NEW-S	01-06-062
314-09-015	NEW	01-03-087	314-16-090	REP	01-06-014	314-42-090	NEW	01-11-058
314-10-020	REP	01-06-014	314-16-120	REP	01-06-014	314-42-100	NEW-S	01-06-062
314-11-005	NEW	01-06-014	314-16-122	REP	01-06-014	314-42-100	NEW	01-11-058

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
314-42-105	NEW-S	01-06-062	356-06-045	AMD	01-07-055	365-120-080	PREP	01-11-137
314-42-105	NEW	01-11-058	356-10-040	AMD-C	01-02-089	365-120-080	AMD-E	01-14-035
314-70-020	REP	01-06-014	356-10-040	AMD	01-07-057	365-195-900	AMD-P	01-03-166
314-70-040	REP	01-06-014	356-14-067	AMD-C	01-02-089	365-195-900	AMD	01-08-056
314-70-050	REP	01-06-014	356-14-067	AMD	01-07-057	365-197-010	NEW-P	01-03-165
315-04-085	NEW-S	01-08-037	356-14-075	AMD-C	01-02-089	365-197-010	NEW	01-13-039
315-04-085	NEW	01-12-039	356-14-075	AMD	01-07-057	365-197-020	NEW-P	01-03-165
315-06-040	PREP	01-04-040	356-14-085	AMD-C	01-02-089	365-197-020	NEW	01-13-039
315-06-040	AMD-P	01-08-038	356-14-085	AMD	01-07-057	365-197-030	NEW-P	01-03-165
315-06-040	AMD	01-12-040	356-14-110	AMD-C	01-02-089	365-197-030	NEW	01-13-039
315-34	PREP	01-07-013	356-14-110	AMD	01-07-057	365-197-040	NEW-P	01-03-165
315-34-040	AMD-P	01-11-082	356-14-120	AMD-C	01-02-089	365-197-040	NEW	01-13-039
315-34-050	AMD-P	01-11-082	356-14-120	AMD	01-07-057	365-197-050	NEW-P	01-03-165
315-34-057	AMD-P	01-11-082	356-15-125	AMD-E	01-04-051	365-197-050	NEW	01-13-039
315-36	PREP	01-07-004	356-15-125	AMD-P	01-04-079	365-197-060	NEW-P	01-03-165
315-36-010	AMD-P	01-11-081	356-15-125	AMD	01-08-005	365-197-060	NEW	01-13-039
315-36-030	AMD-P	01-11-081	356-15-140	AMD-C	01-02-089	365-197-070	NEW-P	01-03-165
315-36-050	AMD-P	01-11-081	356-15-140	AMD	01-07-057	365-197-070	NEW	01-13-039
315-36-090	AMD-P	01-11-081	356-18-112	AMD-P	01-16-130	365-197-080	NEW-P	01-03-165
315-36-110	AMD-P	01-11-081	356-18-140	AMD-C	01-02-089	365-197-080	NEW	01-13-039
317-21-010	REP	01-05-036	356-18-140	AMD	01-07-057	388-05-0001	NEW-P	01-08-077
317-21-020	REP	01-05-036	356-18-220	AMD-C	01-02-089	388-05-0001	NEW	01-12-071
317-21-030	REP	01-05-036	356-18-220	AMD	01-07-057	388-05-0005	NEW-P	01-08-077
317-21-040	REP	01-05-036	356-22-160	AMD-P	01-12-074	388-05-0005	NEW	01-12-071
317-21-050	REP	01-05-036	356-22-170	REP-P	01-12-074	388-05-0010	NEW-P	01-08-077
317-21-060	REP	01-05-036	356-22-220	AMD-W	01-07-056	388-05-0010	NEW	01-12-071
317-21-070	REP	01-05-036	356-26-030	AMD-P	01-16-095	388-06-0010	NEW-P	01-10-062
317-21-100	REP	01-05-036	356-26-030	AMD-E	01-16-096	388-06-0020	NEW-P	01-10-062
317-21-110	REP	01-05-036	356-26-040	AMD-P	01-12-075	388-06-0100	NEW-P	01-10-062
317-21-120	REP	01-05-036	356-26-140	AMD-P	01-16-095	388-06-0110	NEW-P	01-10-062
317-21-140	REP	01-05-036	356-26-140	AMD-E	01-16-096	388-06-0120	NEW-P	01-10-062
317-21-300	REP	01-05-036	356-30-012	NEW-P	01-16-095	388-06-0130	NEW-P	01-10-062
317-21-305	REP	01-05-036	356-30-012	NEW-E	01-16-096	388-06-0140	NEW-P	01-10-062
317-21-310	REP	01-05-036	356-30-025	REP-P	01-16-130	388-06-0150	NEW-P	01-10-062
317-21-315	REP	01-05-036	356-30-065	AMD-P	01-16-130	388-06-0160	NEW-P	01-10-062
317-21-320	REP	01-05-036	356-30-067	AMD-P	01-16-130	388-06-0170	NEW-P	01-10-062
317-21-325	REP	01-05-036	356-30-140	AMD-P	01-16-130	388-06-0180	NEW-P	01-10-062
317-21-330	REP	01-05-036	356-30-260	AMD-P	01-12-076	388-06-0190	NEW-P	01-10-062
317-21-335	REP	01-05-036	356-30-305	AMD-P	01-12-076	388-06-0200	NEW-P	01-10-062
317-21-340	REP	01-05-036	356-30-320	AMD-C	01-02-088	388-06-0210	NEW-P	01-10-062
317-21-345	REP	01-05-036	356-30-320	AMD	01-07-055	388-06-0220	NEW-P	01-10-062
317-21-400	REP	01-05-036	356-30-330	AMD-P	01-16-095	388-06-0230	NEW-P	01-10-062
317-21-410	REP	01-05-036	356-30-330	AMD-E	01-16-096	388-06-0240	NEW-P	01-10-062
317-21-500	REP	01-05-036	356-30-331	AMD-C	01-02-088	388-06-0250	NEW-P	01-10-062
317-21-510	REP	01-05-036	356-30-331	AMD	01-07-055	388-06-0260	NEW-P	01-10-062
317-21-520	REP	01-05-036	356-30-331	AMD-P	01-08-062	388-06-0500	NEW-P	01-10-064
317-21-530	REP	01-05-036	356-30-331	AMD	01-11-113	388-06-0500	NEW	01-15-019
317-21-550	REP	01-05-036	356-34-090	AMD-P	01-16-095	388-06-0510	NEW-P	01-10-064
317-21-560	REP	01-05-036	356-34-090	AMD-E	01-16-096	388-06-0510	NEW	01-15-019
317-21-900	REP	01-05-036	356-46-150	NEW-P	01-08-062	388-06-0520	NEW-P	01-10-064
317-21-910	REP	01-05-036	356-46-150	NEW	01-11-113	388-06-0520	NEW	01-15-019
326-40-010	REP-X	01-16-156	356-49-040	AMD-C	01-02-089	388-06-0525	NEW-P	01-10-064
326-40-020	REP-X	01-16-156	356-49-040	AMD	01-07-057	388-06-0525	NEW	01-15-019
332-10-020	AMD-P	01-04-061	356-56-210	AMD	01-03-003	388-06-0530	NEW-P	01-10-064
332-10-020	AMD	01-07-049	356-56-220	AMD	01-03-003	388-06-0530	NEW	01-15-019
332-10-040	AMD-P	01-04-061	363-116-185	AMD-P	01-10-072	388-06-0535	NEW-P	01-10-064
332-10-040	AMD	01-07-049	363-116-185	AMD	01-13-066	388-06-0535	NEW	01-15-019
332-30	PREP	01-10-068	363-116-185	AMD-P	01-14-086	388-06-0540	NEW-P	01-10-064
352	PREP	01-12-077	363-116-185	AMD-P	01-14-087	388-06-0540	NEW	01-15-019
352-32-340	NEW-P	01-16-147	363-116-300	AMD-P	01-08-081	388-11-011	REP	01-03-089
356-05-415	AMD-P	01-16-130	363-116-300	AMD	01-12-032	388-11-015	REP	01-03-089
356-06-045	AMD-C	01-02-088	363-116-300	AMD-P	01-14-088	388-11-045	REP	01-03-089

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388- 11-048	REP	01-03-089	388- 14-310	REP	01-03-089	388- 14A-2040	NEW	01-03-089
388- 11-065	REP	01-03-089	388- 14-350	REP	01-03-089	388- 14A-2041	NEW	01-03-089
388- 11-067	REP	01-03-089	388- 14-360	REP	01-03-089	388- 14A-2045	NEW	01-03-089
388- 11-100	REP	01-03-089	388- 14-365	REP	01-03-089	388- 14A-2050	NEW	01-03-089
388- 11-120	REP	01-03-089	388- 14-370	REP	01-03-089	388- 14A-2060	NEW	01-03-089
388- 11-135	REP	01-03-089	388- 14-376	REP	01-03-089	388- 14A-2065	NEW	01-03-089
388- 11-140	REP	01-03-089	388- 14-385	REP	01-03-089	388- 14A-2065	PREP	01-13-049
388- 11-143	REP	01-03-089	388- 14-386	REP	01-03-089	388- 14A-2070	NEW	01-03-089
388- 11-145	REP	01-03-089	388- 14-387	REP	01-03-089	388- 14A-2075	NEW	01-03-089
388- 11-150	REP	01-03-089	388- 14-388	REP	01-03-089	388- 14A-2080	NEW	01-03-089
388- 11-155	REP	01-03-089	388- 14-390	REP	01-03-089	388- 14A-2085	NEW	01-03-089
388- 11-170	REP	01-03-089	388- 14-395	REP	01-03-089	388- 14A-2090	NEW	01-03-089
388- 11-180	REP	01-03-089	388- 14-410	REP	01-03-089	388- 14A-2095	NEW	01-03-089
388- 11-205	REP	01-03-089	388- 14-415	REP	01-03-089	388- 14A-2097	NEW	01-03-089
388- 11-210	REP	01-03-089	388- 14-420	REP	01-03-089	388- 14A-2099	NEW	01-03-089
388- 11-215	REP	01-03-089	388- 14-421	REP	01-03-089	388- 14A-2105	NEW	01-03-089
388- 11-220	REP	01-03-089	388- 14-422	REP	01-03-089	388- 14A-2105	PREP	01-09-027
388- 11-280	REP	01-03-089	388- 14-423	REP	01-03-089	388- 14A-2110	NEW	01-03-089
388- 11-300	REP	01-03-089	388- 14-424	REP	01-03-089	388- 14A-2110	PREP	01-09-027
388- 11-305	REP	01-03-089	388- 14-427	REP	01-03-089	388- 14A-2115	NEW	01-03-089
388- 11-310	REP	01-03-089	388- 14-435	REP	01-03-089	388- 14A-2115	PREP	01-09-027
388- 11-320	REP	01-03-089	388- 14-440	REP	01-03-089	388- 14A-2120	NEW	01-03-089
388- 11-325	REP	01-03-089	388- 14-440	REP	01-03-089	388- 14A-2120	PREP	01-09-027
388- 11-330	REP	01-03-089	388- 14-450	REP	01-03-089	388- 14A-2120	PREP	01-09-027
388- 11-330	REP	01-03-089	388- 14-460	REP	01-03-089	388- 14A-2125	NEW	01-03-089
388- 11-335	REP	01-03-089	388- 14-480	REP	01-03-089	388- 14A-2125	PREP	01-09-027
388- 11-340	REP	01-03-089	388- 14-490	REP	01-03-089	388- 14A-2150	NEW	01-03-089
388- 13-010	REP	01-03-089	388- 14-495	REP	01-03-089	388- 14A-2155	NEW	01-03-089
388- 13-020	REP	01-03-089	388- 14-496	REP	01-03-089	388- 14A-2160	NEW	01-03-089
388- 13-030	REP	01-03-089	388- 14-500	REP	01-03-089	388- 14A-2160	NEW	01-03-089
388- 13-040	REP	01-03-089	388- 14-510	REP	01-03-089	388- 14A-3131	PREP	01-13-048
388- 13-050	REP	01-03-089	388- 14-520	REP	01-03-089	388- 14A-3132	PREP	01-13-048
388- 13-060	REP	01-03-089	388- 14-520	REP	01-03-089	388- 14A-3275	NEW	01-03-089
388- 13-070	REP	01-03-089	388- 14-530	REP	01-03-089	388- 14A-3300	NEW	01-03-089
388- 13-085	REP	01-03-089	388- 14-540	REP	01-03-089	388- 14A-3304	NEW	01-03-089
388- 13-090	REP	01-03-089	388- 14-540	REP	01-03-089	388- 14A-3310	NEW	01-03-089
388- 13-100	REP	01-03-089	388- 14-550	REP	01-03-089	388- 14A-3315	NEW	01-03-089
388- 13-110	REP	01-03-089	388- 14-560	REP	01-03-089	388- 14A-3320	NEW	01-03-089
388- 13-120	REP	01-03-089	388- 14-570	REP	01-03-089	388- 14A-3320	NEW	01-03-089
388- 14-010	REP	01-03-089	388- 14A-1000	NEW	01-03-089	388- 14A-3350	NEW	01-03-089
388- 14-020	REP	01-03-089	388- 14A-1005	NEW	01-03-089	388- 14A-3370	NEW	01-03-089
388- 14-030	REP	01-03-089	388- 14A-1010	NEW	01-03-089	388- 14A-3375	NEW	01-03-089
388- 14-035	REP	01-03-089	388- 14A-1015	NEW	01-03-089	388- 14A-3400	NEW	01-03-089
388- 14-040	REP	01-03-089	388- 14A-1020	NEW	01-03-089	388- 14A-3500	NEW	01-03-089
388- 14-045	REP	01-03-089	388- 14A-1025	NEW	01-03-089	388- 14A-3600	NEW	01-03-089
388- 14-050	REP	01-03-089	388- 14A-1025	PREP	01-13-049	388- 14A-3600	PREP	01-09-042
388- 14-100	REP	01-03-089	388- 14A-1030	NEW	01-03-089	388- 14A-3700	NEW	01-03-089
388- 14-200	REP	01-03-089	388- 14A-1035	NEW	01-03-089	388- 14A-3800	NEW	01-03-089
388- 14-201	REP	01-03-089	388- 14A-1036	NEW	01-03-089	388- 14A-3810	NEW	01-03-089
388- 14-202	REP	01-03-089	388- 14A-1040	NEW	01-03-089	388- 14A-3900	NEW	01-03-089
388- 14-203	REP	01-03-089	388- 14A-1045	NEW	01-03-089	388- 14A-3900	PREP	01-13-020
388- 14-205	REP	01-03-089	388- 14A-1050	NEW	01-03-089	388- 14A-3901	NEW	01-03-089
388- 14-210	REP	01-03-089	388- 14A-1055	NEW	01-03-089	388- 14A-3901	PREP	01-13-020
388- 14-220	REP	01-03-089	388- 14A-1060	NEW	01-03-089	388- 14A-3902	NEW	01-03-089
388- 14-250	REP	01-03-089	388- 14A-2000	NEW	01-03-089	388- 14A-3902	PREP	01-13-020
388- 14-260	REP	01-03-089	388- 14A-2005	NEW	01-03-089	388- 14A-3903	NEW	01-03-089
388- 14-270	REP	01-03-089	388- 14A-2010	NEW	01-03-089	388- 14A-3903	PREP	01-13-020
388- 14-271	REP	01-03-089	388- 14A-2015	NEW	01-03-089	388- 14A-3904	NEW	01-03-089
388- 14-272	REP	01-03-089	388- 14A-2020	NEW	01-03-089	388- 14A-3904	PREP	01-13-020
388- 14-273	REP	01-03-089	388- 14A-2025	NEW	01-03-089	388- 14A-3905	NEW	01-03-089
388- 14-274	REP	01-03-089	388- 14A-2030	NEW	01-03-089	388- 14A-3905	PREP	01-13-020
388- 14-276	REP	01-03-089	388- 14A-2035	NEW	01-03-089	388- 14A-3906	NEW	01-03-089
388- 14-300	REP	01-03-089	388- 14A-2036	NEW	01-03-089	388- 14A-3906	PREP	01-13-020
			388- 14A-2037	NEW	01-03-089	388- 14A-3907	NEW	01-03-089
			388- 14A-2038	NEW	01-03-089	388- 14A-3907	PREP	01-13-020

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 14A-3925	NEW	01-03-089	388- 14A-6000	NEW	01-03-089	388- 15-160	REP	01-08-047
388- 14A-3925	PREP	01-13-020	388- 14A-6100	NEW	01-03-089	388- 15-220	REP	01-08-047
388- 14A-4000	NEW	01-03-089	388- 14A-6150	PREP	01-13-048	388- 15-570	REP	01-08-047
388- 14A-4010	NEW	01-03-089	388- 14A-6200	NEW	01-03-089	388- 25-0005	NEW	01-08-047
388- 14A-4020	NEW	01-03-089	388- 14A-6200	PREP	01-09-041	388- 25-0010	NEW	01-08-047
388- 14A-4030	NEW	01-03-089	388- 14A-6300	NEW	01-03-089	388- 25-0015	NEW	01-08-047
388- 14A-4040	NEW	01-03-089	388- 14A-6400	NEW	01-03-089	388- 25-0020	NEW	01-08-047
388- 14A-4100	NEW	01-03-089	388- 14A-6405	NEW	01-03-089	388- 25-0025	NEW	01-08-047
388- 14A-4110	NEW	01-03-089	388- 14A-6410	NEW	01-03-089	388- 25-0030	NEW	01-08-047
388- 14A-4115	NEW	01-03-089	388- 14A-6415	NEW	01-03-089	388- 25-0035	NEW	01-08-047
388- 14A-4120	NEW	01-03-089	388- 14A-6500	NEW	01-03-089	388- 25-0040	NEW	01-08-047
388- 14A-4130	NEW	01-03-089	388- 14A-7100	NEW	01-03-089	388- 25-0045	NEW	01-08-047
388- 14A-4200	NEW	01-03-089	388- 14A-7200	NEW	01-03-089	388- 25-0050	NEW	01-08-047
388- 14A-4300	NEW	01-03-089	388- 14A-8100	NEW	01-03-089	388- 25-0055	NEW	01-08-047
388- 14A-4301	NEW	01-03-089	388- 14A-8105	NEW	01-03-089	388- 25-0060	NEW	01-08-047
388- 14A-4302	NEW	01-03-089	388- 14A-8110	NEW	01-03-089	388- 25-0065	NEW	01-08-047
388- 14A-4303	NEW	01-03-089	388- 14A-8120	NEW	01-03-089	388- 25-0070	NEW	01-08-047
388- 14A-4304	NEW	01-03-089	388- 14A-8200	NEW	01-03-089	388- 25-0075	NEW	01-08-047
388- 14A-4500	NEW	01-03-089	388- 14A-8300	NEW	01-03-089	388- 25-0080	NEW	01-08-047
388- 14A-4505	NEW	01-03-089	388- 14A-8400	NEW	01-03-089	388- 25-0085	NEW	01-08-047
388- 14A-4510	NEW	01-03-089	388- 14A-8500	NEW	01-03-089	388- 25-0090	NEW	01-08-047
388- 14A-4515	NEW	01-03-089	388- 15-001	NEW-W	01-07-072	388- 25-0095	NEW	01-08-047
388- 14A-4520	NEW	01-03-089	388- 15-005	NEW-W	01-07-072	388- 25-0100	NEW	01-08-047
388- 14A-4525	NEW	01-03-089	388- 15-009	NEW-W	01-07-072	388- 25-0105	NEW	01-08-047
388- 14A-4530	NEW	01-03-089	388- 15-013	NEW-W	01-07-072	388- 25-0110	NEW	01-08-047
388- 14A-4600	NEW	01-03-089	388- 15-017	NEW-W	01-07-072	388- 25-0115	NEW	01-08-047
388- 14A-4605	NEW	01-03-089	388- 15-021	NEW-W	01-07-072	388- 25-0120	NEW	01-08-047
388- 14A-4605	PREP	01-13-047	388- 15-025	NEW-W	01-07-072	388- 25-0125	NEW	01-08-047
388- 14A-4610	NEW	01-03-089	388- 15-029	NEW-W	01-07-072	388- 25-0130	NEW	01-08-047
388- 14A-4615	NEW	01-03-089	388- 15-033	NEW-W	01-07-072	388- 25-0135	NEW	01-08-047
388- 14A-4620	NEW	01-03-089	388- 15-037	NEW-W	01-07-072	388- 25-0140	NEW	01-08-047
388- 14A-5000	NEW	01-03-089	388- 15-041	NEW-W	01-07-072	388- 25-0145	NEW	01-08-047
388- 14A-5000	PREP	01-09-043	388- 15-045	NEW-W	01-07-072	388- 25-0150	NEW	01-08-047
388- 14A-5001	NEW	01-03-089	388- 15-049	NEW-W	01-07-072	388- 25-0155	NEW	01-08-047
388- 14A-5001	PREP	01-09-043	388- 15-053	NEW-W	01-07-072	388- 25-0160	NEW	01-08-047
388- 14A-5002	NEW	01-03-089	388- 15-057	NEW-W	01-07-072	388- 25-0170	NEW	01-08-047
388- 14A-5002	PREP	01-09-043	388- 15-061	NEW-W	01-07-072	388- 25-0175	NEW	01-08-047
388- 14A-5003	NEW	01-03-089	388- 15-065	NEW-W	01-07-072	388- 25-0180	NEW	01-08-047
388- 14A-5003	PREP	01-09-043	388- 15-069	NEW-W	01-07-072	388- 25-0185	NEW	01-08-047
388- 14A-5004	NEW	01-03-089	388- 15-073	NEW-W	01-07-072	388- 25-0190	NEW	01-08-047
388- 14A-5004	PREP	01-09-043	388- 15-077	NEW-W	01-07-072	388- 25-0195	NEW	01-08-047
388- 14A-5005	NEW	01-03-089	388- 15-081	NEW-W	01-07-072	388- 25-0200	NEW	01-08-047
388- 14A-5005	PREP	01-09-043	388- 15-085	NEW-W	01-07-072	388- 25-0205	NEW	01-08-047
388- 14A-5006	NEW	01-03-089	388- 15-089	NEW-W	01-07-072	388- 25-0210	NEW	01-08-047
388- 14A-5006	PREP	01-09-043	388- 15-093	NEW-W	01-07-072	388- 25-0215	NEW	01-08-047
388- 14A-5007	NEW	01-03-089	388- 15-097	NEW-W	01-07-072	388- 25-0220	NEW	01-08-047
388- 14A-5007	PREP	01-09-043	388- 15-101	NEW-W	01-07-072	388- 25-0225	NEW	01-08-047
388- 14A-5008	NEW	01-03-089	388- 15-105	NEW-W	01-07-072	388- 25-0230	NEW	01-08-047
388- 14A-5050	NEW	01-03-089	388- 15-109	NEW-W	01-07-072	388- 25-0235	NEW	01-08-047
388- 14A-5100	NEW	01-03-089	388- 15-113	NEW-W	01-07-072	388- 25-0240	NEW	01-08-047
388- 14A-5200	NEW	01-03-089	388- 15-117	NEW-W	01-07-072	388- 25-0245	NEW	01-08-047
388- 14A-5300	NEW	01-03-089	388- 15-121	NEW-W	01-07-072	388- 25-0250	NEW	01-08-047
388- 14A-5400	NEW	01-03-089	388- 15-125	NEW-W	01-07-072	388- 25-0255	NEW	01-08-047
388- 14A-5500	NEW	01-03-089	388- 15-129	NEW-W	01-07-072	388- 25-0260	NEW	01-08-047
388- 14A-5505	NEW	01-03-089	388- 15-130	REP-W	01-07-072	388- 25-0265	NEW	01-08-047
388- 14A-5510	NEW	01-03-089	388- 15-131	REP-W	01-07-072	388- 25-0270	NEW	01-08-047
388- 14A-5515	NEW	01-03-089	388- 15-132	REP-W	01-07-072	388- 25-0275	NEW	01-08-047
388- 14A-5520	NEW	01-03-089	388- 15-133	NEW-W	01-07-072	388- 25-0280	NEW	01-08-047
388- 14A-5525	NEW	01-03-089	388- 15-134	REP-W	01-07-072	388- 25-0285	NEW	01-08-047
388- 14A-5530	NEW	01-03-089	388- 15-135	NEW-W	01-07-072	388- 25-0290	NEW	01-08-047
388- 14A-5535	NEW	01-03-089	388- 15-141	NEW-W	01-07-072	388- 25-0295	NEW	01-08-047
388- 14A-5540	NEW	01-03-089	388- 15-150	REP	01-08-047	388- 25-0300	NEW	01-08-047

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 25-0305	NEW	01-08-047	388- 27-0160	NEW	01-08-045	388- 32-0020	NEW	01-08-047
388- 25-0310	NEW	01-08-047	388- 27-0165	NEW	01-08-045	388- 32-0025	NEW	01-08-047
388- 25-0315	NEW	01-08-047	388- 27-0170	NEW	01-08-045	388- 32-0030	NEW	01-08-047
388- 25-0320	NEW	01-08-047	388- 27-0175	NEW	01-08-045	388- 39A-010	NEW	01-06-041
388- 25-0325	NEW	01-08-047	388- 27-0180	NEW	01-08-045	388- 39A-030	NEW	01-06-041
388- 25-0330	NEW	01-08-047	388- 27-0185	NEW	01-08-045	388- 39A-035	NEW	01-06-041
388- 25-0335	NEW	01-08-047	388- 27-0190	NEW	01-08-045	388- 39A-040	NEW	01-06-041
388- 25-0340	NEW	01-08-047	388- 27-0195	NEW	01-08-045	388- 39A-045	NEW	01-06-041
388- 25-0345	NEW	01-08-047	388- 27-0200	NEW	01-08-045	388- 39A-050	NEW	01-06-041
388- 25-0350	NEW	01-08-047	388- 27-0205	NEW	01-08-045	388- 39A-055	NEW	01-06-041
388- 25-0355	NEW	01-08-047	388- 27-0210	NEW	01-08-045	388- 39A-060	NEW	01-06-041
388- 25-0360	NEW	01-08-047	388- 27-0215	NEW	01-08-045	388- 46-010	REP	01-06-044
388- 25-0365	NEW	01-08-047	388- 27-0220	NEW	01-08-045	388- 46-100	REP	01-06-044
388- 25-0370	NEW	01-08-047	388- 27-0225	NEW	01-08-045	388- 46-110	REP	01-06-044
388- 25-0375	NEW	01-08-047	388- 27-0230	NEW	01-08-045	388- 46-120	REP	01-06-044
388- 25-0380	NEW	01-08-047	388- 27-0235	NEW	01-08-045	388- 60-0015	NEW	01-08-046
388- 25-0385	NEW	01-08-047	388- 27-0240	NEW	01-08-045	388- 60-0025	NEW	01-08-046
388- 25-0390	NEW	01-08-047	388- 27-0245	NEW	01-08-045	388- 60-0035	NEW	01-08-046
388- 25-0395	NEW	01-08-047	388- 27-0250	NEW	01-08-045	388- 60-0045	NEW	01-08-046
388- 25-0400	NEW	01-08-047	388- 27-0255	NEW	01-08-045	388- 60-005	REP	01-08-046
388- 25-0405	NEW	01-08-047	388- 27-0260	NEW	01-08-045	388- 60-0055	NEW	01-08-046
388- 25-0410	NEW	01-08-047	388- 27-0265	NEW	01-08-045	388- 60-0065	NEW	01-08-046
388- 25-0415	NEW	01-08-047	388- 27-0270	NEW	01-08-045	388- 60-0075	NEW	01-08-046
388- 25-0420	NEW	01-08-047	388- 27-0275	NEW	01-08-045	388- 60-0085	NEW	01-08-046
388- 25-0425	NEW	01-08-047	388- 27-0280	NEW	01-08-045	388- 60-0095	NEW	01-08-046
388- 25-0430	NEW	01-08-047	388- 27-0285	NEW	01-08-045	388- 60-0105	NEW	01-08-046
388- 25-0435	NEW	01-08-047	388- 27-0290	NEW	01-08-045	388- 60-0115	NEW	01-08-046
388- 25-0440	NEW	01-08-047	388- 27-0295	NEW	01-08-045	388- 60-0125	NEW	01-08-046
388- 25-0445	NEW	01-08-047	388- 27-0300	NEW	01-08-045	388- 60-0135	NEW	01-08-046
388- 25-0450	NEW	01-08-047	388- 27-0305	NEW	01-08-045	388- 60-0145	NEW	01-08-046
388- 25-0455	NEW	01-08-047	388- 27-0310	NEW	01-08-045	388- 60-0155	NEW	01-08-046
388- 25-0460	NEW	01-08-047	388- 27-0315	NEW	01-08-045	388- 60-0165	NEW	01-08-046
388- 27-0005	NEW	01-08-047	388- 27-0320	NEW	01-08-045	388- 60-0175	NEW	01-08-046
388- 27-0010	NEW	01-08-047	388- 27-0325	NEW	01-08-045	388- 60-0185	NEW	01-08-046
388- 27-0015	NEW	01-08-047	388- 27-0330	NEW	01-08-045	388- 60-0195	NEW	01-08-046
388- 27-0020	NEW	01-08-047	388- 27-0335	NEW	01-08-045	388- 60-0205	NEW	01-08-046
388- 27-0025	NEW	01-08-047	388- 27-0340	NEW	01-08-045	388- 60-0215	NEW	01-08-046
388- 27-0030	NEW	01-08-047	388- 27-0345	NEW	01-08-045	388- 60-0225	NEW	01-08-046
388- 27-0035	NEW	01-08-047	388- 27-0350	NEW	01-08-045	388- 60-0235	NEW	01-08-046
388- 27-0040	NEW	01-08-047	388- 27-0355	NEW	01-08-045	388- 60-0245	NEW	01-08-046
388- 27-0045	NEW	01-08-047	388- 27-0360	NEW	01-08-045	388- 60-0255	NEW	01-08-046
388- 27-0050	NEW	01-08-047	388- 27-0365	NEW	01-08-045	388- 60-0265	NEW	01-08-046
388- 27-0055	NEW	01-08-047	388- 27-0370	NEW	01-08-045	388- 60-0275	NEW	01-08-046
388- 27-0060	NEW	01-08-047	388- 27-0375	NEW	01-08-045	388- 60-0285	NEW	01-08-046
388- 27-0065	NEW	01-08-047	388- 27-0380	NEW	01-08-045	388- 60-0295	NEW	01-08-046
388- 27-0070	NEW	01-08-047	388- 27-0385	NEW	01-08-045	388- 60-0305	NEW	01-08-046
388- 27-0075	NEW	01-08-047	388- 27-0390	NEW	01-08-045	388- 60-0315	NEW	01-08-046
388- 27-0080	NEW	01-08-047	388- 31-010	REP-P	01-04-070	388- 60-0325	NEW	01-08-046
388- 27-0085	NEW	01-08-047	388- 31-010	REP	01-09-023	388- 60-0335	NEW	01-08-046
388- 27-0090	NEW	01-08-047	388- 31-015	REP-P	01-04-070	388- 60-0345	NEW	01-08-046
388- 27-0100	NEW	01-08-047	388- 31-015	REP	01-09-023	388- 60-0355	NEW	01-08-046
388- 27-0105	NEW	01-08-047	388- 31-020	REP-P	01-04-070	388- 60-0365	NEW	01-08-046
388- 27-0110	NEW	01-08-047	388- 31-020	REP	01-09-023	388- 60-0375	NEW	01-08-046
388- 27-0115	NEW	01-08-047	388- 31-025	REP-P	01-04-070	388- 60-0385	NEW	01-08-046
388- 27-0120	NEW	01-08-045	388- 31-025	REP	01-09-023	388- 60-0395	NEW	01-08-046
388- 27-0125	NEW	01-08-045	388- 31-030	REP-P	01-04-070	388- 60-0405	NEW	01-08-046
388- 27-0130	NEW	01-08-045	388- 31-030	REP	01-09-023	388- 60-0415	NEW	01-08-046
388- 27-0135	NEW	01-08-045	388- 31-035	REP-P	01-04-070	388- 60-0425	NEW	01-08-046
388- 27-0140	NEW	01-08-045	388- 31-035	REP	01-09-023	388- 60-0435	NEW	01-08-046
388- 27-0145	NEW	01-08-045	388- 32-0005	NEW	01-08-047	388- 60-0445	NEW	01-08-046
388- 27-0150	NEW	01-08-045	388- 32-0010	NEW	01-08-047	388- 60-0455	NEW	01-08-046
388- 27-0155	NEW	01-08-045	388- 32-0015	NEW	01-08-047	388- 60-0465	NEW	01-08-046

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-60-0475	NEW	01-08-046	388-61A-0095	NEW	01-07-053	388-70-560	REP	01-08-045
388-60-0485	NEW	01-08-046	388-61A-0100	NEW	01-07-053	388-70-570	REP	01-08-045
388-60-0495	NEW	01-08-046	388-61A-0105	NEW	01-07-053	388-70-580	REP	01-08-045
388-60-0505	NEW	01-08-046	388-61A-0110	NEW	01-07-053	388-70-590	REP	01-08-045
388-60-0515	NEW	01-08-046	388-61A-0115	NEW	01-07-053	388-70-595	REP	01-08-045
388-60-0525	NEW	01-08-046	388-61A-0120	NEW	01-07-053	388-70-700	REP	01-08-047
388-60-0535	NEW	01-08-046	388-61A-0125	NEW	01-07-053	388-71	PREP	01-11-095
388-60-0545	NEW	01-08-046	388-61A-0130	NEW	01-07-053	388-71-0500	AMD-P	01-07-045
388-60-0555	NEW	01-08-046	388-61A-0135	NEW	01-07-053	388-71-0500	AMD	01-11-019
388-60-0565	NEW	01-08-046	388-61A-0140	NEW	01-07-053	388-71-0505	AMD-P	01-07-045
388-60-0575	NEW	01-08-046	388-61A-0145	NEW	01-07-053	388-71-0505	AMD	01-11-019
388-60-0585	NEW	01-08-046	388-61A-0150	NEW	01-07-053	388-71-0510	AMD-P	01-07-045
388-60-0595	NEW	01-08-046	388-61A-0155	NEW	01-07-053	388-71-0510	AMD	01-11-019
388-60-0605	NEW	01-08-046	388-61A-0160	NEW	01-07-053	388-71-0513	NEW-P	01-07-045
388-60-0615	NEW	01-08-046	388-61A-0165	NEW	01-07-053	388-71-0513	NEW	01-11-019
388-60-0625	NEW	01-08-046	388-61A-0170	NEW	01-07-053	388-71-0515	AMD-P	01-07-045
388-60-0635	NEW	01-08-046	388-61A-0175	NEW	01-07-053	388-71-0515	AMD	01-11-019
388-60-0645	NEW	01-08-046	388-61A-0180	NEW	01-07-053	388-71-0540	AMD-P	01-07-045
388-60-0655	NEW	01-08-046	388-61A-0185	NEW	01-07-053	388-71-0540	AMD	01-11-019
388-60-0665	NEW	01-08-046	388-61A-0190	NEW	01-07-053	388-71-0545	REP-P	01-07-045
388-60-0675	NEW	01-08-046	388-61A-0195	NEW	01-07-053	388-71-0545	REP	01-11-019
388-60-0685	NEW	01-08-046	388-70-010	REP	01-08-047	388-71-0546	NEW-P	01-07-045
388-60-0695	NEW	01-08-046	388-70-012	REP	01-08-047	388-71-0546	NEW	01-11-019
388-60-0705	NEW	01-08-046	388-70-013	REP	01-08-047	388-71-0550	REP-P	01-07-045
388-60-0715	NEW	01-08-046	388-70-022	REP	01-08-047	388-71-0550	REP	01-11-019
388-60-0725	NEW	01-08-046	388-70-024	REP	01-08-047	388-71-0551	NEW-P	01-07-045
388-60-0735	NEW	01-08-046	388-70-031	REP	01-08-047	388-71-0551	NEW	01-11-019
388-60-0745	NEW	01-08-046	388-70-032	REP	01-08-047	388-71-0555	REP-P	01-07-045
388-60-0755	NEW	01-08-046	388-70-033	REP	01-08-047	388-71-0555	REP	01-11-019
388-60-120	REP	01-08-046	388-70-034	REP	01-08-047	388-71-0556	NEW-P	01-07-045
388-60-130	REP	01-08-046	388-70-035	REP	01-08-047	388-71-0556	NEW	01-11-019
388-60-140	REP	01-08-046	388-70-036	REP	01-08-047	388-71-0560	AMD-P	01-07-045
388-60-150	REP	01-08-046	388-70-037	REP	01-08-047	388-71-0560	AMD	01-11-019
388-60-160	REP	01-08-046	388-70-041	REP	01-08-047	388-71-0580	AMD-P	01-07-045
388-60-170	REP	01-08-046	388-70-042	REP	01-08-047	388-71-0580	AMD	01-11-019
388-60-180	REP	01-08-046	388-70-044	REP	01-08-047	388-71-0605	AMD-P	01-03-155
388-60-190	REP	01-08-046	388-70-048	REP	01-08-047	388-71-0605	AMD	01-14-055
388-60-200	REP	01-08-046	388-70-051	REP	01-08-047	388-71-0613	NEW-P	01-03-155
388-60-210	REP	01-08-046	388-70-054	REP	01-08-047	388-71-0613	NEW	01-14-055
388-60-220	REP	01-08-046	388-70-058	REP	01-08-047	388-71-0900	NEW-P	01-07-044
388-60-230	REP	01-08-046	388-70-062	REP	01-08-047	388-71-0900	NEW	01-11-018
388-60-240	REP	01-08-046	388-70-066	REP	01-08-047	388-71-0905	NEW-P	01-07-044
388-60-250	REP	01-08-046	388-70-068	REP	01-08-047	388-71-0905	NEW	01-11-018
388-60-260	REP	01-08-046	388-70-069	REP	01-08-047	388-71-0910	NEW-P	01-07-044
388-61A-0005	NEW	01-07-053	388-70-075	REP	01-08-047	388-71-0910	NEW	01-11-018
388-61A-0010	NEW	01-07-053	388-70-078	REP	01-08-047	388-71-0915	NEW-P	01-07-044
388-61A-0015	NEW	01-07-053	388-70-080	REP	01-08-047	388-71-0915	NEW	01-11-018
388-61A-0020	NEW	01-07-053	388-70-082	REP	01-08-047	388-71-0920	NEW-P	01-07-044
388-61A-0025	NEW	01-07-053	388-70-084	REP	01-08-047	388-71-0920	NEW	01-11-018
388-61A-0030	NEW	01-07-053	388-70-170	REP	01-08-047	388-71-0925	NEW-P	01-07-044
388-61A-0035	NEW	01-07-053	388-70-410	REP	01-08-047	388-71-0925	NEW	01-11-018
388-61A-0040	NEW	01-07-053	388-70-420	REP	01-08-047	388-71-0930	NEW-P	01-07-044
388-61A-0045	NEW	01-07-053	388-70-430	REP	01-08-047	388-71-0930	NEW	01-11-018
388-61A-0050	NEW	01-07-053	388-70-440	REP	01-08-047	388-71-0935	NEW-P	01-07-044
388-61A-0055	NEW	01-07-053	388-70-460	REP	01-08-047	388-71-0935	NEW	01-11-018
388-61A-0060	NEW	01-07-053	388-70-470	REP	01-08-047	388-71-0940	NEW-P	01-07-044
388-61A-0065	NEW	01-07-053	388-70-480	REP	01-08-047	388-71-0940	NEW	01-11-018
388-61A-0070	NEW	01-07-053	388-70-510	REP	01-08-045	388-71-0945	NEW-P	01-07-044
388-61A-0075	NEW	01-07-053	388-70-520	REP	01-08-045	388-71-0945	NEW	01-11-018
388-61A-0080	NEW	01-07-053	388-70-530	REP	01-08-045	388-71-0950	NEW-P	01-07-044
388-61A-0085	NEW	01-07-053	388-70-540	REP	01-08-045	388-71-0950	NEW	01-11-018
388-61A-0090	NEW	01-07-053	388-70-550	REP	01-08-045	388-71-0955	NEW-P	01-07-044

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-73-363	REP-P	01-12-101	388-73-704	REP-P	01-12-101	388-96-010	AMD	01-12-037
388-73-365	REP-W	01-08-064	388-73-706	REP-W	01-08-064	388-96-218	AMD-P	01-06-057
388-73-365	REP-P	01-12-101	388-73-706	REP-P	01-12-101	388-96-218	AMD	01-12-037
388-73-367	REP-W	01-08-064	388-73-708	REP-W	01-08-064	388-96-310	AMD-P	01-06-057
388-73-367	REP-P	01-12-101	388-73-708	REP-P	01-12-101	388-96-310	AMD-W	01-12-036
388-73-369	REP-W	01-08-064	388-73-710	REP-W	01-08-064	388-96-369	AMD-P	01-06-057
388-73-369	REP-P	01-12-101	388-73-710	REP-P	01-12-101	388-96-369	AMD	01-12-037
388-73-371	REP-W	01-08-064	388-73-712	REP-W	01-08-064	388-96-384	AMD-P	01-06-057
388-73-371	REP-P	01-12-101	388-73-712	REP-P	01-12-101	388-96-384	AMD	01-12-037
388-73-373	REP-W	01-08-064	388-73-714	REP-W	01-08-064	388-96-559	AMD-P	01-06-057
388-73-373	REP-P	01-12-101	388-73-714	REP-P	01-12-101	388-96-559	AMD	01-12-037
388-73-375	REP-W	01-08-064	388-73-718	REP-W	01-08-064	388-96-708	AMD-P	01-06-057
388-73-375	REP-P	01-12-101	388-73-718	REP-P	01-12-101	388-96-708	AMD	01-12-037
388-73-377	REP-W	01-08-064	388-73-720	REP-W	01-08-064	388-96-709	AMD-P	01-06-057
388-73-377	REP-P	01-12-101	388-73-720	REP-P	01-12-101	388-96-709	AMD	01-12-037
388-73-379	REP-W	01-08-064	388-73-722	REP-W	01-08-064	388-96-710	AMD-P	01-06-057
388-73-379	REP-P	01-12-101	388-73-722	REP-P	01-12-101	388-96-710	AMD	01-12-037
388-73-381	REP-W	01-08-064	388-73-800	REP-W	01-08-064	388-96-713	AMD-P	01-06-057
388-73-381	REP-P	01-12-101	388-73-800	REP-P	01-12-101	388-96-713	AMD	01-12-037
388-73-383	REP-W	01-08-064	388-73-802	REP-W	01-08-064	388-96-714	AMD-P	01-06-057
388-73-383	REP-P	01-12-101	388-73-802	REP-P	01-12-101	388-96-714	AMD	01-12-037
388-73-385	REP-W	01-08-064	388-73-803	REP-W	01-08-064	388-96-723	AMD-P	01-06-057
388-73-385	REP-P	01-12-101	388-73-803	REP-P	01-12-101	388-96-723	AMD	01-12-037
388-73-387	REP-W	01-08-064	388-73-804	REP-W	01-08-064	388-96-732	NEW-P	01-06-057
388-73-387	REP-P	01-12-101	388-73-804	REP-P	01-12-101	388-96-732	NEW	01-12-037
388-73-389	REP-W	01-08-064	388-73-805	REP-W	01-08-064	388-96-740	AMD-P	01-06-057
388-73-389	REP-P	01-12-101	388-73-805	REP-P	01-12-101	388-96-740	AMD	01-12-037
388-73-391	REP-W	01-08-064	388-73-810	REP-W	01-08-064	388-96-776	AMD-P	01-06-057
388-73-391	REP-P	01-12-101	388-73-810	REP-P	01-12-101	388-96-776	AMD	01-12-037
388-73-393	REP-W	01-08-064	388-73-815	REP-W	01-08-064	388-96-777	AMD-P	01-06-057
388-73-393	REP-P	01-12-101	388-73-815	REP-P	01-12-101	388-96-777	AMD	01-12-037
388-73-395	REP-W	01-08-064	388-73-820	REP-W	01-08-064	388-96-780	AMD-P	01-06-057
388-73-395	REP-P	01-12-101	388-73-820	REP-P	01-12-101	388-96-780	AMD	01-12-037
388-73-500	REP-W	01-08-064	388-73-821	REP-W	01-08-064	388-96-802	NEW-P	01-06-057
388-73-500	REP-P	01-12-101	388-73-821	REP-P	01-12-101	388-96-802	NEW	01-12-037
388-73-502	REP-W	01-08-064	388-73-822	REP-W	01-08-064	388-96-803	NEW-P	01-06-057
388-73-502	REP-P	01-12-101	388-73-822	REP-P	01-12-101	388-96-803	NEW	01-12-037
388-73-504	REP-W	01-08-064	388-73-823	REP-W	01-08-064	388-96-901	AMD-P	01-06-057
388-73-504	REP-P	01-12-101	388-73-823	REP-P	01-12-101	388-96-901	AMD	01-12-037
388-73-506	REP-W	01-08-064	388-73-825	REP-W	01-08-064	388-105-0005	NEW-P	01-10-103
388-73-506	REP-P	01-12-101	388-73-825	REP-P	01-12-101	388-105-0005	NEW	01-14-056
388-73-508	REP-W	01-08-064	388-73-900	REP-W	01-08-064	388-105-0010	NEW-P	01-10-103
388-73-508	REP-P	01-12-101	388-73-900	REP-P	01-12-101	388-105-0010	NEW	01-14-056
388-73-510	REP-W	01-08-064	388-73-901	REP-W	01-08-064	388-105-0015	NEW-P	01-10-103
388-73-510	REP-P	01-12-101	388-73-901	REP-P	01-12-101	388-105-0015	NEW	01-14-056
388-73-512	REP-W	01-08-064	388-73-902	REP-W	01-08-064	388-105-0020	NEW-P	01-10-103
388-73-512	REP-P	01-12-101	388-73-902	REP-P	01-12-101	388-105-0020	NEW	01-14-056
388-73-600	REP-W	01-08-064	388-73-904	REP-W	01-08-064	388-105-0025	NEW-P	01-10-103
388-73-600	REP-P	01-12-101	388-73-904	REP-P	01-12-101	388-105-0025	NEW	01-14-056
388-73-602	REP-W	01-08-064	388-74-010	REP	01-06-041	388-146-0010	NEW-W	01-07-071
388-73-602	REP-P	01-12-101	388-74-030	REP	01-06-041	388-146-0020	NEW-W	01-07-071
388-73-604	REP-W	01-08-064	388-86-071	REP	01-05-040	388-146-0030	NEW-W	01-07-071
388-73-604	REP-P	01-12-101	388-86-085	REP	01-06-029	388-146-0040	NEW-W	01-07-071
388-73-606	REP-W	01-08-064	388-86-086	REP	01-03-084	388-146-0045	NEW-W	01-07-071
388-73-606	REP-P	01-12-101	388-86-100	REP-W	01-03-001	388-146-0050	NEW-W	01-07-071
388-73-610	REP-W	01-08-064	388-86-100	REP	01-06-028	388-146-0060	NEW-W	01-07-071
388-73-610	REP-P	01-12-101	388-87-027	REP	01-06-032	388-146-0070	NEW-W	01-07-071
388-73-700	REP-W	01-08-064	388-87-035	REP	01-06-029	388-146-0080	NEW-W	01-07-071
388-73-700	REP-P	01-12-101	388-87-036	REP	01-03-084	388-146-0090	NEW-W	01-07-071
388-73-702	REP-W	01-08-064	388-87-060	REP	01-06-033	388-146-0100	NEW-W	01-07-071
388-73-702	REP-P	01-12-101	388-96	PREP	01-16-136	388-146-0110	NEW-W	01-07-071
388-73-704	REP-W	01-08-064	388-96-010	AMD-P	01-06-057	388-146-0120	NEW-W	01-07-071

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-148-0910	NEW-W	01-08-064	388-148-1065	NEW-W	01-08-064	388-160-0015	NEW-W	01-07-070
388-148-0910	NEW-P	01-12-101	388-148-1065	NEW-P	01-12-101	388-160-0015	NEW-P	01-10-063
388-148-0915	NEW-W	01-08-064	388-148-1070	NEW-W	01-08-064	388-160-0015	NEW	01-15-001
388-148-0915	NEW-P	01-12-101	388-148-1070	NEW-P	01-12-101	388-160-0025	NEW-W	01-07-070
388-148-0920	NEW-W	01-08-064	388-148-1075	NEW-W	01-08-064	388-160-0025	NEW-P	01-10-063
388-148-0920	NEW-P	01-12-101	388-148-1075	NEW-P	01-12-101	388-160-0025	NEW	01-15-001
388-148-0925	NEW-W	01-08-064	388-148-1080	NEW-W	01-08-064	388-160-0035	NEW-W	01-07-070
388-148-0925	NEW-P	01-12-101	388-148-1080	NEW-P	01-12-101	388-160-0035	NEW-P	01-10-063
388-148-0930	NEW-W	01-08-064	388-148-1085	NEW-W	01-08-064	388-160-0035	NEW	01-15-001
388-148-0930	NEW-P	01-12-101	388-148-1085	NEW-P	01-12-101	388-160-0045	NEW-W	01-07-070
388-148-0935	NEW-W	01-08-064	388-148-1090	NEW-W	01-08-064	388-160-0045	NEW-P	01-10-063
388-148-0935	NEW-P	01-12-101	388-148-1090	NEW-P	01-12-101	388-160-0045	NEW	01-15-001
388-148-0940	NEW-W	01-08-064	388-148-1095	NEW-W	01-08-064	388-160-0055	NEW-W	01-07-070
388-148-0940	NEW-P	01-12-101	388-148-1095	NEW-P	01-12-101	388-160-0055	NEW-P	01-10-063
388-148-0945	NEW-W	01-08-064	388-148-1100	NEW-W	01-08-064	388-160-0055	NEW	01-15-001
388-148-0945	NEW-P	01-12-101	388-148-1100	NEW-P	01-12-101	388-160-0065	NEW-W	01-07-070
388-148-0950	NEW-W	01-08-064	388-148-1105	NEW-W	01-08-064	388-160-0065	NEW-P	01-10-063
388-148-0950	NEW-P	01-12-101	388-148-1105	NEW-P	01-12-101	388-160-0065	NEW	01-15-001
388-148-0955	NEW-W	01-08-064	388-148-1110	NEW-W	01-08-064	388-160-0075	NEW-W	01-07-070
388-148-0955	NEW-P	01-12-101	388-148-1110	NEW-P	01-12-101	388-160-0075	NEW-P	01-10-063
388-148-0960	NEW-W	01-08-064	388-148-1115	NEW-W	01-08-064	388-160-0075	NEW	01-15-001
388-148-0960	NEW-P	01-12-101	388-148-1115	NEW-P	01-12-101	388-160-0085	NEW-W	01-07-070
388-148-0965	NEW-W	01-08-064	388-148-1120	NEW-W	01-08-064	388-160-0085	NEW-P	01-10-063
388-148-0965	NEW-P	01-12-101	388-148-1120	NEW-P	01-12-101	388-160-0085	NEW	01-15-001
388-148-0970	NEW-W	01-08-064	388-148-1125	NEW-W	01-08-064	388-160-0095	NEW-W	01-07-070
388-148-0970	NEW-P	01-12-101	388-148-1125	NEW-P	01-12-101	388-160-0095	NEW-P	01-10-063
388-148-0975	NEW-W	01-08-064	388-148-1130	NEW-W	01-08-064	388-160-0095	NEW	01-15-001
388-148-0975	NEW-P	01-12-101	388-148-1130	NEW-P	01-12-101	388-160-010	REP-W	01-07-070
388-148-0980	NEW-W	01-08-064	388-148-1135	NEW-W	01-08-064	388-160-010	REP-P	01-10-063
388-148-0980	NEW-P	01-12-101	388-148-1135	NEW-P	01-12-101	388-160-010	REP	01-15-001
388-148-0985	NEW-W	01-08-064	388-148-1140	NEW-W	01-08-064	388-160-0105	NEW-W	01-07-070
388-148-0985	NEW-P	01-12-101	388-148-1145	NEW-W	01-08-064	388-160-0105	NEW-P	01-10-063
388-148-0990	NEW-W	01-08-064	388-155-040	AMD-P	01-07-052	388-160-0105	NEW	01-15-001
388-148-0990	NEW-P	01-12-101	388-155-050	AMD-P	01-07-052	388-160-0115	NEW-W	01-07-070
388-148-0995	NEW-W	01-08-064	388-155-060	AMD-P	01-07-052	388-160-0115	NEW-P	01-10-063
388-148-0995	NEW-P	01-12-101	388-155-080	AMD-P	01-07-052	388-160-0115	NEW	01-15-001
388-148-1000	NEW-W	01-08-064	388-155-085	AMD-P	01-07-052	388-160-0125	NEW-W	01-07-070
388-148-1000	NEW-P	01-12-101	388-155-090	AMD-P	01-07-052	388-160-0125	NEW-P	01-10-063
388-148-1005	NEW-W	01-08-064	388-155-092	AMD-P	01-07-052	388-160-0125	NEW	01-15-001
388-148-1005	NEW-P	01-12-101	388-155-093	AMD-P	01-07-052	388-160-0135	NEW-W	01-07-070
388-148-1010	NEW-W	01-08-064	388-155-094	AMD-P	01-07-052	388-160-0135	NEW-P	01-10-063
388-148-1010	NEW-P	01-12-101	388-155-095	AMD-P	01-07-052	388-160-0135	NEW	01-15-001
388-148-1015	NEW-W	01-08-064	388-155-160	AMD-P	01-07-052	388-160-0135	NEW	01-15-001
388-148-1015	NEW-P	01-12-101	388-155-190	AMD-P	01-07-052	388-160-0145	NEW-W	01-07-070
388-148-1020	NEW-W	01-08-064	388-155-270	AMD-P	01-07-052	388-160-0145	NEW-P	01-10-063
388-148-1020	NEW-P	01-12-101	388-155-330	AMD-P	01-07-052	388-160-0145	NEW	01-15-001
388-148-1025	NEW-W	01-08-064	388-155-370	AMD-P	01-07-052	388-160-0155	NEW-W	01-07-070
388-148-1025	NEW-P	01-12-101	388-155-380	AMD-P	01-07-052	388-160-0155	NEW-P	01-10-063
388-148-1030	NEW-W	01-08-064	388-155-420	AMD-P	01-07-052	388-160-0155	NEW	01-15-001
388-148-1030	NEW-P	01-12-101	388-155-480	AMD-P	01-07-052	388-160-0165	NEW-W	01-07-070
388-148-1035	NEW-W	01-08-064	388-155-605	AMD-P	01-07-052	388-160-0165	NEW-P	01-10-063
388-148-1035	NEW-P	01-12-101	388-155-610	AMD-P	01-07-052	388-160-0165	NEW	01-15-001
388-148-1040	NEW-W	01-08-064	388-155-620	AMD-P	01-07-052	388-160-0175	NEW-W	01-07-070
388-148-1040	NEW-P	01-12-101	388-155-630	AMD-P	01-07-052	388-160-0175	NEW-P	01-10-063
388-148-1045	NEW-W	01-08-064	388-155-640	AMD-P	01-07-052	388-160-0175	NEW	01-15-001
388-148-1045	NEW-P	01-12-101	388-155-650	AMD-P	01-07-052	388-160-0185	NEW-W	01-07-070
388-148-1050	NEW-W	01-08-064	388-155-660	AMD-P	01-07-052	388-160-0185	NEW-P	01-10-063
388-148-1050	NEW-P	01-12-101	388-155-670	AMD-P	01-07-052	388-160-0185	NEW	01-15-001
388-148-1055	NEW-W	01-08-064	388-155-680	AMD-P	01-07-052	388-160-0195	NEW-W	01-07-070
388-148-1055	NEW-P	01-12-101	388-160-0005	NEW-W	01-07-070	388-160-0195	NEW-P	01-10-063
388-148-1060	NEW-W	01-08-064	388-160-0005	NEW-P	01-10-063	388-160-0195	NEW	01-15-001
388-148-1060	NEW-P	01-12-101	388-160-0005	NEW	01-15-001	388-160-020	REP-W	01-07-070
						388-160-020	REP-P	01-10-063

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-160-020	REP	01-15-001	388-160-0395	NEW-P	01-10-063	388-160-0585	NEW-W	01-07-070
388-160-0205	NEW-W	01-07-070	388-160-0395	NEW	01-15-001	388-160-0585	NEW-P	01-10-063
388-160-0205	NEW-P	01-10-063	388-160-040	REP-W	01-07-070	388-160-0585	NEW	01-15-001
388-160-0205	NEW	01-15-001	388-160-040	REP-P	01-10-063	388-160-0595	NEW-W	01-07-070
388-160-0215	NEW-W	01-07-070	388-160-040	REP	01-15-001	388-160-0595	NEW-P	01-10-063
388-160-0215	NEW-P	01-10-063	388-160-0405	NEW-W	01-07-070	388-160-0595	NEW	01-15-001
388-160-0215	NEW	01-15-001	388-160-0405	NEW-P	01-10-063	388-160-060	REP-W	01-07-070
388-160-0225	NEW-W	01-07-070	388-160-0405	NEW	01-15-001	388-160-060	REP-P	01-10-063
388-160-0225	NEW-P	01-10-063	388-160-0415	NEW-W	01-07-070	388-160-060	REP	01-15-001
388-160-0225	NEW	01-15-001	388-160-0415	NEW-P	01-10-063	388-160-0605	NEW-W	01-07-070
388-160-0235	NEW-W	01-07-070	388-160-0415	NEW	01-15-001	388-160-0605	NEW-P	01-10-063
388-160-0235	NEW-P	01-10-063	388-160-0425	NEW-W	01-07-070	388-160-0605	NEW	01-15-001
388-160-0235	NEW	01-15-001	388-160-0425	NEW-P	01-10-063	388-160-0615	NEW-W	01-07-070
388-160-0245	NEW-W	01-07-070	388-160-0425	NEW	01-15-001	388-160-0615	NEW-P	01-10-063
388-160-0245	NEW-P	01-10-063	388-160-0435	NEW-W	01-07-070	388-160-0615	NEW	01-15-001
388-160-0245	NEW	01-15-001	388-160-0435	NEW-P	01-10-063	388-160-0625	NEW-W	01-07-070
388-160-0255	NEW-W	01-07-070	388-160-0435	NEW	01-15-001	388-160-0625	NEW-P	01-10-063
388-160-0255	NEW-P	01-10-063	388-160-0445	NEW-W	01-07-070	388-160-0625	NEW	01-15-001
388-160-0255	NEW	01-15-001	388-160-0445	NEW-P	01-10-063	388-160-0635	NEW-W	01-07-070
388-160-0265	NEW-W	01-07-070	388-160-0445	NEW	01-15-001	388-160-0635	NEW-P	01-10-063
388-160-0265	NEW-P	01-10-063	388-160-0455	NEW-W	01-07-070	388-160-0635	NEW	01-15-001
388-160-0265	NEW	01-15-001	388-160-0455	NEW-P	01-10-063	388-160-0645	NEW-W	01-07-070
388-160-0275	NEW-W	01-07-070	388-160-0455	NEW	01-15-001	388-160-0645	NEW-P	01-10-063
388-160-0275	NEW-P	01-10-063	388-160-0465	NEW-W	01-07-070	388-160-0645	NEW	01-15-001
388-160-0275	NEW	01-15-001	388-160-0465	NEW-P	01-10-063	388-160-0655	NEW-P	01-10-063
388-160-0285	NEW-W	01-07-070	388-160-0465	NEW	01-15-001	388-160-0655	NEW	01-15-001
388-160-0285	NEW-P	01-10-063	388-160-0475	NEW-W	01-07-070	388-160-0665	NEW-P	01-10-063
388-160-0285	NEW	01-15-001	388-160-0475	NEW-P	01-10-063	388-160-0665	NEW	01-15-001
388-160-0295	NEW-W	01-07-070	388-160-0475	NEW	01-15-001	388-160-070	REP-W	01-07-070
388-160-0295	NEW-P	01-10-063	388-160-0485	NEW-W	01-07-070	388-160-070	REP-P	01-10-063
388-160-0295	NEW	01-15-001	388-160-0485	NEW-P	01-10-063	388-160-070	REP	01-15-001
388-160-030	REP-W	01-07-070	388-160-0495	NEW-W	01-07-070	388-160-080	REP-W	01-07-070
388-160-030	REP-P	01-10-063	388-160-0495	NEW-P	01-10-063	388-160-080	REP-P	01-10-063
388-160-030	REP	01-15-001	388-160-0495	NEW	01-15-001	388-160-080	REP	01-15-001
388-160-0305	NEW-W	01-07-070	388-160-050	REP-W	01-07-070	388-160-090	REP-W	01-07-070
388-160-0305	NEW-P	01-10-063	388-160-050	REP-P	01-10-063	388-160-090	REP-P	01-10-063
388-160-0305	NEW	01-15-001	388-160-050	REP	01-15-001	388-160-090	REP	01-15-001
388-160-0315	NEW-W	01-07-070	388-160-0505	NEW-W	01-07-070	388-160-100	REP-W	01-07-070
388-160-0315	NEW-P	01-10-063	388-160-0505	NEW-P	01-10-063	388-160-100	REP-P	01-10-063
388-160-0315	NEW	01-15-001	388-160-0505	NEW	01-15-001	388-160-100	REP	01-15-001
388-160-0325	NEW-W	01-07-070	388-160-0515	NEW-W	01-07-070	388-160-110	REP-W	01-07-070
388-160-0325	NEW-P	01-10-063	388-160-0515	NEW-P	01-10-063	388-160-110	REP-P	01-10-063
388-160-0325	NEW	01-15-001	388-160-0515	NEW	01-15-001	388-160-110	REP	01-15-001
388-160-0335	NEW-W	01-07-070	388-160-0525	NEW-W	01-07-070	388-160-120	REP-W	01-07-070
388-160-0335	NEW-P	01-10-063	388-160-0525	NEW-P	01-10-063	388-160-120	REP-P	01-10-063
388-160-0335	NEW	01-15-001	388-160-0525	NEW	01-15-001	388-160-120	REP	01-15-001
388-160-0345	NEW-W	01-07-070	388-160-0535	NEW-W	01-07-070	388-160-130	REP-W	01-07-070
388-160-0345	NEW-P	01-10-063	388-160-0535	NEW-P	01-10-063	388-160-130	REP-P	01-10-063
388-160-0345	NEW	01-15-001	388-160-0535	NEW	01-15-001	388-160-130	REP	01-15-001
388-160-0355	NEW-W	01-07-070	388-160-0545	NEW-W	01-07-070	388-160-140	REP-W	01-07-070
388-160-0355	NEW-P	01-10-063	388-160-0545	NEW-P	01-10-063	388-160-140	REP-P	01-10-063
388-160-0355	NEW	01-15-001	388-160-0545	NEW	01-15-001	388-160-140	REP	01-15-001
388-160-0365	NEW-W	01-07-070	388-160-0555	NEW-W	01-07-070	388-160-150	REP-W	01-07-070
388-160-0365	NEW-P	01-10-063	388-160-0555	NEW-P	01-10-063	388-160-150	REP-P	01-10-063
388-160-0365	NEW	01-15-001	388-160-0555	NEW	01-15-001	388-160-150	REP	01-15-001
388-160-0375	NEW-W	01-07-070	388-160-0565	NEW-W	01-07-070	388-160-160	REP-W	01-07-070
388-160-0375	NEW-P	01-10-063	388-160-0565	NEW-P	01-10-063	388-160-160	REP-P	01-10-063
388-160-0375	NEW	01-15-001	388-160-0565	NEW	01-15-001	388-160-160	REP	01-15-001
388-160-0385	NEW-W	01-07-070	388-160-0575	NEW-W	01-07-070	388-160-170	REP-W	01-07-070
388-160-0385	NEW-P	01-10-063	388-160-0575	NEW-P	01-10-063	388-160-170	REP-P	01-10-063
388-160-0385	NEW	01-15-001	388-160-0575	NEW	01-15-001	388-160-170	REP	01-15-001
388-160-0395	NEW-W	01-07-070				388-160-180	REP-W	01-07-070

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-160-180	REP-P	01-10-063	388-160-400	REP-W	01-07-070	388-273-0025	NEW	01-09-023
388-160-180	REP	01-15-001	388-160-400	REP-P	01-10-063	388-273-0030	NEW-P	01-04-070
388-160-190	REP-W	01-07-070	388-160-400	REP	01-15-001	388-273-0030	NEW	01-09-023
388-160-190	REP-P	01-10-063	388-160-410	REP-W	01-07-070	388-273-0035	NEW-P	01-04-070
388-160-190	REP	01-15-001	388-160-410	REP-P	01-10-063	388-273-0035	NEW	01-09-023
388-160-200	REP-W	01-07-070	388-160-410	REP	01-15-001	388-310-0600	AMD-E	01-15-010
388-160-200	REP-P	01-10-063	388-160-420	REP-W	01-07-070	388-310-0800	AMD-P	01-12-056
388-160-200	REP	01-15-001	388-160-420	REP-P	01-10-063	388-310-0900	AMD-P	01-03-060
388-160-210	REP-W	01-07-070	388-160-420	REP	01-15-001	388-310-0900	AMD-E	01-03-132
388-160-210	REP-P	01-10-063	388-160-430	REP-W	01-07-070	388-310-0900	AMD	01-15-009
388-160-210	REP	01-15-001	388-160-430	REP-P	01-10-063	388-310-1000	AMD-P	01-03-060
388-160-220	REP-W	01-07-070	388-160-430	REP	01-15-001	388-310-1000	AMD-E	01-03-132
388-160-220	REP-P	01-10-063	388-160-440	REP-W	01-07-070	388-310-1000	AMD	01-15-009
388-160-220	REP	01-15-001	388-160-440	REP-P	01-10-063	388-310-1050	AMD-P	01-03-060
388-160-230	REP-W	01-07-070	388-160-440	REP	01-15-001	388-310-1050	AMD-E	01-03-132
388-160-230	REP-P	01-10-063	388-160-460	REP-W	01-07-070	388-310-1050	AMD	01-15-009
388-160-230	REP	01-15-001	388-160-460	REP-P	01-10-063	388-310-1300	AMD-E	01-05-007
388-160-240	REP-W	01-07-070	388-160-460	REP	01-15-001	388-310-2000	NEW	01-03-042
388-160-240	REP-P	01-10-063	388-160-470	REP-W	01-07-070	388-330-010	REP-W	01-07-071
388-160-240	REP	01-15-001	388-160-470	REP-P	01-10-063	388-330-010	REP-P	01-10-062
388-160-250	REP-W	01-07-070	388-160-470	REP	01-15-001	388-330-020	REP-W	01-07-071
388-160-250	REP-P	01-10-063	388-160-480	REP-W	01-07-070	388-330-020	REP-P	01-10-062
388-160-250	REP	01-15-001	388-160-480	REP-P	01-10-063	388-330-030	REP-W	01-07-071
388-160-260	REP-W	01-07-070	388-160-480	REP	01-15-001	388-330-030	REP-P	01-10-062
388-160-260	REP-P	01-10-063	388-160-490	REP-W	01-07-070	388-330-035	REP-W	01-07-071
388-160-260	REP	01-15-001	388-160-490	REP-P	01-10-063	388-330-035	REP-P	01-10-062
388-160-270	REP-W	01-07-070	388-160-490	REP	01-15-001	388-330-040	REP-W	01-07-071
388-160-270	REP-P	01-10-063	388-160-500	REP-W	01-07-070	388-330-040	REP-P	01-10-062
388-160-270	REP	01-15-001	388-160-500	REP-P	01-10-063	388-330-050	REP-W	01-07-071
388-160-280	REP-W	01-07-070	388-160-500	REP	01-15-001	388-330-050	REP-P	01-10-062
388-160-280	REP-P	01-10-063	388-160-510	REP-W	01-07-070	388-330-060	REP-W	01-07-071
388-160-280	REP	01-15-001	388-160-510	REP-P	01-10-063	388-330-060	REP-P	01-10-062
388-160-290	REP-W	01-07-070	388-160-510	REP	01-15-001	388-400-0005	AMD	01-03-121
388-160-290	REP-P	01-10-063	388-160-520	REP-W	01-07-070	388-400-0015	REP	01-03-121
388-160-290	REP	01-15-001	388-160-520	REP-P	01-10-063	388-400-0020	REP-P	01-03-120
388-160-300	REP-W	01-07-070	388-160-520	REP	01-15-001	388-400-0020	REP	01-07-001
388-160-300	REP-P	01-10-063	388-160-530	REP-W	01-07-070	388-400-0030	AMD-P	01-03-040
388-160-300	REP	01-15-001	388-160-530	REP-P	01-10-063	388-400-0030	AMD-E	01-03-041
388-160-310	REP-W	01-07-070	388-160-530	REP	01-15-001	388-400-0030	AMD	01-06-031
388-160-310	REP-P	01-10-063	388-160-540	REP-W	01-07-070	388-400-0035	AMD-P	01-10-066
388-160-310	REP	01-15-001	388-160-540	REP-P	01-10-063	388-400-0035	AMD-E	01-10-067
388-160-320	REP-W	01-07-070	388-160-540	REP	01-15-001	388-400-0035	AMD	01-13-046
388-160-320	REP-P	01-10-063	388-160-550	REP-W	01-07-070	388-404-0005	AMD	01-03-121
388-160-320	REP	01-15-001	388-160-550	REP-P	01-10-063	388-406	PREP	01-06-027
388-160-340	REP-W	01-07-070	388-160-550	REP	01-15-001	388-406-0015	AMD-P	01-14-057
388-160-340	REP-P	01-10-063	388-160-560	REP-W	01-07-070	388-408-0005	AMD	01-03-121
388-160-340	REP	01-15-001	388-160-560	REP-P	01-10-063	388-408-0010	AMD	01-03-121
388-160-350	REP-W	01-07-070	388-160-560	REP	01-15-001	388-408-0015	AMD	01-03-121
388-160-350	REP-P	01-10-063	388-200-1050	REP-P	01-07-051	388-408-0020	AMD	01-03-121
388-160-350	REP	01-15-001	388-200-1050	REP	01-10-104	388-408-0025	AMD	01-03-121
388-160-360	REP-W	01-07-070	388-200-1300	REP-P	01-07-051	388-408-0030	AMD	01-03-121
388-160-360	REP-P	01-10-063	388-200-1300	REP	01-10-104	388-410-0020	AMD-P	01-11-091
388-160-360	REP	01-15-001	388-200-1350	REP-P	01-07-051	388-410-0020	AMD	01-14-032
388-160-370	REP-W	01-07-070	388-200-1350	REP	01-10-104	388-410-0025	AMD-P	01-11-091
388-160-370	REP-P	01-10-063	388-222-001	REP	01-03-066	388-410-0025	AMD	01-14-032
388-160-370	REP	01-15-001	388-222-010	REP	01-03-066	388-410-0030	AMD-P	01-11-091
388-160-380	REP-W	01-07-070	388-222-020	REP	01-03-066	388-410-0030	AMD	01-14-032
388-160-380	REP-P	01-10-063	388-273-0010	NEW-P	01-04-070	388-412-0005	AMD-P	01-13-068
388-160-380	REP	01-15-001	388-273-0010	NEW	01-09-023	388-412-0015	AMD-P	01-13-068
388-160-390	REP-W	01-07-070	388-273-0020	NEW-P	01-04-070	388-412-0020	AMD-P	01-13-068
388-160-390	REP-P	01-10-063	388-273-0020	NEW	01-09-023	388-412-0025	AMD-P	01-13-068
388-160-390	REP	01-15-001	388-273-0025	NEW-P	01-04-070	388-412-0040	AMD-P	01-13-068

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-412-0045	REP-P	01-13-068	388-458-0001	REP	01-16-087	388-478-0065	PREP	01-08-027
388-414	PREP	01-06-027	388-458-0002	NEW-P	01-12-055	388-478-0065	AMD-E	01-08-032
388-414-0001	AMD-P	01-04-074	388-458-0002	NEW	01-16-087	388-478-0065	AMD-P	01-14-079
388-414-0001	AMD	01-07-054	388-458-0005	REP-P	01-12-055	388-478-0065	AMD-E	01-14-080
388-416	PREP	01-06-027	388-458-0005	REP	01-16-087	388-478-0070	AMD-P	01-09-068
388-416-0005	AMD-P	01-08-058	388-458-0006	NEW-P	01-12-055	388-478-0070	AMD-E	01-09-069
388-416-0005	AMD	01-11-107	388-458-0006	NEW	01-16-087	388-478-0070	AMD	01-12-073
388-418	PREP	01-06-027	388-458-0010	REP-P	01-12-055	388-478-0075	PREP	01-08-027
388-418-0005	AMD-S	01-08-059	388-458-0010	REP	01-16-087	388-478-0075	AMD-E	01-08-032
388-418-0005	AMD	01-11-109	388-458-0011	NEW-P	01-12-055	388-478-0075	AMD-P	01-14-079
388-418-0007	NEW-S	01-08-059	388-458-0011	NEW	01-16-087	388-478-0075	AMD-E	01-14-080
388-418-0007	NEW	01-11-109	388-458-0015	REP-P	01-12-055	388-478-0080	AMD-P	01-09-068
388-422-0005	PREP	01-13-025	388-458-0015	REP	01-16-087	388-478-0080	AMD-E	01-09-069
388-422-0005	AMD-P	01-16-139	388-458-0016	NEW-P	01-12-055	388-478-0080	AMD	01-12-073
388-432-0005	NEW	01-03-066	388-458-0016	NEW	01-16-087	388-478-0085	PREP	01-08-027
388-434	PREP	01-06-027	388-458-0020	NEW-P	01-12-055	388-478-0085	AMD-E	01-08-032
388-434-0010	AMD-P	01-11-037	388-458-0020	NEW	01-16-087	388-478-0085	AMD-P	01-14-079
388-434-0010	AMD	01-15-011	388-458-0025	NEW-P	01-12-055	388-478-0085	AMD-E	01-14-080
388-438	PREP	01-07-018	388-458-0025	NEW	01-16-087	388-484-0005	AMD	01-04-016
388-438-0110	AMD	01-05-041	388-458-0030	NEW-P	01-12-055	388-484-0010	NEW	01-04-016
388-444	PREP	01-12-020	388-458-0030	NEW	01-16-087	388-488	PREP	01-03-024
388-444-0075	AMD	01-05-006	388-458-0035	NEW-P	01-12-055	388-490	PREP	01-06-027
388-448	PREP	01-04-069	388-458-0035	NEW	01-16-087	388-501-0050	AMD	01-12-070
388-448-0020	AMD-P	01-11-106	388-458-0040	NEW-P	01-12-055	388-501-0300	AMD-P	01-09-037
388-448-0020	AMD	01-14-059	388-458-0040	NEW	01-16-087	388-501-0300	AMD	01-12-072
388-448-0070	AMD-P	01-11-106	388-458-0045	NEW-P	01-12-055	388-502	PREP	01-16-135
388-448-0070	AMD	01-14-059	388-458-0045	NEW	01-16-087	388-502-0010	AMD	01-07-076
388-448-0120	AMD-P	01-11-106	388-462-0020	NEW-E	01-13-085	388-502-0020	AMD	01-07-076
388-448-0120	AMD	01-14-059	388-468-0005	PREP	01-08-028	388-502-0160	AMD	01-05-100
388-448-0130	AMD-P	01-11-106	388-470	PREP	01-06-027	388-502-0160	PREP	01-10-060
388-448-0130	AMD	01-14-059	388-470-0026	NEW-P	01-13-086	388-505-0210	AMD-P	01-07-012
388-448-0140	AMD-P	01-11-106	388-470-0060	AMD-E	01-13-003	388-505-0210	AMD	01-11-110
388-448-0140	AMD	01-14-059	388-470-0060	AMD-P	01-16-088	388-505-0220	AMD-P	01-07-012
388-448-0180	AMD-P	01-11-106	388-470-0075	AMD-W	01-09-073	388-505-0220	AMD	01-11-110
388-448-0180	AMD	01-14-059	388-470-0075	AMD-P	01-12-069	388-505-0595	REP	01-06-043
388-448-0200	AMD-P	01-11-106	388-470-0075	AMD	01-15-078	388-512-1210	REP-W	01-06-046
388-448-0200	AMD	01-14-059	388-470-0075	AMD	01-16-134	388-512-1215	REP	01-06-042
388-450	PREP	01-06-027	388-472-0005	PREP	01-03-119	388-512-1220	REP	01-06-042
388-450-0015	AMD-P	01-13-086	388-472-0005	AMD-P	01-07-051	388-512-1225	REP	01-06-042
388-450-0080	AMD-P	01-16-140	388-472-0005	AMD	01-10-104	388-512-1230	REP	01-06-042
388-450-0085	AMD-P	01-16-140	388-472-0010	NEW-P	01-07-051	388-512-1235	REP	01-06-042
388-450-0090	REP-P	01-16-140	388-472-0010	NEW	01-10-104	388-512-1240	REP	01-06-042
388-450-0125	REP-P	01-08-044	388-472-0020	NEW-P	01-07-051	388-512-1245	REP	01-06-042
388-450-0125	REP	01-11-108	388-472-0020	NEW	01-10-104	388-512-1250	REP	01-06-042
388-450-0155	AMD-E	01-12-057	388-472-0030	NEW-P	01-07-051	388-512-1255	REP	01-06-042
388-450-0155	AMD-P	01-16-088	388-472-0030	NEW	01-10-104	388-512-1260	REP	01-06-042
388-450-0156	NEW-E	01-12-057	388-472-0040	NEW-P	01-07-051	388-512-1265	REP	01-06-042
388-450-0156	NEW-P	01-16-088	388-472-0040	NEW	01-10-104	388-512-1275	REP	01-06-042
388-450-0160	AMD-E	01-12-057	388-472-0050	NEW-P	01-07-051	388-513-1350	AMD-P	01-13-087
388-450-0160	AMD-P	01-16-088	388-472-0050	NEW	01-10-104	388-513-1350	AMD-E	01-13-088
388-450-0190	AMD-P	01-03-038	388-474-0001	AMD	01-06-042	388-513-1380	AMD-P	01-13-087
388-450-0190	AMD-E	01-03-039	388-474-0010	PREP	01-11-050	388-513-1380	AMD-E	01-13-088
388-450-0190	AMD	01-06-030	388-474-0010	AMD-P	01-16-137	388-515	PREP	01-11-095
388-452	PREP	01-06-027	388-478-0015	AMD-P	01-08-044	388-517-0400	NEW	01-06-033
388-452-0005	AMD-P	01-10-065	388-478-0015	AMD	01-11-108	388-530	PREP	01-15-007
388-452-0005	AMD	01-14-060	388-478-0055	AMD-P	01-04-068	388-530-1050	PREP	01-13-070
388-454	PREP	01-08-029	388-478-0055	AMD	01-08-015	388-530-1260	PREP	01-13-070
388-454-0005	AMD	01-03-121	388-478-0055	AMD-E	01-14-031	388-533-1000	NEW-P	01-11-097
388-454-0006	NEW-E	01-06-025	388-478-0055	AMD-P	01-16-086	388-533-1000	NEW	01-15-008
388-454-0006	NEW-E	01-14-058	388-478-0056	REP-P	01-04-068	388-535	PREP	01-07-018
388-454-0010	AMD	01-03-121	388-478-0056	REP	01-08-015	388-535-1230	AMD-P	01-03-154
388-458-0001	REP-P	01-12-055	388-478-0057	PREP	01-11-079	388-535-1230	AMD	01-07-077

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-538	PREP	01-07-008	388-561-0200	NEW	01-06-043	388-820-085	REP-XR	01-10-061
388-538-067	PREP	01-10-059	388-561-0300	NEW	01-06-043	388-820-085	REP	01-16-016
388-538-068	PREP	01-10-059	388-815-005	REP-XR	01-07-019	388-820-090	AMD-P	01-09-081
388-543-1150	PREP	01-05-027	388-815-005	REP	01-13-026	388-820-095	REP-XR	01-10-061
388-543-1150	NEW-P	01-11-105	388-815-010	REP-XR	01-07-019	388-820-095	REP	01-16-016
388-543-1150	NEW	01-16-141	388-815-010	REP	01-13-026	388-820-100	AMD-P	01-09-081
388-543-2800	PREP	01-05-027	388-815-020	REP-XR	01-07-019	388-820-105	REP-XR	01-10-061
388-543-2800	AMD-P	01-11-105	388-815-020	REP	01-13-026	388-820-105	REP	01-16-016
388-543-2800	AMD	01-16-141	388-815-030	REP-XR	01-07-019	388-820-110	AMD-P	01-09-081
388-544	PREP	01-07-018	388-815-030	REP	01-13-026	388-820-115	REP-XR	01-10-061
388-545-900	NEW-P	01-16-138	388-815-100	REP-XR	01-07-019	388-820-115	REP	01-16-016
388-546-0001	NEW	01-03-084	388-815-100	REP	01-13-026	388-820-120	AMD-P	01-09-081
388-546-0100	NEW	01-03-084	388-815-110	REP-XR	01-07-019	388-820-125	REP-XR	01-10-061
388-546-0150	NEW	01-03-084	388-815-110	REP	01-13-026	388-820-125	REP	01-16-016
388-546-0200	NEW	01-03-084	388-815-120	REP-XR	01-07-019	388-820-130	AMD-P	01-09-081
388-546-0250	NEW	01-03-084	388-815-120	REP	01-13-026	388-820-140	NEW-P	01-09-081
388-546-0300	NEW	01-03-084	388-815-130	REP-XR	01-07-019	388-820-150	NEW-P	01-09-081
388-546-0400	NEW	01-03-084	388-815-130	REP	01-13-026	388-820-160	NEW-P	01-09-081
388-546-0450	NEW	01-03-084	388-815-140	REP-XR	01-07-019	388-820-170	NEW-P	01-09-081
388-546-0500	NEW	01-03-084	388-815-140	REP	01-13-026	388-820-180	NEW-P	01-09-081
388-546-0600	NEW	01-03-084	388-815-160	REP-XR	01-07-019	388-820-190	NEW-P	01-09-081
388-546-0700	NEW	01-03-084	388-815-160	REP	01-13-026	388-820-200	NEW-P	01-09-081
388-546-0800	NEW	01-03-084	388-815-200	REP-XR	01-07-019	388-820-210	NEW-P	01-09-081
388-546-1000	NEW	01-03-084	388-815-200	REP	01-13-026	388-820-220	NEW-P	01-09-081
388-546-5000	NEW	01-06-029	388-815-205	REP-XR	01-07-019	388-820-230	NEW-P	01-09-081
388-546-5100	NEW	01-06-029	388-815-205	REP	01-13-026	388-820-240	NEW-P	01-09-081
388-546-5200	NEW	01-06-029	388-815-210	REP-XR	01-07-019	388-820-250	NEW-P	01-09-081
388-546-5300	NEW	01-06-029	388-815-210	REP	01-13-026	388-820-260	NEW-P	01-09-081
388-546-5400	NEW	01-06-029	388-815-215	REP-XR	01-07-019	388-820-270	NEW-P	01-09-081
388-546-5500	NEW	01-06-029	388-815-215	REP	01-13-026	388-820-280	NEW-P	01-09-081
388-550	PREP	01-11-096	388-815-220	REP-XR	01-07-019	388-820-290	NEW-P	01-09-081
388-550-1050	AMD-P	01-09-070	388-815-220	REP	01-13-026	388-820-290	NEW-P	01-09-081
388-550-1050	AMD	01-16-142	388-815-230	REP-XR	01-07-019	388-820-300	NEW-P	01-09-081
388-550-1100	AMD-P	01-09-070	388-815-230	REP	01-13-026	388-820-310	NEW-P	01-09-081
388-550-1100	AMD	01-16-142	388-815-240	REP-XR	01-07-019	388-820-320	NEW-P	01-09-081
388-550-2700	REP-P	01-09-070	388-815-240	REP	01-13-026	388-820-330	NEW-P	01-09-081
388-550-2700	REP	01-16-142	388-815-250	REP-XR	01-07-019	388-820-340	NEW-P	01-09-081
388-550-2800	AMD-P	01-09-070	388-815-250	REP	01-13-026	388-820-350	NEW-P	01-09-081
388-550-2800	AMD	01-16-142	388-820-005	REP-XR	01-10-061	388-820-360	NEW-P	01-09-081
388-550-2900	AMD-P	01-09-070	388-820-005	REP	01-16-016	388-820-370	NEW-P	01-09-081
388-550-2900	AMD	01-16-142	388-820-010	AMD-P	01-09-081	388-820-380	NEW-P	01-09-081
388-550-3300	AMD-P	01-09-070	388-820-015	REP-XR	01-10-061	388-820-390	NEW-P	01-09-081
388-550-3300	AMD	01-16-142	388-820-015	REP	01-16-016	388-820-400	NEW-P	01-09-081
388-550-3600	AMD-P	01-09-070	388-820-020	AMD-P	01-09-081	388-820-410	NEW-P	01-09-081
388-550-3600	AMD	01-16-142	388-820-025	REP-XR	01-10-061	388-820-420	NEW-P	01-09-081
388-550-3700	AMD-P	01-09-070	388-820-025	REP	01-16-016	388-820-430	NEW-P	01-09-081
388-550-3700	AMD	01-16-142	388-820-030	AMD-P	01-09-081	388-820-440	NEW-P	01-09-081
388-550-3800	AMD-P	01-09-070	388-820-035	REP-XR	01-10-061	388-820-450	NEW-P	01-09-081
388-550-3800	AMD	01-16-142	388-820-035	REP	01-16-016	388-820-460	NEW-P	01-09-081
388-550-4300	AMD-P	01-09-070	388-820-040	AMD-P	01-09-081	388-820-470	NEW-P	01-09-081
388-550-4300	AMD	01-16-142	388-820-045	REP-XR	01-10-061	388-820-480	NEW-P	01-09-081
388-550-4400	AMD-P	01-09-070	388-820-045	REP	01-16-016	388-820-490	NEW-P	01-09-081
388-550-4400	AMD	01-16-142	388-820-050	AMD-P	01-09-081	388-820-500	NEW-P	01-09-081
388-550-4500	AMD-P	01-09-070	388-820-055	REP-XR	01-10-061	388-820-510	NEW-P	01-09-081
388-550-4500	AMD	01-16-142	388-820-055	REP	01-16-016	388-820-520	NEW-P	01-09-081
388-550-4800	AMD-P	01-09-070	388-820-060	AMD-P	01-09-081	388-820-530	NEW-P	01-09-081
388-550-4800	AMD	01-16-142	388-820-065	REP-XR	01-10-061	388-820-540	NEW-P	01-09-081
388-551	PREP	01-03-095	388-820-065	REP	01-16-016	388-820-550	NEW-P	01-09-081
388-551	PREP	01-03-096	388-820-070	AMD-P	01-09-081	388-820-560	NEW-P	01-09-081
388-551-3000	NEW	01-05-040	388-820-075	REP-XR	01-10-061	388-820-570	NEW-P	01-09-081
388-561-0001	NEW	01-06-043	388-820-075	REP	01-16-016	388-820-580	NEW-P	01-09-081
388-561-0100	NEW	01-06-043	388-820-080	AMD-P	01-09-081	388-820-590	NEW-P	01-09-081
						388-820-600	NEW-P	01-09-081

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-820-610	NEW-P	01-09-081	388-835-0135	NEW	01-10-013	388-835-0415	NEW	01-10-013
388-820-620	NEW-P	01-09-081	388-835-0140	NEW	01-10-013	388-835-0420	NEW	01-10-013
388-820-630	NEW-P	01-09-081	388-835-0145	NEW	01-10-013	388-835-0425	NEW	01-10-013
388-820-640	NEW-P	01-09-081	388-835-015	REP	01-10-013	388-835-0430	NEW	01-10-013
388-820-650	NEW-P	01-09-081	388-835-0150	NEW	01-10-013	388-835-0435	NEW	01-10-013
388-820-660	NEW-P	01-09-081	388-835-0155	NEW	01-10-013	388-835-0440	NEW	01-10-013
388-820-670	NEW-P	01-09-081	388-835-0160	NEW	01-10-013	388-835-0445	NEW	01-10-013
388-820-680	NEW-P	01-09-081	388-835-0165	NEW	01-10-013	388-835-045	REP	01-10-013
388-820-690	NEW-P	01-09-081	388-835-0170	NEW	01-10-013	388-835-0450	NEW	01-10-013
388-820-700	NEW-P	01-09-081	388-835-0175	NEW	01-10-013	388-835-0455	NEW	01-10-013
388-820-710	NEW-P	01-09-081	388-835-0180	NEW	01-10-013	388-835-0460	NEW	01-10-013
388-820-720	NEW-P	01-09-081	388-835-0185	NEW	01-10-013	388-835-0465	NEW	01-10-013
388-820-730	NEW-P	01-09-081	388-835-0190	NEW	01-10-013	388-835-0470	NEW	01-10-013
388-820-740	NEW-P	01-09-081	388-835-0195	NEW	01-10-013	388-835-0475	NEW	01-10-013
388-820-750	NEW-P	01-09-081	388-835-020	REP	01-10-013	388-835-0480	NEW	01-10-013
388-820-760	NEW-P	01-09-081	388-835-0200	NEW	01-10-013	388-835-0485	NEW	01-10-013
388-820-770	NEW-P	01-09-081	388-835-0205	NEW	01-10-013	388-835-0490	NEW	01-10-013
388-820-780	NEW-P	01-09-081	388-835-0210	NEW	01-10-013	388-835-0495	NEW	01-10-013
388-820-790	NEW-P	01-09-081	388-835-0215	NEW	01-10-013	388-835-050	REP	01-10-013
388-820-800	NEW-P	01-09-081	388-835-0220	NEW	01-10-013	388-835-0500	NEW	01-10-013
388-820-810	NEW-P	01-09-081	388-835-0225	NEW	01-10-013	388-835-0505	NEW	01-10-013
388-820-820	NEW-P	01-09-081	388-835-0230	NEW	01-10-013	388-835-0510	NEW	01-10-013
388-820-830	NEW-P	01-09-081	388-835-0235	NEW	01-10-013	388-835-0515	NEW	01-10-013
388-820-840	NEW-P	01-09-081	388-835-0240	NEW	01-10-013	388-835-0520	NEW	01-10-013
388-820-850	NEW-P	01-09-081	388-835-0245	NEW	01-10-013	388-835-0525	NEW	01-10-013
388-820-860	NEW-P	01-09-081	388-835-025	REP	01-10-013	388-835-0530	NEW	01-10-013
388-820-870	NEW-P	01-09-081	388-835-0250	NEW	01-10-013	388-835-0535	NEW	01-10-013
388-820-880	NEW-P	01-09-081	388-835-0255	NEW	01-10-013	388-835-0540	NEW	01-10-013
388-820-890	NEW-P	01-09-081	388-835-0260	NEW	01-10-013	388-835-0545	NEW	01-10-013
388-820-900	NEW-P	01-09-081	388-835-0265	NEW	01-10-013	388-835-055	REP	01-10-013
388-820-910	NEW-P	01-09-081	388-835-0270	NEW	01-10-013	388-835-0550	NEW	01-10-013
388-820-920	NEW-P	01-09-081	388-835-0275	NEW	01-10-013	388-835-0555	NEW	01-10-013
388-820-930	NEW-P	01-09-081	388-835-0280	NEW	01-10-013	388-835-0560	NEW	01-10-013
388-825-020	PREP	01-03-059	388-835-0285	NEW	01-10-013	388-835-0565	NEW	01-10-013
388-825-205	PREP	01-03-059	388-835-0290	NEW	01-10-013	388-835-0570	NEW	01-10-013
388-835-0005	NEW	01-10-013	388-835-0295	NEW	01-10-013	388-835-0575	NEW	01-10-013
388-835-0010	NEW	01-10-013	388-835-030	REP	01-10-013	388-835-0580	NEW	01-10-013
388-835-0015	NEW	01-10-013	388-835-0300	NEW	01-10-013	388-835-0585	NEW	01-10-013
388-835-0020	NEW	01-10-013	388-835-0305	NEW	01-10-013	388-835-0590	NEW	01-10-013
388-835-0025	NEW	01-10-013	388-835-0310	NEW	01-10-013	388-835-0595	NEW	01-10-013
388-835-0030	NEW	01-10-013	388-835-0315	NEW	01-10-013	388-835-060	REP	01-10-013
388-835-0035	NEW	01-10-013	388-835-0320	NEW	01-10-013	388-835-0600	NEW	01-10-013
388-835-0040	NEW	01-10-013	388-835-0325	NEW	01-10-013	388-835-0605	NEW	01-10-013
388-835-0045	NEW	01-10-013	388-835-0330	NEW	01-10-013	388-835-0610	NEW	01-10-013
388-835-0050	NEW	01-10-013	388-835-0335	NEW	01-10-013	388-835-0615	NEW	01-10-013
388-835-0055	NEW	01-10-013	388-835-0340	NEW	01-10-013	388-835-0620	NEW	01-10-013
388-835-0060	NEW	01-10-013	388-835-0345	NEW	01-10-013	388-835-0625	NEW	01-10-013
388-835-0065	NEW	01-10-013	388-835-035	REP	01-10-013	388-835-0630	NEW	01-10-013
388-835-0070	NEW	01-10-013	388-835-0350	NEW	01-10-013	388-835-0635	NEW	01-10-013
388-835-0075	NEW	01-10-013	388-835-0355	NEW	01-10-013	388-835-0640	NEW	01-10-013
388-835-0080	NEW	01-10-013	388-835-0360	NEW	01-10-013	388-835-0645	NEW	01-10-013
388-835-0085	NEW	01-10-013	388-835-0365	NEW	01-10-013	388-835-065	REP	01-10-013
388-835-0090	NEW	01-10-013	388-835-0370	NEW	01-10-013	388-835-0650	NEW	01-10-013
388-835-0095	NEW	01-10-013	388-835-0375	NEW	01-10-013	388-835-0655	NEW	01-10-013
388-835-010	REP	01-10-013	388-835-0380	NEW	01-10-013	388-835-0660	NEW	01-10-013
388-835-0100	NEW	01-10-013	388-835-0385	NEW	01-10-013	388-835-0665	NEW	01-10-013
388-835-0105	NEW	01-10-013	388-835-0390	NEW	01-10-013	388-835-0670	NEW	01-10-013
388-835-0110	NEW	01-10-013	388-835-0395	NEW	01-10-013	388-835-0675	NEW	01-10-013
388-835-0115	NEW	01-10-013	388-835-040	REP	01-10-013	388-835-0680	NEW	01-10-013
388-835-0120	NEW	01-10-013	388-835-0400	NEW	01-10-013	388-835-0685	NEW	01-10-013
388-835-0125	NEW	01-10-013	388-835-0405	NEW	01-10-013	388-835-0690	NEW	01-10-013
388-835-0130	NEW	01-10-013	388-835-0410	NEW	01-10-013	388-835-0695	NEW	01-10-013

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-835-070	REP	01-10-013	388-835-125	REP	01-10-013	388-835-435	REP	01-10-013
388-835-0700	NEW	01-10-013	388-835-130	REP	01-10-013	388-835-440	REP	01-10-013
388-835-0705	NEW	01-10-013	388-835-135	REP	01-10-013	388-835-445	REP	01-10-013
388-835-0710	NEW	01-10-013	388-835-140	REP	01-10-013	388-835-450	REP	01-10-013
388-835-0715	NEW	01-10-013	388-835-145	REP	01-10-013	388-835-455	REP	01-10-013
388-835-0720	NEW	01-10-013	388-835-150	REP	01-10-013	388-835-460	REP	01-10-013
388-835-0725	NEW	01-10-013	388-835-155	REP	01-10-013	388-835-465	REP	01-10-013
388-835-0730	NEW	01-10-013	388-835-160	REP	01-10-013	388-835-470	REP	01-10-013
388-835-0735	NEW	01-10-013	388-835-165	REP	01-10-013	388-835-475	REP	01-10-013
388-835-0740	NEW	01-10-013	388-835-170	REP	01-10-013	388-835-480	REP	01-10-013
388-835-0745	NEW	01-10-013	388-835-175	REP	01-10-013	388-835-485	REP	01-10-013
388-835-075	REP	01-10-013	388-835-180	REP	01-10-013	388-835-490	REP	01-10-013
388-835-0750	NEW	01-10-013	388-835-185	REP	01-10-013	388-835-495	REP	01-10-013
388-835-0755	NEW	01-10-013	388-835-190	REP	01-10-013	388-835-500	REP	01-10-013
388-835-0760	NEW	01-10-013	388-835-195	REP	01-10-013	388-835-505	REP	01-10-013
388-835-0765	NEW	01-10-013	388-835-200	REP	01-10-013	388-835-510	REP	01-10-013
388-835-0770	NEW	01-10-013	388-835-205	REP	01-10-013	388-835-515	REP	01-10-013
388-835-0775	NEW	01-10-013	388-835-210	REP	01-10-013	388-835-520	REP	01-10-013
388-835-0780	NEW	01-10-013	388-835-215	REP	01-10-013	388-835-525	REP	01-10-013
388-835-0785	NEW	01-10-013	388-835-220	REP	01-10-013	388-835-530	REP	01-10-013
388-835-0790	NEW	01-10-013	388-835-225	REP	01-10-013	388-835-535	REP	01-10-013
388-835-0795	NEW	01-10-013	388-835-230	REP	01-10-013	388-835-540	REP	01-10-013
388-835-080	REP	01-10-013	388-835-235	REP	01-10-013	388-835-545	REP	01-10-013
388-835-0800	NEW	01-10-013	388-835-240	REP	01-10-013	388-835-550	REP	01-10-013
388-835-0805	NEW	01-10-013	388-835-245	REP	01-10-013	388-835-555	REP	01-10-013
388-835-0810	NEW	01-10-013	388-835-250	REP	01-10-013	388-835-560	REP	01-10-013
388-835-0815	NEW	01-10-013	388-835-255	REP	01-10-013	388-835-565	REP	01-10-013
388-835-0820	NEW	01-10-013	388-835-260	REP	01-10-013	388-860-010	REP-P	01-07-116
388-835-0825	NEW	01-10-013	388-835-265	REP	01-10-013	388-860-010	REP	01-12-047
388-835-0830	NEW	01-10-013	388-835-270	REP	01-10-013	388-860-020	REP-P	01-07-116
388-835-0835	NEW	01-10-013	388-835-275	REP	01-10-013	388-860-020	REP	01-12-047
388-835-0840	NEW	01-10-013	388-835-280	REP	01-10-013	388-860-030	REP-P	01-07-116
388-835-0845	NEW	01-10-013	388-835-285	REP	01-10-013	388-860-030	REP	01-12-047
388-835-085	REP	01-10-013	388-835-290	REP	01-10-013	388-860-040	REP-P	01-07-116
388-835-0850	NEW	01-10-013	388-835-295	REP	01-10-013	388-860-040	REP	01-12-047
388-835-0855	NEW	01-10-013	388-835-300	REP	01-10-013	388-860-050	REP-P	01-07-116
388-835-0860	NEW	01-10-013	388-835-305	REP	01-10-013	388-860-050	REP	01-12-047
388-835-0865	NEW	01-10-013	388-835-310	REP	01-10-013	388-860-060	REP-P	01-07-116
388-835-0870	NEW	01-10-013	388-835-315	REP	01-10-013	388-860-060	REP	01-12-047
388-835-0875	NEW	01-10-013	388-835-320	REP	01-10-013	388-860-070	REP-P	01-07-116
388-835-0880	NEW	01-10-013	388-835-325	REP	01-10-013	388-860-070	REP	01-12-047
388-835-0885	NEW	01-10-013	388-835-330	REP	01-10-013	388-860-080	REP-P	01-07-116
388-835-0890	NEW	01-10-013	388-835-335	REP	01-10-013	388-860-080	REP	01-12-047
388-835-090	REP	01-10-013	388-835-340	REP	01-10-013	388-860-090	REP-P	01-07-116
388-835-0900	NEW	01-10-013	388-835-345	REP	01-10-013	388-860-090	REP	01-12-047
388-835-0905	NEW	01-10-013	388-835-350	REP	01-10-013	388-860-100	REP-P	01-07-116
388-835-0910	NEW	01-10-013	388-835-355	REP	01-10-013	388-860-100	REP	01-12-047
388-835-0915	NEW	01-10-013	388-835-360	REP	01-10-013	388-860-110	REP-P	01-07-116
388-835-0920	NEW	01-10-013	388-835-365	REP	01-10-013	388-860-110	REP	01-12-047
388-835-0925	NEW	01-10-013	388-835-370	REP	01-10-013	388-860-120	REP-P	01-07-116
388-835-0930	NEW	01-10-013	388-835-375	REP	01-10-013	388-860-120	REP	01-12-047
388-835-0935	NEW	01-10-013	388-835-380	REP	01-10-013	388-860-130	REP-P	01-07-116
388-835-0940	NEW	01-10-013	388-835-385	REP	01-10-013	388-860-130	REP	01-12-047
388-835-0945	NEW	01-10-013	388-835-390	REP	01-10-013	388-860-140	REP-P	01-07-116
388-835-095	REP	01-10-013	388-835-395	REP	01-10-013	388-860-140	REP	01-12-047
388-835-0950	NEW	01-10-013	388-835-400	REP	01-10-013	388-860-150	REP-P	01-07-116
388-835-0955	NEW	01-10-013	388-835-405	REP	01-10-013	388-860-150	REP	01-12-047
388-835-100	REP	01-10-013	388-835-410	REP	01-10-013	388-860-160	REP-P	01-07-116
388-835-105	REP	01-10-013	388-835-415	REP	01-10-013	388-860-160	REP	01-12-047
388-835-110	REP	01-10-013	388-835-420	REP	01-10-013	388-860-170	REP-P	01-07-116
388-835-115	REP	01-10-013	388-835-425	REP	01-10-013	388-860-170	REP	01-12-047
388-835-120	REP	01-10-013	388-835-430	REP	01-10-013	388-860-180	REP-P	01-07-116

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-862-350	REP	01-12-047	388-865-0230	NEW	01-12-047	388-865-0405	NEW-P	01-07-116
388-862-360	REP-P	01-07-116	388-865-0235	NEW-P	01-07-116	388-865-0405	NEW	01-12-047
388-862-360	REP	01-12-047	388-865-0235	NEW	01-12-047	388-865-0410	NEW-P	01-07-116
388-862-370	REP-P	01-07-116	388-865-0240	NEW-P	01-07-116	388-865-0410	NEW	01-12-047
388-862-370	REP	01-12-047	388-865-0240	NEW	01-12-047	388-865-0415	NEW-P	01-07-116
388-862-380	REP-P	01-07-116	388-865-0245	NEW-P	01-07-116	388-865-0415	NEW	01-12-047
388-862-380	REP	01-12-047	388-865-0245	NEW	01-12-047	388-865-0420	NEW-P	01-07-116
388-862-390	REP-P	01-07-116	388-865-0250	NEW-P	01-07-116	388-865-0420	NEW	01-12-047
388-862-390	REP	01-12-047	388-865-0250	NEW	01-12-047	388-865-0425	NEW-P	01-07-116
388-862-400	REP-P	01-07-116	388-865-0255	NEW-P	01-07-116	388-865-0425	NEW	01-12-047
388-862-400	REP	01-12-047	388-865-0255	NEW	01-12-047	388-865-0430	NEW-P	01-07-116
388-862-410	REP-P	01-07-116	388-865-0260	NEW-P	01-07-116	388-865-0430	NEW	01-12-047
388-862-410	REP	01-12-047	388-865-0260	NEW	01-12-047	388-865-0435	NEW-P	01-07-116
388-862-420	REP-P	01-07-116	388-865-0265	NEW-P	01-07-116	388-865-0435	NEW	01-12-047
388-862-420	REP	01-12-047	388-865-0265	NEW	01-12-047	388-865-0436	NEW-P	01-07-116
388-862-430	REP-P	01-07-116	388-865-0270	NEW-P	01-07-116	388-865-0436	NEW	01-12-047
388-862-430	REP	01-12-047	388-865-0270	NEW	01-12-047	388-865-0440	NEW-P	01-07-116
388-862-440	REP-P	01-07-116	388-865-0275	NEW-P	01-07-116	388-865-0440	NEW	01-12-047
388-862-440	REP	01-12-047	388-865-0275	NEW	01-12-047	388-865-0445	NEW-P	01-07-116
388-862-450	REP-P	01-07-116	388-865-0280	NEW-P	01-07-116	388-865-0445	NEW	01-12-047
388-862-450	REP	01-12-047	388-865-0280	NEW	01-12-047	388-865-0450	NEW-P	01-07-116
388-862-460	REP-P	01-07-116	388-865-0282	NEW-P	01-07-116	388-865-0450	NEW	01-12-047
388-862-460	REP	01-12-047	388-865-0282	NEW	01-12-047	388-865-0452	NEW-P	01-07-116
388-862-470	REP-P	01-07-116	388-865-0284	NEW-P	01-07-116	388-865-0452	NEW	01-12-047
388-862-470	REP	01-12-047	388-865-0284	NEW	01-12-047	388-865-0454	NEW-P	01-07-116
388-865-0100	NEW-P	01-07-116	388-865-0286	NEW-P	01-07-116	388-865-0454	NEW	01-12-047
388-865-0100	NEW	01-12-047	388-865-0286	NEW	01-12-047	388-865-0456	NEW-P	01-07-116
388-865-0105	NEW-P	01-07-116	388-865-0288	NEW-P	01-07-116	388-865-0456	NEW	01-12-047
388-865-0105	NEW	01-12-047	388-865-0288	NEW	01-12-047	388-865-0458	NEW-P	01-07-116
388-865-0110	NEW-P	01-07-116	388-865-0288	NEW	01-12-047	388-865-0458	NEW	01-12-047
388-865-0110	NEW	01-12-047	388-865-0300	NEW-P	01-07-116	388-865-0460	NEW-P	01-07-116
388-865-0115	NEW-P	01-07-116	388-865-0300	NEW	01-12-047	388-865-0460	NEW	01-12-047
388-865-0115	NEW	01-12-047	388-865-0305	NEW-P	01-07-116	388-865-0462	NEW-P	01-07-116
388-865-0120	NEW-P	01-07-116	388-865-0305	NEW	01-12-047	388-865-0462	NEW	01-12-047
388-865-0120	NEW	01-12-047	388-865-0307	NEW-P	01-07-116	388-865-0464	NEW-P	01-07-116
388-865-0150	NEW-P	01-07-116	388-865-0310	NEW-P	01-07-116	388-865-0464	NEW	01-12-047
388-865-0150	NEW	01-12-047	388-865-0310	NEW	01-12-047	388-865-0466	NEW-P	01-07-116
388-865-0200	NEW-P	01-07-116	388-865-0315	NEW-P	01-07-116	388-865-0466	NEW	01-12-047
388-865-0200	NEW	01-12-047	388-865-0315	NEW	01-12-047	388-865-0468	NEW-P	01-07-116
388-865-0200	NEW	01-12-047	388-865-0320	NEW-P	01-07-116	388-865-0468	NEW	01-12-047
388-865-0201	NEW-P	01-07-116	388-865-0320	NEW	01-12-047	388-865-0468	NEW	01-12-047
388-865-0201	NEW-S	01-09-078	388-865-0325	NEW-P	01-07-116	388-865-0470	NEW-P	01-07-116
388-865-0201	NEW	01-12-047	388-865-0325	NEW	01-12-047	388-865-0470	NEW	01-12-047
388-865-0203	NEW-P	01-07-116	388-865-0330	NEW-P	01-07-116	388-865-0472	NEW-P	01-07-116
388-865-0203	NEW-S	01-09-078	388-865-0330	NEW	01-12-047	388-865-0472	NEW	01-12-047
388-865-0203	NEW	01-12-047	388-865-0335	NEW-P	01-07-116	388-865-0474	NEW-P	01-07-116
388-865-0205	NEW-P	01-07-116	388-865-0335	NEW	01-12-047	388-865-0474	NEW	01-12-047
388-865-0205	NEW	01-12-047	388-865-0340	NEW-P	01-07-116	388-865-0476	NEW-P	01-07-116
388-865-0210	NEW-P	01-07-116	388-865-0340	NEW	01-12-047	388-865-0476	NEW	01-12-047
388-865-0210	NEW	01-12-047	388-865-0345	NEW-P	01-07-116	388-865-0478	NEW-P	01-07-116
388-865-0215	NEW-P	01-07-116	388-865-0345	NEW	01-12-047	388-865-0478	NEW	01-12-047
388-865-0215	NEW	01-12-047	388-865-0350	NEW-P	01-07-116	388-865-0480	NEW-P	01-07-116
388-865-0220	NEW-P	01-07-116	388-865-0350	NEW	01-12-047	388-865-0480	NEW	01-12-047
388-865-0220	NEW	01-12-047	388-865-0355	NEW-P	01-07-116	388-865-0482	NEW-P	01-07-116
388-865-0221	NEW-P	01-07-116	388-865-0355	NEW	01-12-047	388-865-0482	NEW	01-12-047
388-865-0221	NEW	01-12-047	388-865-0360	NEW-P	01-07-116	388-865-0484	NEW-P	01-07-116
388-865-0222	NEW-P	01-07-116	388-865-0360	NEW	01-12-047	388-865-0484	NEW	01-12-047
388-865-0222	NEW	01-12-047	388-865-0363	NEW-P	01-07-116	388-865-0500	NEW-P	01-07-116
388-865-0225	NEW-P	01-07-116	388-865-0363	NEW	01-12-047	388-865-0500	NEW	01-12-047
388-865-0225	NEW	01-12-047	388-865-0365	NEW-P	01-07-116	388-865-0501	NEW-P	01-07-116
388-865-0229	NEW-P	01-07-116	388-865-0365	NEW	01-12-047	388-865-0501	NEW	01-12-047
388-865-0229	NEW	01-12-047	388-865-0400	NEW-P	01-07-116	388-865-0502	NEW-P	01-07-116
388-865-0230	NEW-P	01-07-116	388-865-0400	NEW	01-12-047	388-865-0502	NEW	01-12-047

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-865-0504	NEW-E	01-06-040	390-16-150	REP-P	01-07-108	391-25-450	AMD	01-14-009
388-865-0504	NEW-S	01-09-078	390-16-150	REP	01-10-052	391-25-470	AMD-P	01-10-112
388-865-0504	NEW	01-12-047	390-16-155	PREP	01-07-112	391-25-470	AMD	01-14-009
388-865-0505	NEW-P	01-07-116	390-16-155	REP-E	01-14-038	391-25-490	AMD-P	01-10-112
388-865-0505	NEW	01-12-047	390-16-190	PREP	01-07-115	391-25-490	AMD	01-14-009
388-865-0510	NEW-P	01-07-116	390-16-309	PREP	01-03-081	391-25-510	AMD-P	01-10-112
388-865-0510	NEW	01-12-047	390-16-311	PREP	01-03-082	391-25-510	AMD	01-14-009
388-865-0515	NEW-P	01-07-116	390-24-200	PREP	01-03-160	391-25-610	AMD-P	01-10-112
388-865-0515	NEW	01-12-047	390-24-200	AMD-P	01-07-109	391-25-610	AMD	01-14-009
388-865-0525	NEW-P	01-07-116	390-24-200	AMD	01-10-053	391-25-650	AMD-P	01-10-112
388-865-0525	NEW	01-12-047	391-08-001	AMD-P	01-10-112	391-25-650	AMD	01-14-009
388-865-0530	NEW-P	01-07-116	391-08-001	AMD	01-14-009	391-35	PREP	01-04-073
388-865-0530	NEW	01-12-047	391-25	PREP	01-04-073	391-35-001	AMD-P	01-10-112
388-865-0535	NEW-P	01-07-116	391-25-001	AMD-P	01-10-112	391-35-001	AMD	01-14-009
388-865-0535	NEW	01-12-047	391-25-001	AMD	01-14-009	391-35-002	AMD-P	01-10-112
388-865-0540	NEW-P	01-07-116	391-25-002	AMD-P	01-10-112	391-35-002	AMD	01-14-009
388-865-0540	NEW	01-12-047	391-25-002	AMD	01-14-009	391-35-020	AMD-P	01-10-112
388-865-0545	NEW-P	01-07-116	391-25-010	AMD-P	01-10-112	391-35-020	AMD	01-14-009
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392-172-238	AMD-P	01-11-129	415-111-220	AMD-E	01-08-026	417- 02-120	NEW-P	01-13-124
392-172-239	AMD-P	01-11-129	415-111-220	AMD-P	01-11-119	417- 02-125	NEW-P	01-13-124

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
417-02-130	NEW-P	01-13-124	434-260-305	AMD	01-11-111	458-20-260	AMD-P	01-13-005
417-02-135	NEW-P	01-13-124	434-260-307	NEW-P	01-06-023	458-30-255	REP-XR	01-11-028
417-02-140	NEW-P	01-13-124	434-260-309	NEW	01-11-111	458-30-255	REP	01-15-015
417-02-145	NEW-P	01-13-124	434-260-309	NEW-P	01-06-023	458-40-660	PREP	01-06-034
417-02-150	NEW-P	01-13-124	434-260-309	NEW	01-11-111	458-40-660	AMD-P	01-10-080
417-02-155	NEW-P	01-13-124	434-381-010	REP-E	01-11-089	458-40-660	AMD	01-13-105
417-06	PREP	01-05-102	434-381-020	REP-E	01-11-089	460-24A-020	NEW-P	01-12-090
417-06-110	AMD-P	01-09-082	434-381-030	REP-E	01-11-089	460-24A-020	NEW	01-16-125
417-06-110	AMD	01-13-123	434-381-040	REP-E	01-11-089	460-24A-047	NEW-P	01-12-090
417-06-120	AMD-P	01-09-082	434-381-050	REP-E	01-11-089	460-24A-047	NEW	01-16-125
417-06-120	AMD	01-13-123	434-381-060	REP-E	01-11-089	460-24A-050	AMD-P	01-12-090
417-06-130	AMD-P	01-09-082	434-381-070	REP-E	01-11-089	460-24A-050	AMD	01-16-125
417-06-130	AMD	01-13-123	434-381-080	REP-E	01-11-089	460-24A-055	AMD-P	01-12-090
417-06-135	NEW-P	01-09-082	434-381-090	REP-E	01-11-089	460-24A-055	AMD	01-16-125
417-06-135	NEW	01-13-123	434-381-100	REP-E	01-11-089	460-24A-057	NEW-P	01-12-090
417-06-140	AMD-P	01-09-082	434-381-110	NEW-E	01-11-089	460-24A-057	NEW	01-16-125
417-06-140	AMD	01-13-123	434-381-120	NEW-E	01-11-089	460-24A-058	NEW-P	01-12-090
417-06-150	AMD-P	01-09-082	434-381-130	NEW-E	01-11-089	460-24A-058	NEW	01-16-125
417-06-150	AMD	01-13-123	434-381-140	NEW-E	01-11-089	460-24A-060	AMD-P	01-12-090
417-06-170	AMD-P	01-09-082	434-381-150	NEW-E	01-11-089	460-24A-060	AMD	01-16-125
417-06-170	AMD	01-13-123	434-381-160	NEW-E	01-11-089	460-24A-070	NEW-P	01-12-090
420-04-010	NEW	01-04-052	434-381-170	NEW-E	01-11-089	460-24A-070	NEW	01-16-125
420-04-015	NEW	01-04-052	434-381-180	NEW-E	01-11-089	460-24A-080	NEW-P	01-12-090
420-04-020	NEW	01-04-052	434-381-190	NEW-E	01-11-089	460-24A-080	NEW	01-16-125
420-04-030	NEW	01-04-052	446-16-030	PREP	01-10-003	460-24A-105	AMD-P	01-12-090
420-04-040	NEW	01-04-052	446-16-030	AMD-P	01-13-052	460-24A-105	AMD	01-16-125
420-04-050	NEW	01-04-052	448-13	PREP	01-08-049	460-24A-145	AMD-P	01-12-090
420-04-060	NEW	01-04-052	448-13-035	NEW-E	01-10-007	460-24A-145	AMD	01-16-125
420-04-070	NEW	01-04-052	448-13-035	NEW-P	01-11-134	460-24A-170	AMD-P	01-12-090
420-04-080	NEW	01-04-052	448-13-035	NEW-E	01-15-067	460-24A-170	AMD	01-16-125
420-04-085	NEW	01-04-052	448-13-040	AMD-E	01-10-007	460-24A-200	AMD-P	01-12-090
420-04-100	NEW	01-04-052	448-13-040	AMD-P	01-11-134	460-24A-200	AMD	01-16-125
420-12-010	NEW	01-04-052	448-13-040	AMD-E	01-15-067	460-24A-205	AMD-P	01-12-090
420-12-020	NEW	01-04-052	448-13-056	NEW-P	01-11-134	460-24A-205	AMD	01-16-125
420-12-030	NEW	01-04-052	448-13-060	AMD-P	01-11-134	460-24A-210	AMD-P	01-12-090
420-12-040	NEW	01-04-052	448-13-225	NEW-P	01-11-134	460-24A-210	AMD	01-16-125
420-12-050	NEW	01-04-052	458-12-015	REP-XR	01-07-094	460-33A	PREP	01-12-012
420-12-060	NEW	01-04-052	458-12-015	REP	01-11-029	463-06	PREP	01-13-084
420-12-070	NEW	01-04-052	458-12-020	REP-XR	01-07-094	463-10	PREP	01-13-084
420-12-075	NEW	01-04-052	458-12-020	REP	01-11-029	463-14	PREP	01-13-084
420-12-080	NEW	01-04-052	458-12-085	REP-XR	01-07-094	463-18	PREP	01-13-084
420-12-085	NEW	01-04-052	458-12-085	REP	01-11-029	463-22	PREP	01-13-084
420-12-090	NEW	01-04-052	458-20-13501	NEW-P	01-09-035	463-26	PREP	01-13-084
434-257	AMD-E	01-14-063	458-20-13501	NEW	01-13-042	463-28	PREP	01-13-084
434-257-010	AMD-E	01-14-063	458-20-169	AMD-P	01-03-091	463-30	PREP	01-13-084
434-257-020	AMD-E	01-14-063	458-20-169	AMD	01-09-066	463-34	PREP	01-13-084
434-257-030	AMD-E	01-14-063	458-20-178	PREP	01-07-093	463-36	PREP	01-13-084
434-257-050	REP-E	01-14-063	458-20-17801	PREP	01-07-093	463-38	PREP	01-13-084
434-257-070	AMD-E	01-14-063	458-20-17802	NEW-P	01-09-040	463-39	PREP	01-13-084
434-257-080	REP-E	01-14-063	458-20-228	AMD	01-05-022	463-40	PREP	01-13-084
434-257-090	AMD-E	01-14-063	458-20-22802	AMD-P	01-03-105	463-42	PREP	01-13-084
434-257-100	AMD-E	01-14-063	458-20-22802	AMD	01-07-017	463-43	PREP	01-13-084
434-257-120	REP-E	01-14-063	458-20-240	PREP	01-08-060	463-47	PREP	01-13-084
434-257-130	AMD-E	01-14-063	458-20-240	AMD-P	01-13-004	463-50	PREP	01-13-084
434-257-150	AMD-E	01-14-063	458-20-24001	AMD-P	01-08-034	463-54	PREP	01-13-084
434-260-220	AMD-P	01-06-023	458-20-24001	AMD	01-12-041	463-58	PREP	01-13-084
434-260-220	AMD	01-11-111	458-20-24001A	NEW-P	01-08-034	467-03-010	NEW-E	01-14-073
434-260-225	AMD-P	01-06-023	458-20-24001A	NEW	01-12-041	468-300-010	AMD-P	01-04-078
434-260-225	AMD	01-11-111	458-20-247	AMD-P	01-04-048	468-300-010	AMD	01-11-010
434-260-300	AMD-P	01-06-023	458-20-247	AMD	01-08-003	468-300-020	AMD-P	01-04-078
434-260-300	AMD	01-11-111	458-20-259	REP-XR	01-09-036	468-300-020	AMD	01-11-010
434-260-305	AMD-P	01-06-023	458-20-259	REP	01-15-072	468-300-040	AMD-P	01-04-078

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
468-300-040	AMD	01-11-010	480- 62-050	REP	01-04-026	480- 70-081	NEW	01-08-012
468-300-220	AMD-P	01-04-078	480- 62-060	REP	01-04-026	480- 70-086	NEW	01-08-012
468-300-220	AMD	01-11-010	480- 62-070	REP	01-04-026	480- 70-090	REP	01-08-012
478-116	AMD-C	01-13-015	480- 62-080	REP	01-04-026	480- 70-091	NEW	01-08-012
478-116-010	AMD-P	01-08-074	480- 62-085	REP	01-04-026	480- 70-096	NEW	01-08-012
478-116-040	REP-P	01-08-074	480- 62-090	REP	01-04-026	480- 70-100	REP	01-08-012
478-116-046	REP-P	01-08-074	480- 62-100	REP	01-04-026	480- 70-101	NEW	01-08-012
478-116-051	AMD-P	01-08-074	480- 62-120	REP	01-04-026	480- 70-106	NEW	01-08-012
478-116-101	AMD-P	01-08-074	480- 62-125	NEW	01-04-026	480- 70-110	REP	01-08-012
478-116-111	AMD-P	01-08-074	480- 62-130	NEW	01-04-026	480- 70-111	NEW	01-08-012
478-116-114	AMD-P	01-08-074	480- 62-135	NEW	01-04-026	480- 70-116	NEW	01-08-012
478-116-121	AMD-P	01-08-074	480- 62-140	NEW	01-04-026	480- 70-120	REP	01-08-012
478-116-145	AMD-P	01-08-074	480- 62-145	NEW	01-04-026	480- 70-121	NEW	01-08-012
478-116-151	AMD-P	01-08-074	480- 62-150	NEW	01-04-026	480- 70-126	NEW	01-08-012
478-116-163	AMD-P	01-08-074	480- 62-155	NEW	01-04-026	480- 70-130	REP	01-08-012
478-116-201	AMD-P	01-08-074	480- 62-160	NEW	01-04-026	480- 70-131	NEW	01-08-012
478-116-211	AMD-P	01-08-074	480- 62-165	NEW	01-04-026	480- 70-136	NEW	01-08-012
478-116-245	AMD-P	01-08-074	480- 62-170	NEW	01-04-026	480- 70-140	REP	01-08-012
478-116-255	AMD-P	01-08-074	480- 62-200	NEW	01-04-026	480- 70-141	NEW	01-08-012
478-116-291	AMD-P	01-08-074	480- 62-205	NEW	01-04-026	480- 70-146	NEW	01-08-012
478-116-301	AMD-P	01-08-074	480- 62-210	NEW	01-04-026	480- 70-150	REP	01-08-012
478-116-311	AMD-P	01-08-074	480- 62-215	NEW	01-04-026	480- 70-151	NEW	01-08-012
478-116-411	AMD-P	01-08-074	480- 62-220	NEW	01-04-026	480- 70-155	REP	01-08-012
478-116-605	AMD-P	01-08-074	480- 62-225	NEW	01-04-026	480- 70-156	NEW	01-08-012
478-136-030	AMD-P	01-06-009	480- 62-230	NEW	01-04-026	480- 70-160	REP	01-08-012
478-136-030	AMD	01-11-135	480- 62-235	NEW	01-04-026	480- 70-161	NEW	01-08-012
478-156-014	REP-XR	01-07-064	480- 62-240	NEW	01-04-026	480- 70-166	NEW	01-08-012
478-250-050	AMD-P	01-07-014	480- 62-245	NEW	01-04-026	480- 70-170	REP	01-08-012
478-250-050	AMD	01-11-136	480- 62-250	NEW	01-04-026	480- 70-171	NEW	01-08-012
478-250-070	AMD-P	01-07-014	480- 62-300	NEW	01-04-026	480- 70-176	NEW	01-08-012
478-250-070	AMD	01-11-136	480- 62-305	NEW	01-04-026	480- 70-180	REP	01-08-012
478-276-020	AMD-P	01-07-014	480- 62-310	NEW	01-04-026	480- 70-181	NEW	01-08-012
478-276-020	AMD	01-11-136	480- 62-315	NEW	01-04-026	480- 70-186	NEW	01-08-012
478-276-060	AMD-P	01-07-014	480- 62-320	NEW	01-04-026	480- 70-190	REP	01-08-012
478-276-060	AMD	01-11-136	480- 62-325	NEW	01-04-026	480- 70-191	NEW	01-08-012
478-276-070	AMD-P	01-07-014	480- 62-999	NEW	01-04-026	480- 70-196	NEW	01-08-012
478-276-070	AMD	01-11-136	480- 70	PREP	01-13-125	480- 70-200	REP	01-08-012
478-276-080	AMD-P	01-07-014	480- 70-001	NEW	01-08-012	480- 70-201	NEW	01-08-012
478-276-080	AMD	01-11-136	480- 70-006	NEW	01-08-012	480- 70-206	NEW	01-08-012
478-276-100	AMD-P	01-07-014	480- 70-010	REP	01-08-012	480- 70-210	REP	01-08-012
478-276-100	AMD	01-11-136	480- 70-011	NEW	01-08-012	480- 70-211	NEW	01-08-012
478-276-120	AMD-P	01-07-014	480- 70-016	NEW	01-08-012	480- 70-216	NEW	01-08-012
478-276-120	AMD	01-11-136	480- 70-020	REP	01-08-012	480- 70-220	REP	01-08-012
478-276-140	AMD-P	01-07-014	480- 70-021	NEW	01-08-012	480- 70-221	NEW	01-08-012
478-276-140	AMD	01-11-136	480- 70-026	NEW	01-08-012	480- 70-226	NEW	01-08-012
478-355-010	AMD-P	01-03-122	480- 70-030	REP	01-08-012	480- 70-230	REP	01-08-012
478-355-010	AMD	01-08-007	480- 70-031	NEW	01-08-012	480- 70-231	NEW	01-08-012
478-355-030	AMD-P	01-03-122	480- 70-036	NEW	01-08-012	480- 70-236	NEW	01-08-012
478-355-030	AMD	01-08-007	480- 70-040	REP	01-08-012	480- 70-240	REP	01-08-012
478-355-040	AMD-P	01-03-122	480- 70-041	NEW	01-08-012	480- 70-241	NEW	01-08-012
478-355-040	AMD	01-08-007	480- 70-046	NEW	01-08-012	480- 70-245	REP	01-08-012
479- 05-240	AMD-P	01-13-126	480- 70-050	REP	01-08-012	480- 70-246	NEW	01-08-012
480- 09	PREP	01-12-053	480- 70-051	NEW	01-08-012	480- 70-250	REP	01-08-012
480- 14	PREP	01-13-125	480- 70-055	REP	01-08-012	480- 70-251	NEW	01-08-012
480- 15	PREP	01-13-125	480- 70-056	NEW	01-08-012	480- 70-256	NEW	01-08-012
480- 30	PREP	01-13-125	480- 70-060	REP	01-08-012	480- 70-260	REP	01-08-012
480- 31	PREP	01-13-125	480- 70-061	NEW	01-08-012	480- 70-261	NEW	01-08-012
480- 40	PREP	01-13-125	480- 70-066	NEW	01-08-012	480- 70-262	NEW	01-08-012
480- 62-010	REP	01-04-026	480- 70-070	REP	01-08-012	480- 70-266	NEW	01-08-012
480- 62-020	REP	01-04-026	480- 70-071	NEW	01-08-012	480- 70-270	REP	01-08-012
480- 62-030	REP	01-04-026	480- 70-076	NEW	01-08-012	480- 70-271	NEW	01-08-012
480- 62-040	REP	01-04-026	480- 70-080	REP	01-08-012	480- 70-276	NEW	01-08-012

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-70-280	REP	01-08-012	480-70-486	NEW	01-08-012	480-90-028	NEW	01-11-003
480-70-281	NEW	01-08-012	480-70-500	REP	01-08-012	480-90-031	REP-P	01-02-084
480-70-286	NEW	01-08-012	480-70-510	REP	01-08-012	480-90-031	REP	01-11-003
480-70-290	REP	01-08-012	480-70-530	REP	01-08-012	480-90-032	REP-P	01-02-084
480-70-291	NEW	01-08-012	480-70-540	REP	01-08-012	480-90-032	REP	01-11-003
480-70-296	NEW	01-08-012	480-70-550	REP	01-08-012	480-90-033	NEW-P	01-02-084
480-70-300	REP	01-08-012	480-70-560	REP	01-08-012	480-90-033	NEW	01-11-003
480-70-301	NEW	01-08-012	480-70-570	REP	01-08-012	480-90-036	REP-P	01-02-084
480-70-306	NEW	01-08-012	480-70-700	REP	01-08-012	480-90-036	REP	01-11-003
480-70-310	REP	01-08-012	480-70-710	REP	01-08-012	480-90-041	REP-P	01-02-084
480-70-311	NEW	01-08-012	480-70-720	REP	01-08-012	480-90-041	REP	01-11-003
480-70-316	NEW	01-08-012	480-70-730	REP	01-08-012	480-90-043	REP-P	01-02-084
480-70-320	REP	01-08-012	480-70-740	REP	01-08-012	480-90-043	REP	01-11-003
480-70-321	NEW	01-08-012	480-70-750	REP	01-08-012	480-90-046	REP-P	01-02-084
480-70-325	REP	01-08-012	480-70-760	REP	01-08-012	480-90-046	REP	01-11-003
480-70-326	NEW	01-08-012	480-70-770	REP	01-08-012	480-90-051	REP-P	01-02-084
480-70-330	REP	01-08-012	480-70-780	REP	01-08-012	480-90-051	REP	01-11-003
480-70-331	NEW	01-08-012	480-70-790	REP	01-08-012	480-90-056	REP-P	01-02-084
480-70-335	REP	01-08-012	480-70-999	NEW	01-08-012	480-90-056	REP-S	01-11-148
480-70-336	NEW	01-08-012	480-75	PREP	01-13-125	480-90-061	REP-P	01-02-102
480-70-339	NEW	01-08-012	480-75-005	AMD-E	01-13-044	480-90-061	REP	01-09-002
480-70-340	REP	01-08-012	480-75-240	NEW-E	01-13-045	480-90-066	REP-P	01-02-084
480-70-341	NEW	01-08-012	480-80	AMD	01-09-002	480-90-066	REP	01-11-003
480-70-346	NEW	01-08-012	480-80-010	AMD-P	01-02-102	480-90-071	REP-P	01-02-084
480-70-350	REP	01-08-012	480-80-010	AMD	01-09-002	480-90-071	REP	01-11-003
480-70-351	NEW	01-08-012	480-80-035	NEW-P	01-02-102	480-90-072	REP-P	01-02-084
480-70-356	NEW-W	01-12-085	480-80-035	NEW	01-09-002	480-90-072	REP	01-11-003
480-70-360	REP	01-08-012	480-80-047	REP-P	01-02-102	480-90-076	REP-P	01-02-084
480-70-361	NEW	01-08-012	480-80-047	REP	01-09-002	480-90-076	REP	01-11-003
480-70-366	NEW	01-08-012	480-80-048	REP-P	01-02-102	480-90-081	REP-P	01-02-084
480-70-370	REP	01-08-012	480-80-048	REP	01-09-002	480-90-081	REP	01-11-003
480-70-371	NEW	01-08-012	480-80-049	REP-P	01-02-102	480-90-086	REP-P	01-02-084
480-70-376	NEW	01-08-012	480-80-049	REP	01-09-002	480-90-086	REP	01-11-003
480-70-380	REP	01-08-012	480-80-120	REP-P	01-02-102	480-90-091	REP-P	01-02-084
480-70-381	NEW	01-08-012	480-80-120	REP	01-09-002	480-90-091	REP	01-11-003
480-70-386	NEW	01-08-012	480-80-325	NEW-P	01-02-102	480-90-096	REP-P	01-02-084
480-70-390	REP	01-08-012	480-80-325	NEW	01-09-002	480-90-096	REP	01-11-003
480-70-391	NEW	01-08-012	480-80-326	NEW-P	01-02-102	480-90-101	REP-P	01-02-084
480-70-396	NEW	01-08-012	480-80-326	NEW	01-09-002	480-90-101	REP	01-11-003
480-70-400	REP	01-08-012	480-80-390	REP-P	01-02-102	480-90-103	NEW-P	01-02-084
480-70-401	NEW	01-08-012	480-80-390	REP	01-09-002	480-90-103	NEW	01-11-003
480-70-405	REP	01-08-012	480-90-001	NEW-P	01-02-084	480-90-106	REP-P	01-02-084
480-70-406	NEW	01-08-012	480-90-001	NEW	01-11-003	480-90-106	REP	01-11-003
480-70-410	REP	01-08-012	480-90-003	NEW-P	01-02-084	480-90-108	NEW-P	01-02-084
480-70-411	NEW	01-08-012	480-90-003	NEW	01-11-003	480-90-108	NEW	01-11-003
480-70-416	NEW	01-08-012	480-90-008	NEW-P	01-02-084	480-90-113	NEW-P	01-02-084
480-70-420	REP	01-08-012	480-90-008	NEW	01-11-003	480-90-113	NEW	01-11-003
480-70-421	NEW	01-08-012	480-90-011	REP-P	01-02-084	480-90-116	REP-P	01-02-084
480-70-426	NEW	01-08-012	480-90-011	REP	01-11-003	480-90-116	REP	01-11-003
480-70-430	REP	01-08-012	480-90-013	NEW-P	01-02-084	480-90-116	REP-S	01-11-148
480-70-431	NEW	01-08-012	480-90-013	NEW	01-11-003	480-90-118	NEW-P	01-02-084
480-70-436	NEW	01-08-012	480-90-016	REP-P	01-02-084	480-90-118	NEW	01-11-003
480-70-440	REP	01-08-012	480-90-016	REP	01-11-003	480-90-121	REP-P	01-02-084
480-70-441	NEW	01-08-012	480-90-018	NEW-P	01-02-084	480-90-121	REP-W	01-15-065
480-70-446	NEW	01-08-012	480-90-018	NEW	01-11-003	480-90-121	REP-S	01-15-088
480-70-451	NEW	01-08-012	480-90-021	REP-P	01-02-084	480-90-123	NEW-P	01-02-084
480-70-456	NEW	01-08-012	480-90-021	REP	01-11-003	480-90-123	NEW-S	01-11-148
480-70-461	NEW	01-08-012	480-90-023	NEW-P	01-02-084	480-90-126	REP-P	01-02-084
480-70-466	NEW	01-08-012	480-90-023	NEW	01-11-003	480-90-126	REP	01-11-003
480-70-471	NEW	01-08-012	480-90-026	REP-P	01-02-084	480-90-128	NEW-P	01-02-084
480-70-476	NEW	01-08-012	480-90-026	REP	01-11-003	480-90-128	NEW	01-11-003
480-70-481	NEW	01-08-012	480-90-028	NEW-P	01-02-084	480-90-131	REP-P	01-02-084

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-90-131	REP	01-11-003	480-90-228	NEW	01-11-003	480-100-043	REP-P	01-02-083
480-90-133	NEW-P	01-02-084	480-90-233	NEW-P	01-02-084	480-100-043	REP	01-11-004
480-90-133	NEW	01-11-003	480-90-233	NEW	01-11-003	480-100-046	REP-P	01-02-083
480-90-136	REP-P	01-02-084	480-90-238	NEW-P	01-02-084	480-100-046	REP	01-11-004
480-90-136	REP	01-11-003	480-90-238	NEW	01-11-003	480-100-051	REP-P	01-02-083
480-90-138	NEW-P	01-02-084	480-90-303	NEW-P	01-02-084	480-100-051	REP	01-11-004
480-90-138	NEW	01-11-003	480-90-303	NEW	01-11-003	480-100-056	REP-P	01-02-083
480-90-141	REP-P	01-02-084	480-90-308	NEW-P	01-02-084	480-100-056	REP-S	01-11-147
480-90-141	REP	01-11-003	480-90-308	NEW	01-11-003	480-100-061	REP-P	01-02-102
480-90-143	NEW-P	01-02-084	480-90-313	NEW-P	01-02-084	480-100-061	REP	01-09-002
480-90-143	NEW	01-11-003	480-90-313	NEW	01-11-003	480-100-066	REP-P	01-02-083
480-90-146	REP-P	01-02-084	480-90-323	NEW-P	01-02-084	480-100-066	REP	01-11-004
480-90-146	REP	01-11-003	480-90-323	NEW	01-11-003	480-100-071	REP-P	01-02-083
480-90-148	NEW-P	01-02-084	480-90-328	NEW-P	01-02-084	480-100-071	REP	01-11-004
480-90-148	NEW	01-11-003	480-90-328	NEW	01-11-003	480-100-072	REP-P	01-02-083
480-90-151	REP-P	01-02-084	480-90-333	NEW-P	01-02-084	480-100-072	REP	01-11-004
480-90-151	REP	01-11-003	480-90-333	NEW	01-11-003	480-100-076	REP-P	01-02-083
480-90-153	NEW-P	01-02-084	480-90-338	NEW-P	01-02-084	480-100-076	REP	01-11-004
480-90-153	NEW-S	01-11-148	480-90-338	NEW	01-11-003	480-100-081	REP-P	01-02-083
480-90-156	REP-P	01-02-084	480-90-343	NEW-P	01-02-084	480-100-081	REP	01-11-004
480-90-156	REP	01-11-003	480-90-343	NEW	01-11-003	480-100-086	REP-P	01-02-083
480-90-158	NEW-P	01-02-084	480-90-348	NEW-P	01-02-084	480-100-086	REP	01-11-004
480-90-158	NEW	01-11-003	480-90-348	NEW	01-11-003	480-100-091	REP-P	01-02-083
480-90-161	REP-P	01-02-084	480-90-353	NEW-P	01-02-084	480-100-091	REP	01-11-004
480-90-161	REP	01-11-003	480-90-353	NEW	01-11-003	480-100-096	REP-P	01-02-083
480-90-163	NEW-P	01-02-084	480-90-999	NEW-P	01-02-084	480-100-096	REP	01-11-004
480-90-163	NEW	01-11-003	480-90-999	NEW	01-11-003	480-100-101	REP-P	01-02-083
480-90-166	REP-P	01-02-084	480-93	PREP	01-13-125	480-100-101	REP	01-11-004
480-90-166	REP	01-11-003	480-93-010	AMD-E	01-13-044	480-100-103	NEW-P	01-02-083
480-90-168	NEW-P	01-02-084	480-93-240	NEW-E	01-13-045	480-100-103	NEW	01-11-004
480-90-168	NEW	01-11-003	480-100-001	NEW-P	01-02-083	480-100-108	NEW-P	01-02-083
480-90-171	REP-P	01-02-084	480-100-001	NEW	01-11-004	480-100-108	NEW	01-11-004
480-90-171	REP	01-11-003	480-100-003	NEW-P	01-02-083	480-100-111	REP-P	01-02-083
480-90-173	NEW-P	01-02-084	480-100-003	NEW	01-11-004	480-100-111	REP	01-11-004
480-90-173	NEW	01-11-003	480-100-008	NEW-P	01-02-083	480-100-113	NEW-P	01-02-083
480-90-176	REP-P	01-02-084	480-100-008	NEW	01-11-004	480-100-113	NEW	01-11-004
480-90-176	REP	01-11-003	480-100-011	REP-P	01-02-083	480-100-116	REP-P	01-02-083
480-90-178	NEW-P	01-02-084	480-100-011	REP	01-11-004	480-100-116	REP-S	01-11-147
480-90-178	NEW	01-11-003	480-100-013	NEW-P	01-02-083	480-100-118	NEW-P	01-02-083
480-90-181	REP-P	01-02-084	480-100-013	NEW	01-11-004	480-100-118	NEW	01-11-004
480-90-181	REP	01-11-003	480-100-016	REP-P	01-02-083	480-100-121	REP-P	01-02-083
480-90-183	NEW-P	01-02-084	480-100-016	REP	01-11-004	480-100-121	REP	01-11-004
480-90-183	NEW	01-11-003	480-100-018	NEW-P	01-02-083	480-100-123	NEW-P	01-02-083
480-90-188	NEW-P	01-02-084	480-100-018	NEW	01-11-004	480-100-123	NEW-S	01-11-147
480-90-188	NEW	01-11-003	480-100-021	REP-P	01-02-083	480-100-126	REP-P	01-02-083
480-90-191	REP-P	01-02-084	480-100-021	REP	01-11-004	480-100-126	REP	01-11-004
480-90-191	REP	01-11-003	480-100-023	NEW-P	01-02-083	480-100-128	NEW-P	01-02-083
480-90-193	NEW-P	01-02-102	480-100-023	NEW	01-11-004	480-100-128	NEW	01-11-004
480-90-193	NEW	01-09-002	480-100-026	REP-P	01-02-083	480-100-131	REP-P	01-02-083
480-90-203	NEW-P	01-02-084	480-100-026	REP	01-11-004	480-100-131	REP	01-11-004
480-90-203	NEW	01-11-003	480-100-028	NEW-P	01-02-083	480-100-133	NEW-P	01-02-083
480-90-208	NEW-P	01-02-084	480-100-028	NEW	01-11-004	480-100-133	NEW	01-11-004
480-90-208	NEW	01-11-003	480-100-031	REP-P	01-02-083	480-100-136	REP-P	01-02-083
480-90-211	REP-P	01-02-084	480-100-031	REP	01-11-004	480-100-136	REP	01-11-004
480-90-211	REP	01-11-003	480-100-032	REP-P	01-02-083	480-100-138	NEW-P	01-02-083
480-90-213	NEW-P	01-02-084	480-100-032	REP	01-11-004	480-100-138	NEW	01-11-004
480-90-213	NEW	01-11-003	480-100-033	NEW-P	01-02-083	480-100-141	REP-P	01-02-083
480-90-218	NEW-P	01-02-084	480-100-033	NEW	01-11-004	480-100-141	REP	01-11-004
480-90-218	NEW	01-11-003	480-100-036	REP-P	01-02-083	480-100-143	NEW-P	01-02-083
480-90-223	NEW-P	01-02-084	480-100-036	REP	01-11-004	480-100-143	NEW	01-11-004
480-90-223	NEW	01-11-003	480-100-041	REP-P	01-02-083	480-100-146	REP-P	01-02-083
480-90-228	NEW-P	01-02-084	480-100-041	REP	01-11-004	480-100-146	REP	01-11-004

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-100-148	NEW-P	01-02-083	480-100-311	REP	01-11-004	480-120-036	REP	01-15-022
480-100-148	NEW	01-11-004	480-100-313	NEW-P	01-02-083	480-120-043	NEW-P	01-02-102
480-100-151	REP-P	01-02-083	480-100-313	NEW	01-11-004	480-120-043	NEW	01-09-002
480-100-151	REP	01-11-004	480-100-318	NEW-P	01-02-083	480-120-049	NEW-P	01-03-100
480-100-153	NEW-P	01-02-083	480-100-318	NEW	01-11-004	480-120-066	REP-P	01-02-102
480-100-153	NEW-S	01-11-147	480-100-328	NEW-P	01-02-083	480-120-066	REP	01-09-002
480-100-156	REP-P	01-02-083	480-100-328	NEW	01-11-004	480-120-076	REP-P	01-03-100
480-100-156	REP	01-11-004	480-100-333	NEW-P	01-02-083	480-120-076	REP	01-15-022
480-100-161	REP-P	01-02-083	480-100-333	NEW	01-11-004	480-120-083	NEW-E	01-11-048
480-100-161	REP	01-11-004	480-100-338	NEW-P	01-02-083	480-120-083	PREP	01-12-102
480-100-163	NEW-P	01-02-083	480-100-338	NEW	01-11-004	480-120-091	REP-P	01-03-100
480-100-163	NEW	01-11-004	480-100-343	NEW-P	01-02-083	480-120-091	REP	01-15-022
480-100-166	REP-P	01-02-083	480-100-343	NEW	01-11-004	480-120-096	REP-P	01-03-100
480-100-166	REP	01-11-004	480-100-353	NEW-P	01-02-083	480-120-096	REP	01-15-022
480-100-168	NEW-P	01-02-083	480-100-353	NEW	01-11-004	480-120-136	AMD-P	01-03-100
480-100-168	NEW	01-11-004	480-100-358	NEW-P	01-02-083	480-120-136	AMD	01-15-022
480-100-171	REP-P	01-02-083	480-100-358	NEW	01-11-004	480-120-530	AMD-P	01-03-100
480-100-171	REP	01-11-004	480-100-363	NEW-P	01-02-083	480-120-530	AMD	01-15-022
480-100-173	NEW-P	01-02-083	480-100-363	NEW	01-11-004	480-120-531	NEW-P	01-03-100
480-100-173	NEW	01-11-004	480-100-368	NEW-P	01-02-083	480-120-531	NEW	01-15-022
480-100-176	REP-P	01-02-083	480-100-368	NEW	01-11-004	480-120-541	NEW-P	01-02-102
480-100-176	REP	01-11-004	480-100-373	NEW-P	01-02-083	480-120-541	NEW	01-09-002
480-100-178	NEW-P	01-02-083	480-100-373	NEW	01-11-004	480-120-542	NEW-P	01-02-102
480-100-178	NEW	01-11-004	480-100-378	NEW-P	01-02-083	480-120-542	NEW	01-09-002
480-100-181	REP-P	01-02-083	480-100-378	NEW	01-11-004	480-120-543	NEW-P	01-02-102
480-100-181	REP	01-11-004	480-100-383	NEW-P	01-02-083	480-120-543	NEW	01-09-002
480-100-183	NEW-P	01-02-083	480-100-383	NEW	01-11-004	480-120-544	NEW-P	01-02-102
480-100-183	NEW	01-11-004	480-100-388	NEW-P	01-04-081	480-120-544	NEW	01-09-002
480-100-186	REP-P	01-02-083	480-100-388	NEW	01-08-009	480-120-545	NEW-P	01-03-100
480-100-186	REP	01-11-004	480-100-393	NEW-P	01-04-081	480-120-545	NEW	01-15-022
480-100-188	NEW-P	01-02-083	480-100-393	NEW	01-08-009	480-121-061	NEW-P	01-02-102
480-100-188	NEW	01-11-004	480-100-398	NEW-P	01-04-081	480-121-061	NEW	01-09-002
480-100-191	REP-P	01-02-083	480-100-398	NEW	01-08-009	480-121-062	NEW-P	01-02-102
480-100-191	REP	01-11-004	480-100-999	NEW-P	01-02-083	480-121-062	NEW	01-09-002
480-100-193	NEW-P	01-02-102	480-100-999	NEW	01-11-004	480-121-063	NEW-P	01-02-102
480-100-193	NEW	01-09-002	480-120-011	AMD-P	01-03-100	480-121-063	NEW	01-09-002
480-100-201	REP-P	01-02-083	480-120-011	AMD	01-15-022	480-121-064	NEW-P	01-02-102
480-100-201	REP	01-11-004	480-120-015	NEW-P	01-03-100	480-121-064	NEW	01-09-002
480-100-203	NEW-P	01-02-083	480-120-015	NEW	01-15-022	480-122-010	AMD-P	01-16-152
480-100-203	NEW	01-11-004	480-120-016	AMD-P	01-03-100	480-122-020	AMD-P	01-16-152
480-100-206	REP-P	01-02-083	480-120-016	AMD	01-15-022	480-122-030	REP-P	01-16-152
480-100-206	REP	01-11-004	480-120-022	REP-P	01-02-102	480-122-040	REP-P	01-16-152
480-100-208	NEW-P	01-02-083	480-120-022	REP	01-09-002	480-122-060	AMD-P	01-16-152
480-100-208	NEW	01-11-004	480-120-023	REP-P	01-02-102	480-122-070	REP-P	01-16-152
480-100-211	REP-P	01-02-083	480-120-023	REP	01-09-002	480-122-080	AMD-P	01-16-152
480-100-211	REP	01-11-004	480-120-024	REP-P	01-02-102	480-122-090	REP-P	01-16-152
480-100-213	NEW-P	01-02-083	480-120-024	REP	01-09-002	504- 14-010	NEW-P	01-15-075
480-100-213	NEW	01-11-004	480-120-025	REP-P	01-02-102	504- 14-020	NEW-P	01-15-075
480-100-218	NEW-P	01-02-083	480-120-025	REP	01-09-002	504- 14-030	NEW-P	01-15-075
480-100-218	NEW	01-11-004	480-120-026	AMD-P	01-03-100	504- 14-040	NEW-P	01-15-075
480-100-223	NEW-P	01-02-083	480-120-026	AMD	01-15-022	504- 14-050	NEW-P	01-15-075
480-100-223	NEW	01-11-004	480-120-027	REP-P	01-02-102	504- 14-080	NEW-P	01-15-075
480-100-228	NEW-P	01-02-083	480-120-027	REP	01-09-002	504- 14-100	NEW-P	01-15-075
480-100-228	NEW	01-11-004	480-120-028	NEW-P	01-03-100	504- 14-200	NEW-P	01-15-075
480-100-233	NEW-P	01-02-083	480-120-028	NEW	01-15-022	504- 14-210	NEW-P	01-15-075
480-100-233	NEW-W	01-15-064	480-120-029	NEW-P	01-03-100	504- 14-220	NEW-P	01-15-075
480-100-238	NEW	01-11-004	480-120-029	NEW	01-15-022	504- 14-250	NEW-P	01-15-075
480-100-251	REP-P	01-02-083	480-120-032	AMD-P	01-03-100	504- 14-300	NEW-P	01-15-075
480-100-251	REP	01-11-004	480-120-032	AMD	01-15-022	504- 14-350	NEW-P	01-15-075
480-100-308	NEW-P	01-02-083	480-120-033	AMD-P	01-03-100	504- 14-360	NEW-P	01-15-075
480-100-308	NEW	01-11-004	480-120-033	AMD	01-15-022	504- 14-410	NEW-P	01-15-075
480-100-311	REP-P	01-02-083	480-120-036	REP-P	01-03-100	504- 14-420	NEW-P	01-15-075

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
504- 14-430	NEW-P	01-15-075	516- 24-001	AMD-P	01-05-086			
504- 14-440	NEW-P	01-15-075	516- 24-001	AMD	01-09-052			
504- 14-450	NEW-P	01-15-075	516- 24-050	REP-P	01-05-086			
504- 14-460	NEW-P	01-15-075	516- 24-050	REP	01-09-052			
504- 14-470	NEW-P	01-15-075	516- 24-060	REP-P	01-05-086			
504- 14-510	NEW-P	01-15-075	516- 24-060	REP	01-09-052			
504- 14-520	NEW-P	01-15-075	516- 24-110	AMD-P	01-05-086			
504- 14-540	NEW-P	01-15-075	516- 24-110	AMD	01-09-052			
504- 14-560	NEW-P	01-15-075	516- 24-115	REP-P	01-05-086			
504- 14-580	NEW-P	01-15-075	516- 24-115	REP	01-09-052			
504- 14-600	NEW-P	01-15-075	516- 24-130	AMD-P	01-05-086			
504- 14-650	NEW-P	01-15-075	516- 24-130	AMD	01-09-052			
504- 14-810	NEW-P	01-15-075	516- 25-001	NEW-P	01-05-086			
504- 14-830	NEW-P	01-15-075	516- 25-001	NEW	01-09-052			
504- 14-860	NEW-P	01-15-075	516- 60-001	REP-W	01-08-031			
504- 14-900	NEW-P	01-15-075	516- 60-002	REP-W	01-08-031			
504- 14-920	NEW-P	01-15-075						
504- 14-930	NEW-P	01-15-075						
504- 14-940	NEW-P	01-15-075						
504- 15-650	AMD-P	01-08-085						
504- 15-650	AMD	01-13-102						
504- 18-100	AMD-P	01-15-074						
504- 18-110	AMD-P	01-15-074						
504- 18-120	AMD-P	01-15-074						
504- 18-130	AMD-P	01-15-074						
504- 18-140	AMD-P	01-15-074						
504- 18-150	AMD-P	01-15-074						
504- 18-160	AMD-P	01-15-074						
504- 18-170	AMD-P	01-15-074						
504- 19-050	AMD-P	01-15-024						
504- 19-830	AMD-P	01-15-024						
504- 21	PREP	01-10-028						
504- 21-050	AMD-P	01-15-023						
504- 40-010	AMD-P	01-15-025						
504- 50-010	NEW-P	01-08-084						
504- 50-010	NEW	01-13-103						
504- 50-020	NEW-P	01-08-084						
504- 50-020	NEW	01-13-103						
504- 50-030	NEW-P	01-08-084						
504- 50-030	NEW	01-13-103						
504- 50-040	NEW-P	01-08-084						
504- 50-040	NEW	01-13-103						
504- 50-050	NEW-P	01-08-084						
504- 50-050	NEW	01-13-103						
504- 50-060	NEW-P	01-08-084						
504- 50-060	NEW	01-13-103						
504- 50-070	NEW-P	01-08-084						
504- 50-070	NEW	01-13-103						
504- 50-080	NEW-P	01-08-084						
504- 50-080	NEW	01-13-103						
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508- 64-020	REP-P	01-16-131						
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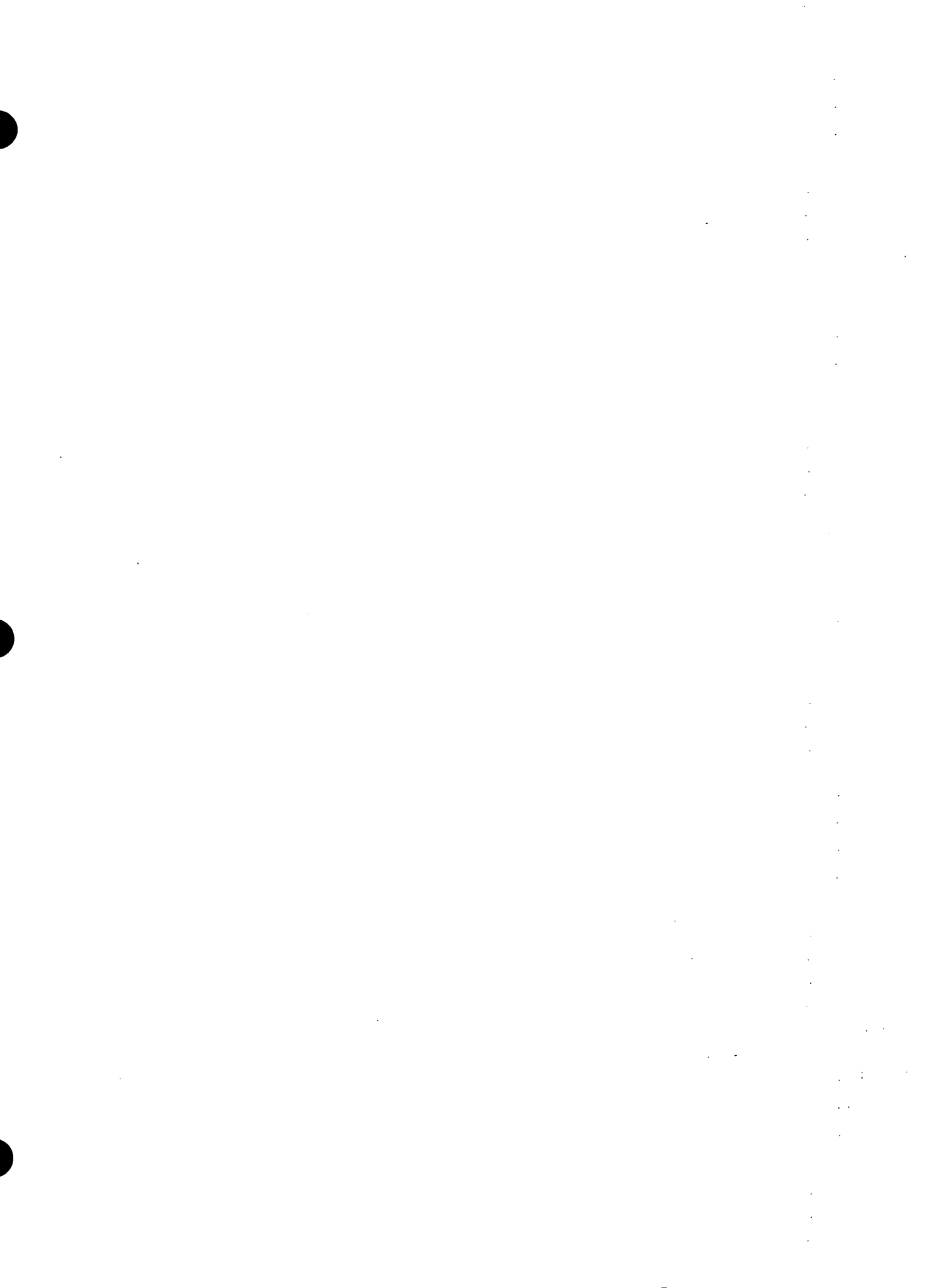
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