

July 17, 2002

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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of July 2002 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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

John G. Schultz
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

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Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
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.

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 Rule making ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
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
01 - 23	Oct 24, 01	Nov 7, 01	Nov 21, 01	Dec 5, 01	Dec 25, 01	Jan 23, 02
01 - 24	Nov 7, 01	Nov 21, 01	Dec 5, 01	Dec 19, 01	Jan 8, 02	Feb 5, 02
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02 - 04	Jan 9, 02	Jan 23, 02	Feb 6, 02	Feb 20, 02	Mar 12, 02	Apr 9, 02
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02 - 23	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 24, 02	Jan 21, 03
02 - 24	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 18, 02	Jan 7, 03	Feb 4, 03

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 1.12.040 and 34.05.353.

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;

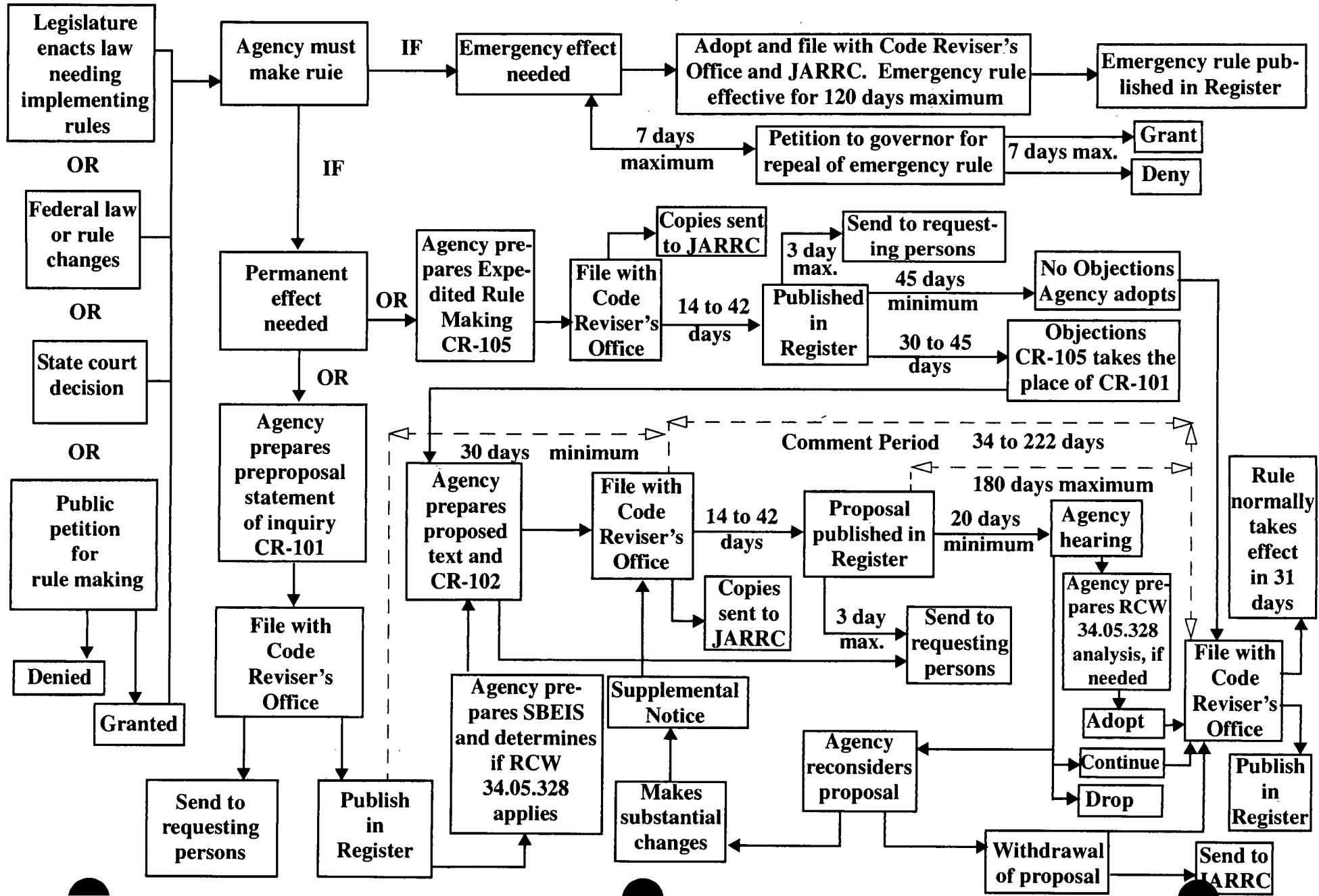
There is less than minor economic impact on business;

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 02-14-002**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed June 19, 2002, 2:31 p.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles etc., to include but not limited to WAC 308-56A-210.

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

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

June 19, 2002

D. McCurley, Administrator
Title and Registration Services

WSR 02-14-003**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed June 19, 2002, 2:32 p.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to WAC 308-96A-117 and 308-96A-021.

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

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

June 19, 2002

D. McCurley, Administrator
Title and Registration Services

WSR 02-14-020**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed June 21, 2002, 3:53 p.m.]

Subject of Possible Rule Making: Chapter 388-818 WAC, Deaf and hard of hearing services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20A.720, 43.20A.725, chapter 210, Laws of 2001.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Technology advancements and expanded eligibility for participation in the distribution program prompted a change in the law. SHB 1884 was signed into law on May 7, 2001. Existing sections in this chapter may be reorganized and revised to make the language clearer and easier to understand.

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 welcomes public participation in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelly Robison, Office of the Deaf and Hard of Hearing, P.O. Box 45301, Olympia, WA 98504-5301, phone (360) 902-8001, fax (360) 902-0855, e-mail robiskd@dshs.wa.gov.

June 19, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-14-026**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed June 24, 2002, 8:20 a.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration and certificates of title, to include but not limited to WAC 308-93-390.

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

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

Process for Developing New Rule: Negotiated rule making.

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

lication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

June 21, 2002

D. McCurley, Administrator
Title and Registration Services

WSR 02-14-029

**PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL**

[Filed June 24, 2002, 1:59 p.m.]

Subject of Possible Rule Making: Washington State Energy Code, chapter 51-11 WAC, chapters 4, 5, 6 and 8.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.045, 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the compliance paths for residential buildings.

Process for Developing New Rule: Technical Advisory Group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, (360) 753-5927, fax (360) 586-5880, e-mail sbcc@cted.wa.gov, www.sbcc.wa.gov.

June 14, 2002

Tim Nogler
for Jim Lewis
Council Chair

WSR 02-14-047

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed June 27, 2002, 8:27 a.m.]

Subject of Possible Rule Making: Chapter 246-310 WAC, Certificate of need, forecasting methodology for in-home services agencies licensed to provide hospice and hospice care center services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.127 and 70.38 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing certificate of need forecasting methodology for in-home services agencies licensed to provide hospice services was developed in the 1987 state health plan. The health care environment has changed significantly since the development of this method. Rule revisions are needed to assure the methodology takes into account these changes and accurately reflects the need for hospice services. Additionally, legislation revising chapter 70.127 RCW was enacted in 2000 defining a new category of in-home services, hospice care centers, and requiring

that these centers receive a certificate of need prior to licensure. Rules are also needed to implement this new requirement and to establish fees.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bart Eggen, Executive Director, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 705-6658, e-mail Bart.Eggen@doh.wa.gov.

June 26, 2002

Mary C. Selecky
Secretary

WSR 02-14-095

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

[Filed July 1, 2002, 2:43 p.m.]

Subject of Possible Rule Making: Amend chapter 415-103 WAC, Washington State Patrol retirement system (WSPRS) and other WACs as needed to implement ESB 5143 (chapter 329, Laws of 2001). Related "housekeeping" changes may be made at the same time, if necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5); statutes contained within SB 5143 and within chapter 43.43 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is needed to implement WSPRS Plan 2 (a new retirement plan), which becomes effective January 1, 2003.

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

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 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, the Department of Retirement Systems 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.

June 28, 2002
Merry A. Kogut
Rules Coordinator

WSR 02-14-099

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed July 1, 2002, 4:41 p.m.]

Subject of Possible Rule Making: Chapter 388-105 WAC, Medicaid rates for contracted home and community residential care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 74.39A RCW, chapter 371, Laws of 2002.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement as directed by the state legislature: A \$2.7 million reduction of funding for FY 03 for the assisted living facility (ALF) capital add-on rate; a bed hold policy for when a resident is temporarily out of a residential facility to obtain federal financial participation (FFP) or revise the current policy to return the average person cost to pre 2001 level; and increase the daily payment rates for boarding homes and adult family homes by the vendor rate increase of 1.5%.

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

Process for Developing New Rule: By publishing in the Washington State Register: CR-101 preproposal statement of inquiry; CR-102 proposed rule making; and CR-103 rule making order including a concise explanatory statement.

AASA welcomes the public participation in developing its rule(s). Anyone interested in participating should contact the staff person indicated below. At a later date, AASA will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the HCS mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. If you would like to be personally notified when draft regulations are ready for review, please contact Patricia Hague by fax at (360) 725-2641, e-mail at HaguePE@dshs.wa.gov or write to same at Home and Community Rates, P.O. Box 45600, Olympia, WA 98504-5600.

July 1, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-14-100

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

[Filed July 1, 2002, 4:41 p.m.]

Subject of Possible Rule Making: WAC 388-530-1100 Prescription drug mail order program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.510, and 2001-03 Revised Omnibus Operating Budget-2002 Supplemental (section 209, chapter 371, Laws of 2002).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature has directed MAA to provide a mail-order pharmacy option for prescription drugs. This mail-order option should save money on drug prices and offer increased convenience to MAA clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health, Washington State Board of Pharmacy.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Myra Davis, MAA Program Manager, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1306, fax (360) 586-9727.

July 1, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-14-128

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed July 2, 2002, 2:33 p.m.]

Subject of Possible Rule Making: The department is planning to propose and adopt permanent rules to implement chapter 322, Laws of 2002 (SSB 6254) affecting the department's fruit and vegetable inspection districts and their inspection fees. Chapters 16-400 and 16-458 WAC will be amended. References in other WAC chapters may have to be updated as a result of the permanent rule amendments that are developed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.17 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature enacted and the governor signed SSB 6254 into law (chapter 322, Laws of 2002). On July 1, 2002, the department filed emergency rules, effective immediately, to implement these statutory changes. Emergency rules expire after one hundred twenty

days; therefore, permanent rules must be developed and adopted to replace them.

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 Washington State Department of Agriculture fruit and vegetable program staff will develop permanent rule language with assistance from interested parties. Interested parties will also have an opportunity to comment on the proposed rule amendments during the public comment period and at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Quigley, Program Manager, Fruit and Vegetable Inspection Program, Commodity Inspection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1883, fax (360) 902-2085.

July 1, 2002
Robert W. Gore
Assistant Director

WSR 02-14-131

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
(Office of Archaeology and Historic Preservation)**

[Filed July 2, 2002, 3:19 p.m.]

Subject of Possible Rule Making: The Office of Archaeology and Historic Preservation (OAHP) needs to develop rules that will establish criteria for issuing and denying archaeological permits, and issuing citations under OAHP's newly established civil penalty authority for failing to meet the conditions of chapter 27.53 RCW. Rule making will also address criteria for site restoration, investigative costs and establish an appeals process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 27.53.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2002 the legislature passed SHB 1189 which gives OAHP the authority to issue civil penalties when an archaeological site is intentionally disturbed or the conditions of a permit are violated. The legislation also gives OAHP the authority to deny a permit for cause. Rules will establish criteria for issuing and denying a permit application, criteria for issuing civil penalties and will establish an appeal process.

Process for Developing New Rule: OAHP will hold meetings and consult with all affected parties to discuss the new rules. There will be at least one public meeting. OAHP will request and consider comments from all affected parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allyson Brooks, Office of Archaeology and Historic Preservation, P.O. Box 48343, Olympia, WA 98504-8343, phone (360) 586-3066, fax (360) 586-3067, e-mail AllysonB@cted.wa.gov.

OAHP will conduct public information gathering sessions. OAHP will also solicit information and comments through a mailed request for comments and on their web site, www.oahp.wa.gov.

June 27, 2002

Martha Choe

Director

WSR 02-14-132

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

[Filed July 2, 2002, 3:20 p.m.]

Subject of Possible Rule Making: New rule for the housing trust fund to set forth the amounts of fees and conditions under which grant and loan origination fees are collected from borrowers from the housing trust fund and used for activities related to the administration of the housing trust fund.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.185.090, [43.185].100, 43.185A.070, [43.185A].080, 43.330.152, [43.330].155, and [43.330].156.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Community, Trade and Economic Development (CTED) incurs costs not unlike those of a private lending institution when it originates loans and grants to nonprofit borrowers and monitors properties in which housing trust funds are invested. This proposed rule would set forth the amount of the fees to be collected and the conditions of collection.

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

Process for Developing New Rule: CTED worked with the Policy Advisory Team, a subcommittee of the Affordable Housing Advisory Board to establish guidelines and procedures for administering the housing trust fund. The PAT is comprised of developers of low-income housing, other public funders and other parties with interest in low-income housing. CTED will meet with the PAT and AHAB before August 1, 2002, to review and discuss the proposed WAC and will solicit input via email. The final draft language will be sent to the AHAB for review and endorsement. CTED will also mail the proposed WAC to all interested parties prior to the WAC hearing with an invitation for comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate by requesting to be placed on housing trust fund e-mail list. Parties will be sent drafts of the proposed WAC and invited to comment via e-mail. Contact Department of Community, Trade and Economic Development, Office of Community Development, Housing Division, Attn: Corine Knudsen, Managing Direc-

tor, P.O. Box 48350, Olympia, WA 98504-8350, phone (360) 725-2931, fax (360) 586-5880, e-mail corinek@cted.wa.gov.
 July 2, 2002
 Sung Yang
 for Martha Choe
 Director

WSR 02-14-148
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 3, 2002, 9:51 a.m.]

Subject of Possible Rule Making: To define a regular user of tobacco products or one who has a history of tobacco use.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.32.185.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 51.32.185 directs the department to adopt such rules. The purpose of adopting these rules is to determine which fire fighters would be excluded from a presumption on heart and lung conditions due to current or past tobacco use.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This particular rule applies to fire fighters for the presumption of coverage under the Washington State Industrial Insurance Act. No other federal or state agency regulates this subject.

Process for Developing New Rule: The agency will develop this rule in coordination with the following major stakeholder groups: Washington Council of Fire Fighters, Association of Washington Cities, Washington State Medical Association, Fire Commissioners, Workers' Compensation Advisory Committee, and the Department of Health.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jami Lifka by phone (360) 902-4941, fax (360) 902-4249, or mail Department of Labor and Industries, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321.

July 3, 2002
 Gary Moore
 Director

WSR 02-14-150
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed July 3, 2002, 10:17 a.m.]

Subject of Possible Rule Making: Rules relating to chapter 16-401 WAC, Nursery inspection fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.13 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to chapter 15.13 RCW from the 2002 legislative session authorize the department to collect an assessment on grapevine nursery stock sold in the state. The amendments also authorize rule making to set the rate of the assessment.

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

Process for Developing New Rule: As described in HB 2289, section 2, an advisory committee will be established to advise in the administration of the grapevine certification and nursery improvement program. The Washington State Department of Agriculture representatives will discuss the issue with this committee and other affected stakeholders and then publish 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 Tom Wessels, Plant Services Program Manager, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, Twessels@agr.wa.gov, phone (360) 902-1984, fax (360) 902-2094.

July 3, 2002
 Mary A. Martin Toohey
 Assistant Director

WSR 02-14-151
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2002-04—Filed July 3, 2002, 10:37 a.m.]

Subject of Possible Rule Making: Pharmacy identification cards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.60 [48.02.060], 48.44.050, 48.43.023, and 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will consider rules to implement RCW 48.43.023. The commissioner will consider standards adopted by the National Council for Prescription Drug Programs and the requirements of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). The commissioner will review the standards adopted by other states and their experiences in implementing similar pharmacy card laws.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other agencies that regulate the subject. The Office of the Insurance Commissioner will inform representatives of interested state agencies who oversee state administered health plans of any proposal.

Process for Developing New Rule: Agency study; and the agency will discuss the subject with interested parties and decide if a work group will be helpful to develop these rules.

To ensure that comments are considered prior to the filing of a CR-102, interested parties should submit written comments by August 16, 2002, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109, phone (360) 664-3784.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109, phone (360) 664-3784.

July 3, 2002
Mike Kreidler
Insurance Commissioner

WSR 02-14-152
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2002-03—Filed July 3, 2002, 10:37 a.m.]

Subject of Possible Rule Making: Unfair practices in the sale of single premium credit insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.18.100, 48.18.110, 48.18.120, 48.18.290, 48.18.2901, 48.18.480, 48.18.540, 48.20.450, 48.20.460, 48.30.010, 48.30.300, 48.30.320, 48.34.100, 48.44.050, and 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner is aware that single premium credit mortgage insurance has become the subject of lawsuits, consumer complaints, and controversy in Washington state and across the nation. The commissioner will review the subject and determine what practices may be unfair to consumers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies regulate the subject. Single premium credit insurance is often sold in conjunction with a mortgage loan. Mortgage loans are regulated by the Department of Financial Institutions (DFI). Staff from the Office of the Insurance Commissioner will inform representatives of DFI of any proposal.

Process for Developing New Rule: Agency study; and to ensure that comments are considered prior to the filing of a CR-102, interested parties should submit written comments by August 16, 2002, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109, phone (360) 664-3784.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail Kacys@oic.wa.gov.

July 3, 2002
Mike Kreidler
Insurance Commissioner

WSR 02-14-153
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2002-02—Filed July 3, 2002, 10:38 a.m.]

Subject of Possible Rule Making: Chapter 284-34 WAC, Credit life and credit accident and health insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.18.100, 48.18.110, 48.18.120, 48.18.290, 48.18.2901, 48.18.480, 48.18.540, 48.20.450, 48.20.460, 48.30.010, 48.30.300, 48.30.320, 48.34.100, 48.44.050, and 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: No section in chapter 284-34 WAC has been amended since 1976; several sections have not been amended since adoption in 1968. The commissioner will review chapter 284-34 WAC to determine if the regulation is effective, clear, and current. The commissioner will consider models drafted by the National Association of Insurance Commissioners (NAIC) which are used in other states to regulate these products. The commissioner will evaluate the loss ratios for credit life and credit accident and health insurance and consider establishing new prima facie rates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies regulate the subject.

Process for Developing New Rule: Agency study; and to ensure that comments are considered prior to the filing of a CR-102, interested parties should submit written comments by August 16, 2002, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109, phone (360) 664-3784.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail Kacys@oic.wa.gov.

July 3, 2002
Mike Kreidler
Insurance Commissioner

WSR 02-14-158
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed July 3, 2002, 11:41 a.m.]

Subject of Possible Rule Making: Establishing minimum licensing requirements (MLRs) for child care centers. Repealing all sections in chapter 388-150 WAC and creating chapter 388-295 WAC. The sections of this WAC are being repealed so that it can be reorganized, rewritten in clear rule language and components of each section clarified.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 74.15 RCW, RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Minimum licensing requirements for child care centers are necessary to protect and promote the health, safety and well being of children in out-of-home care. The intent of moving these rules to chapter 388-295 WAC is to reorganize and clarify minimum licensing requirements to make it easier for child care providers to follow the MLRs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health - Immunization Program; Washington State Patrol (State Fire Marshal); and Division [Department] of Labor and Industries (Minor Work Laws, First Aid and CPR, Bloodborne Pathogens, Electrical). Key personnel have been identified at each agency to work with. Initial draft WAC has been sent to each agency for review and comment to ensure consistency and coordination.

Process for Developing New Rule: All interested parties are invited to review and provide input on draft language. Interested parties can obtain draft material by contacting the identified representative below. Draft materials have already been sent to several key stakeholders in the child care and early learning field including the Child Care Coordinating Committee, the Licensing Subcommittee, the Health and Safety Subcommittee, Child Care Resource and Referral, Healthy Child Care Washington, Child Care Nurse Consultants in all local health jurisdictions and interdisciplinary workgroups including child care providers. Post cards will be sent to each child care center in the state of Washington announcing the proposed change and location on the DCCCEL internet site for review and comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Biles, Health Policy Program Manager, Division of Child Care and Early Learning, P.O. Box 45480, Olympia, WA 98504-5480, phone (360) 413-3134, fax (360) 413-3482, e-mail bilessa@dshs.wa.gov, Street Address: 1009 College Street, Lacey, WA 98503.

July 3, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rule(s). Anyone interested in participating should contact the staff person indicated below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Veronica Barnes, Program Manager, Division of Employment Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, (360) 413-3071, fax (360) 413-3493, TTY (360) 413-3001, e-mail barnevs@dshs.wa.gov.

July 3, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-14-159

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 3, 2002, 11:42 a.m.]

Subject of Possible Rule Making: Chapter 388-490 WAC and related sections.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is looking at ways to streamline the application process. One way to accomplish this is to standardize how and when we request proof of eligibility.



WSR 02-14-024

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed June 21, 2002, 4:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-058.

Title of Rule: WAC 468-38-120 Transport of extra-legal manufactured housing.

Purpose: Rule 120 provides specific rules and vehicle/load requirements for the transport of manufactured housing on state highways.

Statutory Authority for Adoption: RCW 46.44.090.

Summary: The proposed change will eliminate the ability to overload tires on newly constructed manufactured housing.

Reasons Supporting Proposal: The new federal rule eliminates tire overloading on new manufactured homes and provides some additional limitations on older manufactured housing. The changes will create a safer environment for the movement of manufactured housing. In addition, failure by the state to comply with the new rules could result in monetary penalties imposed by the Federal Highway Administration against the state.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Olympia, Washington, (360) 704-6346; and Enforcement: Captain Fred Fakkema, Olympia, Washington, (360) 753-0350.

Name of Proponent: Washington State Department of Transportation, governmental.

Rule is necessary because of federal law, 49 C.F.R. 393.75(g).

Explanation of Rule, its Purpose, and Anticipated Effects: The rule provides operating criteria and vehicle/load limits for the movement of manufactured housing on state highways. The rule was initiated in 1978 and subsequently amended six times. This latest proposal addresses changes to tire loadings and number of axles required.

Proposal Changes the Following Existing Rules: The rule changes subsection (6) Axles, tires and brakes. The subpart combines references to tires, axles and brakes into one subpart and specifically changes the requirements for tire loading limits based on year of construction, and number of axles based on size of load.

Amendments to federal rule 49 C.F.R. 393 have strengthened the safety requirements for moving manufactured housing by eliminating, in most cases, and reducing in the rest, the allowance to overload tire capacity. The amendment does not provide a transition period. It is effective now as federal rule and as state rule under emergency WAC rule filed under WSR 02-10-059.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is a change to comply with federal rules governing the manufacture and interstate transport of manufactured housing.

RCW 34.05.328 applies to this rule adoption. This rule is subject to violation by a nongovernment party. •

Hearing Location: Transportation Building, Commission Board Room, 1D2, 310 Maple Park Avenue S.E., Olympia, WA 98504, on August 8, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Barry Diseth by August 6, 2002, phone (360) 704-6346.

Submit Written Comments to: Barry Diseth, P.O. Box 47367, Olympia, WA 98504-7367, fax (360) 704-6350, e-mail disethb@wsdot.wa.gov.

Date of Intended Adoption: August 8, 2002.

June 19, 2002

John F. Conrad

Assistant Secretary
Engineering and Operations

AMENDATORY SECTION (Amending Order 180, filed 8/5/98, effective 9/5/98)

WAC 468-38-120 Transport of extra-legal manufactured housing. (1) **Purpose:** To supplement the provisions of chapter 468-38 WAC as they relate to the transport of extra-legal manufactured housing on state highways. Where conflicts with other sections of this chapter occur, the following rules apply.

(2) **Vehicle combination and size limits:**

(a) **Combination of vehicles** - The combination shall be limited to two vehicles composed of the towing vehicle and the semi-trailer designed housing unit.

(b) **Length** - The length of the manufactured housing unit must not exceed seventy-five feet, including tongue.

(c) **Width** - The width of the manufactured housing unit **must not exceed a box (base) width of sixteen feet.** The unit may have an eave provided it does not extend beyond either side by:

(i) More than thirty inches for units with box width less than sixteen feet; or

(ii) More than sixteen inches for units with box width of sixteen feet, however, **the overall width shall not, under any circumstance, exceed eighteen feet.**

(d) **Width exemptions** - External features, such as door-knobs, window fasteners, eave cap, clearance lights, and load securing devices, that extend no more than two inches on each side of the unit, are exempt from the overall width measurement.

(e) **Height** - The height of the unit is limited to the actual overhead clearance of the route.

(3) **Permits for transport:** Permits to transport extra-legal manufactured housing units are issued as follows:

(a) **Annual/monthly** permits are issued only to dealers or manufacturers described in chapter 46.70 RCW or to licensed transporters described in chapter 46.76 RCW. Annual/monthly permits are restricted to units with a width less than, or equal to, a fourteen foot box plus twelve inch eave and/or a height of fifteen feet or less measured from level ground.

(b) **Single trip** permits are required for units with an overall width greater than fifteen feet or greater and/or height greater than fifteen feet measured from level ground. A single trip permit may also be issued for any unit of a lesser

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dimension. **Units with an overall width or height greater than sixteen feet must comply with WAC 468-38-405, superloads** prior to having a permit issued.

(c) Permits issued in accordance with the Uniform Mobile and Modular Home Transportation Regulations of WASHTO will be subject to those regulations and will be honored by the state of Washington if issued by other states.

(4) **Escort vehicles:** Escort vehicles must comply with WAC 468-38-100, except a front escort vehicle with height pole is not required until the overall height of the unit, measured from the road surface, exceeds fifteen feet. Vehicle or load width referenced in WAC 468-38-100 must be interpreted as overall width.

(5) Insurance:

(a) The transporter must have insurance in effect while operating under the permit in the minimum amounts of one hundred thousand/three hundred thousand dollars bodily injury and fifty thousand dollars property damage. Escort vehicle operators shall meet the insurance requirements of RCW 46.44.180.

(b) If an accident occurs while transporting a manufactured home under permit, the transporter must immediately notify the nearest state patrol office if the damage is greater than two hundred fifty dollars to the manufactured home or greater than one hundred dollars to other vehicles or structures. Permission to continue the movement must be obtained from the state patrol.

(6) **Axles, tires and brakes** for manufactured housing unit:

(a) ~~((Units manufactured on or after June 15, 1976, must conform to federal HUD rules Title 24, Chapter II, Subpart J of Part 280, as in effect on September 1, 1979, and as thereafter amended.~~

~~(b) Units manufactured prior to June 15, 1976, or not bearing the official HUD label;)) **Housing units manufactured after January 1, 2002,** (labeled pursuant to 24 CFR 3282.362 (c)(2)(i)), **and housing units with no verifiable date of manufacture,** must not be transported with **tire loadings in excess of the manufacturer's rating as marked on the sidewall or, in the absence of such a marking, the load rating specified in any of the publications of any organization listed in the Federal Motor Carrier Safety Standard (FMCSS) No. 119 (49 CFR 571.119, S5.1 (b)).**~~

~~(b) **Housing units manufactured on or before January 1, 2002,** (labeled pursuant to 24 CFR 3282.362 (c)(2)(i)) must not be transported with **tire loadings more than eighteen percent over the manufacturer's rating as marked on the sidewall or, in the absence of such a marking, the load rating specified in any of the publications of any organization listed in FMCSS No. 119 (49 CFR 571.119, S5.1 (b)).** **Housing units transported on tires overloaded by nine percent or more must not be moved at speeds exceeding 50 mph (80 km/hr).**~~

~~(c) **Brakes must be designed and installed to also activate if the unit accidentally breaks away from the towing vehicle. Brakes must be operational on all wheels, except for housing units manufactured prior to June 15, 1976, that must comply as follows:**~~

width of unit at base	number of axles required	wheels w/ brakes
> 8' 6" but < 10'	2 or more	all wheels on 2 axles (towing unit w/min. 9,000 ((GVW ²)) GVWR, all wheels on 1 axle)
10' to 14' (under 60' long)	2 or more (3 or more if > 60' long)	all wheels on 2 axles (tires minimum 8:00 x 14.5, 10 ply)

~~((² Gross vehicle weight rating which is assigned by the vehicle manufacturer.~~

~~(c) **All units exceeding fourteen feet in width** at the base must:~~

- ~~(i) Have a minimum of four axles;~~
- ~~(ii) Have operating brakes on all wheels;~~
- ~~(iii) Not exceed the manufacturer's maximum weight rating on any tire as specified on the tire side wall;~~

~~((+)) (d) **Each unit in transport must have sufficient axles to support enough tires to comply with (a) or (b) of this subsection, as applicable. Any unit exceeding fourteen feet wide (box width) must have a minimum of four axles. Each unit must also:**~~

~~(i) Not exceed the manufacturer's rating for any **wheel, axle, ((draw bar)) drawbar, hitch, or other suspension component;** and~~

~~((+)) (ii) Carry a minimum of two **spare tires,** inflated and ready for use.~~

~~((d) **Brakes must be designed** and installed to activate if the unit accidentally breaks away from the towing vehicle.))~~

(7) Towing vehicle requirements:

- (a) Towing vehicles must be equipped with dual wheels on the drive axle; and
- (b) If the unit exceeds fourteen feet in width, the towing vehicle must have a minimum GAWR² of thirty-two thousand (32,000) pounds.

² Gross axle weight rating which is the sum of the axle ratings assigned by the axle manufacturer.

(c) Engine horsepower must be enough to maintain speeds of 45 MPH on the interstate and 35 MPH on other highways.

(8) Signs and lights:

(a) The *oversize load* sign must be mounted on the rear of the unit, on a horizontal plane, between five and seven feet above the road surface.

(b) In addition to any other lighting requirements by law or rule, two six-inch flashing amber lights, with a minimum of thirty-five candle power, a flashing cycle of sixty to one

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hundred twenty times per minute during transit, must be mounted at the rear of the trailing unit, on a horizontal plane, at least ten feet above the road surface, and above the roof line of the towing vehicle. The lights at both locations must be separated as far as practical.

(9) Travel requirements:

(a) **Routes:** Extra-legal units must comply with the route restrictions published by the department. All units with an overall width or height of sixteen feet or greater must be approved for travel by the department on a case-by-case basis, see also WAC 468-38-405, superloads. In addition, **dealers selling extra-legal manufactured homes must advise the prospective purchaser in writing that not all state highways are approved for the transport of manufactured homes in excess of twelve feet wide.**

(b) **Speed** in transit is governed by WAC 468-38-340.

(c) **Open side covering:** Units with an open side must be covered with a rigid material such as plywood or hardboard. In lieu of the rigid material, plastic covering can be used, provided a grillwork of lumber or similar material is applied to prevent tears and/or billowing of the plastic material.

(d) **Rural travel** must maintain adequate spacing between units in transit of at least one-half mile. When following a truck, truck-tractor or trailer units must maintain a space of four hundred to five hundred feet to avoid impairing the visibility of an overtaking vehicle.

(e) **Travel in the right lane** is required except when passing or avoiding an obstacle. On two-lane highways, units must not pass other vehicles except when required to pass a slow moving vehicle which is hindering the safe flow of traffic.

(10) Decals:

(a) A decal issued by the county treasurer must be displayed on any manufactured home being transported on public highways in this state (RCW 46.44.170), except:

(i) When a unit is to enter the state;

(ii) When a unit is being moved from the manufacturer or distributor to a retail sales outlet;

(iii) When a unit is being moved from the manufacturer or distributor to a purchaser's designated location; or

(iv) When a unit is being moved between retail sales outlets.

(b) The county treasurer's transport decal shall be displayed on the rear of the manufactured home while in transport. It shall be issued at the same time as the tax certificate for manufactured home movement. If the tax certification is for a double-wide (or more) manufactured home, there must be a transport decal issued for each unit.

(c) The decal must meet the following requirements:

(i) Be at least eight and one-half inches square.

(ii) Be printed on Appleton Radiant Florescent Bristol (weight .010) or paper of comparable quality.

(iii) Be fluorescent orange in color.

(iv) Show the make, model and serial number of the manufactured home, the date issued, the name of the transporter, the transporter's WUTC permit number if required,

the department of transportation special motor vehicle permit number, and the name of the county issuing the decal.

(v) Clearly display the expiration date of the decal, which must not be more than fifteen days after the date issued.

(d) Decals must not be transferred.

WSR 02-14-037

**WITHDRAWAL OF PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed June 26, 2002, 9:32 a.m.]

On behalf of the Washington State Criminal Justice Training Commission, please withdraw WSR 02-08-016 filed on March 25, 2002, at 9:39 a.m.

Title of Rules: WAC 139-35-015 Firearms certification—Application and 139-35-025 Firearms certification—Expiration and renewal.

June 20, 2002

Sharon M. Tolton

Deputy Director

WSR 02-14-039

**PROPOSED RULES
PERSONNEL RESOURCES BOARD**

[Filed June 26, 2002, 3:37 p.m.]

Original Notice.

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

Title of Rule: WAC 356-03-010 Exemptions.

Purpose: This rule deals with exemptions.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: SHB 1268 removes exempt authority from the Washington Personnel Resources Board. This authority will be the director of the Department of Personnel.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These changes are due to the passage of the civil service reform bill (SHB 1268). This rule deals with positions that are exempt from civil service rules. SHB 1268 removes exempt authority from the Washington Personnel Resources Board. This authority will be with the director of Department of Personnel.

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 August 14, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by August 7, 2002, 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 August 12, 2002.

Date of Intended Adoption: August 14, 2002.

June 26, 2002

E. C. Matt, Director

Department of Personnel

NEW SECTION

WAC 356-03-010 Exemptions. (1) The provisions of this chapter do not apply to positions specifically exempted in individual agency statutes, positions listed in RCW 41.06.070(1), and to the following:

(a) Officers, academic personnel, employees of state institutions of higher education, and the state board for community and technical colleges;

(b) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency;

(c) Part-time local health officers;

(d) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties;

(e) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(f) Patient and resident help in the covered institutions.

(g) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the director of personnel to be equivalent.

(h) Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol.

(2) In addition, the director may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the director stating the reasons for requesting such exemptions. The director shall hold a public hearing after proper notice. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the director shall grant the request and such determination shall be final. The total number of additional

exemptions permitted under this subsection is as specified in RCW 41.06.070(3).

(3) The salary and fringe benefits of all positions presently or hereafter exempted except for those specified in RCW 41.06.070 (3) and (1)(b) through (h) of this rule, shall be determined by the director. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

(a) All agencies under the director's salary authority shall use the exempt management service band and salary structure according to the following:

(i) The creation and band establishment of any positions to be newly exempted must be brought to the director for consideration through the normal director's meeting process, including an approved fiscal impact statement.

(ii) Request to band existing exempt positions shall follow the guidelines established by the department of personnel.

(iii) Agencies shall band existing exempt positions after receiving approval of their proposal by the director.

(iv) Following the implementation of banding, any movement of a position to a different band is subject to approval by the director. In addition, adjustments to any exempt position greater than ten percent for any single adjustment or cumulative adjustments of greater than twenty percent over the life of the position must be brought to the director for review and approval prior to implementation.

(A) Exceptions to these maximum adjustment percentages include legislatively approved increases, job reevaluations resulting in higher evaluation points, and increases to bring a salary to the band minimum.

(4) Any classified employee whose position is exempted or who accepts an appointment in an exempt position shall have the right of reversion as specified in RCW 41.06.070(3).

WSR 02-14-048

PROPOSED RULES

DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed June 27, 2002, 8:28 a.m.]

Original Notice.

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

Title of Rule: To address new rule WAC 246-840-311 ARNP previously adopted specialties.

Purpose: This rule will allow those persons whose specialty area has been eliminated for new applicants to renew their licenses. The proposal outlines procedures for ARNPs who were originally certified in certain specialties, to enable them to maintain their license in the specialty area.

Statutory Authority for Adoption: RCW 18.79.110.

Summary: Advanced registered nurse practitioners can become certified in specialty areas. There are currently eleven recognized specialty areas. In the 1990s, rules were amended to drop six specialty areas. These specialty areas were eliminated for new applicants because other specialty

areas existed that were more current, some categories had merged into more specific areas, national examinations in these categories were no longer meeting Nursing Commission's criteria for advanced registered nurse practitioner (ARNP) certification, and national examinations in these categories were no longer administered. The proposal sets renewal procedures for ARNPs currently holding licenses in the six specialty areas, which are no longer used for new applicants.

Reasons Supporting Proposal: The proposal allows continued licensure for the ARNPs who hold these specialty certifications.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Terry J. West, P.O. Box 47846, Olympia, WA 98504, (360) 236-4712.

Name of Proponent: Nursing Care Quality Assurance Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Advanced registered nurse practitioners can become certified in specialty areas. There are currently eleven specialty areas recognized by the Washington State Nursing Care Quality Assurance Commission. In the 1990s, rules were amended to drop six specialty areas. These specialty areas were eliminated for new applicants because other specialty areas existed that were more current, some categories had merged into more specific areas, national examinations in these categories were no longer meeting Nursing Commission's criteria for advanced registered nurse practitioner (ARNP) certification, and national examinations in these categories were no longer administered. The proposal sets renewal procedures for ARNPs currently holding licenses in the six specialty areas.

However, the Nursing Care Quality Assurance Commission continued to recognize the licensees who held certification in the six specialty areas. This new rule will allow continued renewal for these six categories.

Proposal Changes the Following Existing Rules: The proposal creates a new section of rule within chapter 246-840 WAC. The new section enables continued licensure for individuals who have certification in six specialty areas no longer recognized for new applicants. The Nursing Commission no longer issues new licenses in these specialty areas but they are still recognized for those licensees who received licenses in these specialty areas and meet all other renewal requirements.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt because it adopts a related process requirement for applying for a license per RCW 34.05.310 (3)(g)(ii).

RCW 34.05.328 does not apply to this rule adoption. Does not apply because this is a procedural rule which adopts a process requirement and does not subject the violator to a penalty or sanction.

Hearing Location: Phoenix Inn Suites, 415 Capitol Way North, Olympia, WA 98501, (360) 570-0555 (hotel receptionist), on September 13, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kris McLaughlin, (360) 236-4712, by September 6, 2002, TDD 1-800-833-6388.

Submit Written Comments to: Terry J. West, Health Administrator, P.O. Box 47846, Olympia, WA 98504, e-mail terry.west@doh.wa.gov, fax (360) 236-4738, by September 10, 2002.

Date of Intended Adoption: September 13, 2002.

June 6, 2002

Paula R. Meyer, RN, MSN
Executive Director

NEW SECTION

WAC 246-840-311 ARNP previously adopted specialties. (1) The nursing care quality assurance commission recognizes the need to provide for renewing the licenses of advanced registered nurse practitioners certified in:

- (a) Community health nurse;
- (b) Maternal/GYN/neonatal nurse;
- (c) Medical/surgical nursing;
- (d) Occupational health nurse;
- (e) Neurosurgical nursing; or
- (f) Enterostomal therapy.

(2) Failure to renew. If any current credential holder of one or more of the above six categories fails to renew his or her credential(s), then upon the expiration of the current credential listed above, the nursing care quality assurance commission will not renew or recognize the specialty certification(s) listed above for that individual according to the requirements of WAC 246-840-360.

(3) Existing licenses only. This rule applies only to existing licensees issued credentials in the above six categories by the Washington state nursing care quality assurance commission. No new applications will be accepted for certification in the above six categories.

WSR 02-14-056
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed June 27, 2002, 10:11 a.m.]

Supplemental Notice to WSR 02-09-020.

Preproposal statement of inquiry was filed as WSR 01-24-038.

Title of Rule: Amending WAC 458-16-115 Personal property exemptions(~~(--Exceptions))~~ for household goods, furnishings, and personal effects, and for the head of a family; and repealing WAC 458-12-090 Listing of personal property—\$300 exemption and its effect on listing, 458-12-270 Listing of property—Household goods and personal effects, 458-12-275 Listing of property—\$300—Head of family—In general, and 458-12-280 Listing of property—\$300—Head of family—Definition.

Purpose: To provide information about the personal property tax exemptions for the head of a family and for household goods, furnishings, and personal effects to county assessors, their staff, and the public.

Statutory Authority for Adoption: RCW 84.36.865.

Statute Being Implemented: RCW 84.36.110.

Summary: These rules provide information about the personal property tax exemptions for the head of a family and for household goods, furnishings, and personal effects. These exemptions are provided by RCW 84.36.110.

Reasons Supporting Proposal: Consolidating these rules into a single document will provide information about these exemptions in a more efficient and user-friendly manner. Also, the amount of the exemption for the head of a family needs to be updated in the rule to reflect the current amount of the exemption (\$3,000 as opposed to \$300).

Name of Agency Personnel Responsible for Drafting: Mark Mullin, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6112; Implementation and Enforcement: Sandy Guilfoil, 1025 Union Avenue S.W., Suite #200, Olympia, WA, (360) 570-5860.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules provide important information for county assessors, their staff, and the general public regarding the personal property tax exemptions for the head of a family and for household goods, furnishings, and personal effects. Consolidating these rules into a single document will present information about these exemptions in a more clear, efficient, and user-friendly manner. Also, the amount of the exemption for the head of a family needs to be updated in the rule to reflect the current amount of the exemption (\$3,000 as opposed to \$300).

A rule-making hearing was held by the department on May 21, 2002. As a result of changes made to the rule draft subsequent to the hearing, a new rule-making hearing will be held to receive public comment. The changes that were made to the rule draft subsequent to the May 21 hearing are as follows:

- Language was added to subsection (2)(c)(i) and (iv) to clarify when the listed items of property would be exempt as household goods or furnishings but taxable if used for business or commercial purposes.
- Language was added to subsection (3)(a) clarifying that the exemption for the head of a family applies only to individuals (i.e., natural persons); it does not apply to artificial entities such as corporations, limited liability companies, or partnerships.
- An example was added to subsection (3)(c) that illustrates that the head of family exemption does not apply to property held by a limited liability company (LLC), even when the LLC is owned by the head of a family; but the exemption can be applied to property owned by the head of a family that is used in the owner's business which is operated as a sole proprietorship.
- A second example was added to subsection (3)(c) illustrating that the head of family exemption can apply to property held in trust if the beneficial owner of the property held in trust (i.e., the trust beneficiary) is the head of a family.

Proposal Changes the Following Existing Rules: This is a revision to WAC 458-16-115 to incorporate and update information currently contained in WAC 458-12-090, 458-12-270, 458-12-275, and 458-12-280. The department intends to repeal these latter rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule does not impose a responsibility or require a small business to perform something that is not already required by law.

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

Hearing Location: Capital Plaza Building, 4th Floor, Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on August 8, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985, or (360) 570-6175.

Submit Written Comments to: Mark Mullin, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail MarkM@dor.wa.gov, by August 8, 2002.

Date of Intended Adoption: September 4, 2002.

June 26, 2002

Alan R. Lynn, Rules Coordinator
Legislation and Policy Division

AMENDATORY SECTION (Amending Order 89-7, filed 5/26/89)

WAC 458-16-115 Personal property exemptions(~~Exemptions~~) for household goods, furnishings, and personal effects, and for the head of a family. (~~((1) The personal property exemption in RCW 84.36.110 shall not be applied to:~~

~~(a) Houses, cabins, boathouses, boatdocks or other similar improvements which are located on publicly owned lands;~~

~~(b) Mobile homes; or~~

~~(c) Floating homes.))~~ **(1) Introduction.** This rule

explains the personal property tax exemption for household goods, furnishings, and personal effects. It also explains the exemption available to the head of a family for otherwise taxable personal property up to a value of three thousand dollars. These exemptions are provided by RCW 84.36.110.

(2) Exemption for household goods, furnishings, and personal effects. All household goods and furnishings actually being used to equip and outfit the owner's residence or place of abode and all personal effects held by any person for his or her exclusive use and benefit are exempt from property taxation. Any household goods and furnishings or personal effects held for sale or commercial use do not qualify for this exemption. RCW 84.36.110(1).

(a) What are household goods and furnishings? "Household goods and furnishings" are all items of tangible personal property normally located in or about a residence and used or held to enhance the value or enjoyment of the residence, including its premises. The phrase includes, but is not limited to, movable items of necessity, convenience, or decoration, such as furniture, appliances, food, pictures, and tools and equipment used to maintain the residence. Personal

property qualifying for this exemption retains its exempt status while temporarily in storage or while being used temporarily at locations other than the owner's residence.

"Household goods and furnishings" do not include items of personal property constructed primarily for use independent of and separate from a residence such as boats, motor vehicles, campers, and travel trailers. However, certain motor vehicles, campers, and travel trailers may be entitled to an exemption from property taxation under RCW 84.36.595. Also, some boats may be wholly or partially exempt from property taxation under RCW 84.36.080 and 84.36.090.

(b) **What are personal effects?** "Personal effects" are items of tangible property of a personal or intimate nature that usually and ordinarily accompany a person such as wearing apparel, jewelry, and articles of a similar nature. RCW 84.36.120.

(c) **When are household goods, furnishings, and personal effects not exempt?** Personal property held for sale or used for any business or commercial purpose does not qualify for the household goods exemption. Thus, property used to equip and outfit a motel, hotel, apartment, sorority, fraternity, boarding house, rented home, duplex, or any other premises not used by the owner for his or her own personal residence or place of abode does not qualify for this exemption. Likewise, a hairdresser who uses any portion of his or her home as a beauty salon cannot claim a household goods exemption for personal property held for sale or otherwise used in the business. Business inventories, however, are exempt from property taxation under RCW 84.36.477.

Following is a nonexclusive list of items that are exempt as household goods or furnishings if they are used in a residence or place of abode but are fully taxable if they are used for business or commercial purposes.

(i) Desks are exempt as household goods if they are used in a residence but are taxable if they are used in a business office, including an office located in the owner's residence.

(ii) Silverware and china are exempt if they are used in a residence but are taxable if they are used in a restaurant.

(iii) Art or other collections are exempt if they are located in a residence but are taxable if they are located in a public display or used for commercial purposes.

(iv) Power equipment such as lawnmowers used exclusively to enhance the value or enjoyment of a residence, including its premises, are exempt, but they are taxable when used to maintain a golf course or for any other business or commercial purpose.

(3) **Exemption for the head of a family.** Each head of a family is entitled to an exemption from his or her taxable personal property in an amount up to three thousand dollars of actual value. RCW 84.36.110(2). For purposes of this exemption, "actual value" has the same meaning as "true and fair value" as defined in WAC 458-07-030. The taxpayer must qualify for the head of a family exemption on January 1st of the assessment year (the assessment date) or the exemption is lost for taxes payable the following year. As noted above, household goods, furnishings, and personal effects not used for business or commercial purposes are exempt from property taxation; therefore, the exemption for the head of a family does not apply to such property.

(a) **Who qualifies as the head of a family?** The exemption for the head of a family applies only to individuals (i.e., natural persons); it does not apply to artificial entities such as corporations, limited liability companies, or partnerships. The "head of a family" includes the following residents of the state of Washington:

(i) Any person receiving an old age pension under the laws of this state;

(ii) Any citizen of the United States, over the age of sixty-five years, who has resided in the state of Washington continuously for ten years;

(iii) The husband or wife, when the claimant is a married person, or a surviving spouse not remarried; and

(iv) Any person who resides with, and has under his or her care and maintenance, any of the following:

(A) His or her minor child or grandchild, or the minor child or grandchild of his or her deceased spouse;

(B) His or her minor brother or sister or the minor child of a deceased brother or sister;

(C) His or her father, mother, grandmother, or grandfather, or the father, mother, grandmother, or grandfather of a deceased spouse; or

(D) Any of the other relatives mentioned in this subsection who have attained the age of majority and are unable to take care of or support themselves.

(b) **What property is not exempt?** The personal property exemption for the head of a family does not apply to the following:

(i) Private motor vehicles. A "private motor vehicle" is any motor vehicle used for the convenience or pleasure of the owner, which carries a licensing classification other than motor vehicle for hire, auto stage, auto stage trailer, motor truck, motor truck trailer, or dealer's license. RCW 84.36.120;

(ii) Mobile homes. A "mobile home" is a trailer designed for human habitation, which is capable of being moved upon the public streets and highways and is either more than thirty-five feet in length or more than eight feet in width. RCW 84.36.120;

(iii) Floating homes. A "floating home" is a building on a float, used in whole or in part for human habitation as a single-family dwelling and is on the property tax rolls of the county in which it is located. A floating home is not designed for self propulsion by mechanical means or by means of wind. RCW 82.45.032; or

(iv) Houses, cabins, boathouses, boat docks, or other similar improvements that are located on publicly owned land.

(c) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The status of each situation must be determined after a review of all of the facts and circumstances.

(i) A husband and wife operate a catering business as a limited liability company (LLC). The wife also operates a consulting business as a sole proprietor out of the family home. Husband and wife are not entitled to the head of family exemption for property held by the LLC. However, the

wife is entitled to the head of family exemption for the taxable personal property used in her consulting business.

(ii) Jane Doe is a citizen of the United States, over the age of sixty-five, and has resided in the state of Washington continuously for over ten years. Jane owns a farm. She has transferred title to the farm property, both real and personal, into a trust. An attorney is the trustee, and Jane is the sole beneficiary. Since Jane Doe has beneficial ownership of the trust property and she qualifies as the head of a family, Jane may claim the head of a family exemption for the taxable personal property held in the trust.

(4) How do the exemptions included in this rule affect listing? If the county assessor is satisfied that all of the personal property of any person is exempt from taxation, no listing is required by the owner or taxpayer. If the value of taxable personal property exceeds three thousand dollars, then the taxpayer must make a complete listing, and the assessor will deduct three thousand dollars from the total amount of the assessment and assess the remainder. RCW 84.36.-110(2).

WSR 02-14-058
PROPOSED RULES
DEPARTMENT OF LICENSING
 (Cemetery Board)
 [Filed June 27, 2002, 10:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-03-088.

Title of Rule: To amend existing rules, adopt uniform rules concerning cremation, and to adopt new rules concerning board policy.

Purpose: To amend existing rules for clarity; bring terminology in line with industry standards; to adopt uniform rules concerning cremation of human remains for consistency between the cemetery and funeral boards; and to bring existing board policy into rule.

Statutory Authority for Adoption: RCW 68.05.100.

Statute Being Implemented: Title 68 RCW.

Summary: The rules being established, amended, or repealed will update the rules governing the cemetery industry in accordance with the governor's directive requiring periodic rule review. See proposed and amended rules shown below.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dennis McPhee, Department of Licensing, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1555.

Name of Proponent: Cemetery Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To adopt model rules of procedure; to amend rules regarding prearranged merchandise and services; to provide for annual inspections of crematories; to require endowment care trust fund contribution for additional rights of interment,

entombment or inurnment; and to adopt uniform rules of procedure for cremation.

Chapters 98-08 and 98-40 WAC will be repealed.

Proposal Changes the Following Existing Rules: See copies of rule changes and new rules shown below.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Cemetery Board has determined there will be no impact on small business as a result of these rules.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Holiday Inn (Ballroom "A"), 1 South Grady Way, Renton, WA 98055, on September 5, 2002, at 11:30 a.m.

Assistance for Persons with Disabilities: Contact Dennis McPhee by telephone, TDD (360) 586-2788, or (360) 664-1555.

Submit Written Comments to: Dennis McPhee, Program Manager, Funeral and Cemetery Unit, P.O. Box 9012, Olympia, WA 98507-9012, fax (360) 586-4414, by September 4, 2002.

Date of Intended Adoption: September 5, 2002.

June 27, 2002
 Joni Donnellan
 Administrator

NEW SECTION

WAC 98-08-001 Model rules of procedure. Except as they may be inconsistent with the rules in this chapter, the cemetery board adopts the model rules of procedure as set forth in chapter 10-08 WAC.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|---------------|---|
| WAC 98-08-010 | Appearance and practice before agency—Who may appear. |
| WAC 98-08-030 | Appearance and practice before agency—Solicitation of business unethical. |
| WAC 98-08-040 | Appearance and practice before agency—Standards of ethical conduct. |
| WAC 98-08-050 | Appearance and practice before agency—Appearance by former employee of agency or former member of attorney general's staff. |
| WAC 98-08-060 | Appearance and practice before agency—Former employee as expert witness. |
| WAC 98-08-070 | Computation of time. |
| WAC 98-08-080 | Notice and opportunity for hearing in contested cases. |

PROPOSED

PROPOSED

WAC 98-08-090	Service of process—By whom served.	WAC 98-08-490	Expert or opinion testimony and testimony based on economic and statistical data—Supporting data.
WAC 98-08-100	Service of process—Upon whom served.		
WAC 98-08-110	Service of process—Service upon parties.	WAC 98-08-500	Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 98-08-470 or 98-08-480.
WAC 98-08-120	Service of process—Method of service.		
WAC 98-08-130	When service complete.	WAC 98-08-510	Continuances.
WAC 98-08-140	When service complete—Filing with agency.	WAC 98-08-520	Rules of evidence—Admissibility criteria.
WAC 98-08-150	Subpoenas—Where provided by law—Form.	WAC 98-08-530	Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.
WAC 98-08-170	Subpoenas—Service.		
WAC 98-08-190	Subpoenas—Proof of service.	WAC 98-08-540	Petitions for rule making, amendment or repeal.
WAC 98-08-200	Subpoenas—Quashing.	WAC 98-08-550	Petitions for rule making, amendment or repeal—Requisites.
WAC 98-08-210	Subpoenas—Enforcement.		
WAC 98-08-220	Subpoenas—Geographical scope.	WAC 98-08-560	Petitions for rule making, amendment or repeal—Agency must consider.
WAC 98-08-370	Official notice—Matters of law.		
WAC 98-08-380	Official notice—Material facts.	WAC 98-08-570	Petitions for rule making, amendment or repeal—Notice of disposition.
WAC 98-08-390	Presumptions.		
WAC 98-08-400	Stipulations and admissions of record.	WAC 98-08-580	Declaratory rulings.
		WAC 98-08-590	Forms.
WAC 98-08-410	Form and content of decisions in contested cases.	<u>AMENDATORY SECTION</u> (Amending Order CB 101, filed 10/17/75)	
WAC 98-08-420	Definition of issues before hearing.	WAC 98-14-050 Determination of delivery. Prearrangement merchandise (shall) <u>and services will</u> be delivered within the meaning of RCW 68.46.050(1) when:	
WAC 98-08-430	Prehearing conference rule—Authorized.	(1) Actual delivery of the merchandise is made to the contract beneficiary; or	
WAC 98-08-440	Prehearing conference rule—Record of conference action.	(2) Delivery of the merchandise is made to the cemetery authority for the contract beneficiary and the merchandise is permanently affixed to real property or a mausoleum; or	
WAC 98-08-450	Submission of documentary evidence in advance.	(3) Delivery of the merchandise to the cemetery authority for the contract beneficiary with the storage provided by the cemetery authority, provided that fifty percent of the service charge of the installation and other services to be performed upon the merchandise is maintained in the prearrangement trust fund, and an insurance provision is maintained when stored in a building: Provided, That no insurance is necessary when merchandise is affixed to the grave; or	
WAC 98-08-460	Excerpts from documentary evidence.	(4) The cemetery authority has paid its supplier for prearrangement merchandise, and the supplier has caused (such) <u>the</u> merchandise to be manufactured and stored, and has caused title to (such) <u>the</u> merchandise to be transferred	
WAC 98-08-470	Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses.		
WAC 98-08-480	Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements.		

to the contract beneficiary, and has agreed to ship ~~((such))~~ the merchandise upon his request or the request of the cemetery authority: Provided, That fifty percent of the service charge of delivery, installation and other costs are maintained in the prearrangement trust fund by the cemetery authority. ~~((Such))~~ The delivery and installation cost must be itemized upon the prearrangement contract, in accordance with WAC 98-14-020. This subsection will apply to the manufacture and storage of merchandise, such as, but not limited to, vaults, liners, urns and marker bases, that are not permanently labeled or engraved with the beneficiaries' name.

AMENDATORY SECTION (Amending Order CB 101, filed 10/17/75)

WAC 98-14-060 Suppliers. No person, firm or corporation ~~((shall))~~ will be deemed a supplier for purposes of chapter 98-14 WAC, unless it:

(1) Permanently and unalterably identifies all ~~((such))~~ merchandise with the name of the contract beneficiary; and

(2) Submits ~~((to)), upon request of the board ((not less than annually a certified report by a certified public accountant)), a report~~ of all merchandise which has been purchased through a Washington cemetery authority and ~~((which, at the date of such report, was then))~~ has been placed in storage; and

(3) Permits the board or its designee, at any time, to examine stored merchandise which was purchased through a Washington cemetery authority and to examine any document pertaining thereto; and

(4) Submits evidence of a bond insuring the existing and good title of any merchandise due any contract beneficiary purchased through a Washington cemetery authority; and

(5) Submits evidence insuring that all merchandise purchased through a Washington cemetery authority and being stored by ~~((said))~~ the supplier is insured for casualty, theft or other loss ((normally assumed by a bailee for hire)).

Subsection (1) of this section will not apply to merchandise that is manufactured and stored without being permanently labeled or engraved with the beneficiaries' name. Suppliers must maintain an inventory equal to the amount sold.

AMENDATORY SECTION (Amending Order CB 101, filed 10/17/75)

WAC 98-14-070 Securities for loans. In any instance where a prearrangement contract containing undelivered merchandise or services is sold, pledged or otherwise encumbered as security for a loan by cemetery authority, the cemetery authority shall pay into the prearrangement trust fund fifty percent of the total sale price of the prearrangement contract within twenty days of receipt of payment of the proceeds from ~~((such))~~ the sale or loan.

AMENDATORY SECTION (Amending Order 106, filed 1/5/83)

WAC 98-14-080 Development plan for unconstructed, undeveloped property. Any cemetery authority selling undeveloped graves, unconstructed crypts or niches in accordance with chapter 68.46 RCW ~~((shall))~~ must make

available to the purchaser at the time the prearrangement contract is signed, a statement of estimated time schedule of the development or construction. Such schedules, or modifications of them, will also be submitted to the cemetery board annually with the financial reports required by RCW 68.46.090 and made available to holders of prearrangement contracts affected by ~~((such))~~ the development or construction in the offices of the cemetery authority.

A cemetery authority must maintain an equivalent inventory of constructed crypts, niches and developed graves, equal to ten percent of the unconstructed crypts, niches and undeveloped graves sold through prearrangement contracts. The equivalent inventory must be located within the cemetery or an adjacent cemetery under common ownership.

Trust fund deposits required for the prearrangement contract sales of undeveloped property, will be in accordance with RCW 68.46.030.

Chapter 98-15 WAC

CREMATORIES

NEW SECTION

WAC 98-15-010 Crematory inspections. (1) Crematories registered under the provisions of RCW 68.05.175 will be inspected at least once each year by the duly appointed department inspector.

(2) Inspections will cover compliance with applicable statutes and rules.

NEW SECTION

WAC 98-15-020 Endowment care trust fund contribution for additional rights of interment, entombment or inurnment. A cemetery authority not exempt from this chapter must make a deposit to the endowment care fund, for additional rights of interment, entombment or inurnment, as required in RCW 68.40.010.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 98-40-010	Purpose for procedures.
WAC 98-40-020	Terminology.
WAC 98-40-030	Removal and identification of human remains.
WAC 98-40-040	Holding human remains for cremation.
WAC 98-40-050	Cremation of human remains.
WAC 98-40-060	Processing of cremated remains.
WAC 98-40-070	Packaging and storage of cremated remains.

WAC 98-40-080

Disposition of cremated remains.

Chapter 98-80 WAC**RULES OF PROCEDURE FOR CREMATION**NEW SECTION

WAC 98-80-010 Definitions. (1) **"Authorizing agent"** means the person(s) legally entitled to control the disposition of the human remains.

(2) **"Crematory"** the building or area of a building that houses a cremation chamber, to be used for the cremation of human remains.

(3) **"Crematory authority or endorsement"** the legal entity and their authorized representatives, licensed to perform cremations.

(4) **"Cremation chamber"** means the enclosed space in a crematory in which the cremation process takes place.

(5) **"Cremation"** means the reduction of human remains to bone fragments, in a crematory, by means of incineration.

(6) **"Cremated human remains"** means the end products of cremation.

(7) **"Pulverization"** is the reduction of identifiable bone fragments to unidentifiable dimensions by manual or mechanical means following cremation.

(8) **"Processing"** is the removal of foreign objects from cremated human remains and may include pulverization.

(9) **"Cremation container"** means the container in which the human remains must be enclosed before being placed in the cremation chamber for cremation. A cremation container must:

- Be composed of a combustible material. If the remains are delivered to a crematory in a noncombustible container, the authorizing agent must be informed of the disposition of the container, if the container is not actually used in the cremation process. Any transfer of human remains to combustible containers at the crematory must be in accordance with chapter 18.39 RCW, Title 308 WAC, and applicable public health laws.

- Be rigid enough for placement into the cremation chamber.

- Assure protection to the health and safety of the crematory operators and others.

- Provide a proper covering for the human remains.

- Be resistant to leakage or spillage of body fluids.

(10) **"Sealable container"** means any container in which cremated human remains can be placed and closed to prevent leakage or spillage of cremated human remains.

(11) **"Holding facility"** means an area designated for the care, storage and holding of human remains prior to disposition. A holding facility must:

- Comply with any applicable public health laws.

- Preserve the dignity of the human remains.

- Recognize the personal integrity, health and safety of employees and others.

- Be secure from access by anyone other than authorized personnel.

(12) **"Human remains"** means the body of a deceased person.

(13) **"Cadaver"** means the body of a deceased person, or any part thereof, which has been donated to science for medical research purposes.

(14) **"Body parts"** means limbs and other portions of human anatomy that have been removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy or medical research.

(15) **"Commingling"** means the mixing of cremated human remains of more than one deceased person.

(16) **"Residue"** means the cremation products that may unavoidably remain in the cremation chamber after manual sweeping techniques are performed.

NEW SECTION

WAC 98-80-020 Identification of human remains. A crematory must not take custody of unidentified human remains. Before accepting human remains, the crematory must verify that identification is attached to the cremation container. Upon accepting human remains for cremation, the crematory must make a permanent record of the following:

- Name of deceased.
- Date of death.
- Place of death.
- Name and relationship of authorizing agent.
- Name of firm engaging crematory services.
- Description of the cremation container to be consumed with the human remains.

- An identification number assigned each human remains and inscribed on a metal disc or metal tag. The metal identification disc or tag must identify the crematory and accompany the human remains through each phase of the cremation, processing and packaging. The disc or tag identification number must be recorded on all paperwork regarding a human remains and in the crematory log.

NEW SECTION

WAC 98-80-030 Holding human remains for cremation. (1) A crematory must not accept and hold human remains for cremation unless the human remains are contained in a cremation container.

(2) A crematory must not accept human remains in a cremation container having evidence of body fluid leakage.

(3) Human remains that are not embalmed must be held only within a refrigerated facility of adequate capacity, with a maximum temperature of 48 degrees Fahrenheit, or in compliance with applicable public health regulations.

NEW SECTION

WAC 98-80-040 Cremation of human remains. (1) Cremation must not take place until the burial transit permit and authorization for cremation are obtained.

(2) Immediately prior to being placed within the cremation chamber, the identification of the human remains must be verified by the crematory operator. Appropriate identification of the human remains will be placed near the cremation chamber in such a way as to identify the human remains being cremated. The metal identification disc or metal tag must be placed in the cremation chamber with the human remains.

(3) Simultaneous cremation of more than one human remains within the same cremation chamber is not permitted, unless written authorization is obtained from the authorizing agent of each human remains to be cremated simultaneously. Such written authorization will exempt the crematory from all liability for commingling the products of the cremation process.

(4) Simultaneous cremation of more than one human remains within the same cremation chamber may be performed without the authorizations required in subsection (3) of this section, if:

- Equipment, techniques, and other devices are employed that keep the human remains separate and distinct, before and during the cremation process.
- Recoverable cremated remains are kept separate and distinct after the cremation process.

(5) Crematories licensed by the state cemetery board or the board of funeral directors and embalmers, will only be used for the cremation of human remains, cadavers, or human body parts.

NEW SECTION

WAC 98-80-050 Processing of cremated human remains. (1) Upon completion of the cremation, the products of the cremation process must be removed from the cremation chamber, with the exception of residue.

(2) The cremation products must be placed within an individual container or tray in such a way that will insure against commingling with other cremated human remains.

(3) Identification must be attached to the container or tray.

(4) All cremated human remains must undergo processing to comply with applicable legal requirements.

(5) Processing or pulverization of cremated human remains may not be required if cremated human remains are to be placed in a cemetery, mausoleum, columbarium, or building devoted exclusively to religious purposes, or where religious or cultural beliefs oppose the practice.

(6) All body prostheses, bridgework, or similar items removed from the cremated human remains during processing will be disposed of by the crematory, as directed by the authorizing agent.

NEW SECTION

WAC 98-80-060 Packaging and storage of cremated human remains. (1) The cremated human remains must be placed in a sealable container, or in such container as may have been ordered or supplied by the authorizing agent.

(2) The packaged cremated human remains will be identified. The metal identification disc or metal tag must stay with the cremated human remains.

(3) If the cremated human remains do not completely fill the container, the remaining space may be filled with suitable packing material. The container must then be securely closed.

(4) If the entire cremated human remains will not fit within the designated container, the remainder of the cremated human remains must be returned to the authorizing agent in a second container, clearly identified as being part of, and together with, the designated container. Upon written consent of the authorizing agent, excess cremated human remains may be disposed of in any legal manner.

NEW SECTION

WAC 98-80-070 Disposition of cremated human remains. (1) A crematory must keep a permanent record of all cremations performed and the disposition or release of the cremated human remains. The record must include the following information:

- Date of death.
- Date burial transit permit was issued.
- Date of delivery of human remains to the crematory.
- Date of cremation.
- Name of crematory operator performing the cremation.
- Name of person performing packaging, and date of packaging.
- Date of release or date of disposition of the cremated human remains.

(2) When cremated human remains have been in the possession of a crematory, funeral establishment or cemetery for a period of two years or more, the entity holding the cremated human remains may arrange for disposition in any legal manner, provided the entity:

- Attempts to contact the authorizing agent for disposition instructions by registered mail.
- Informs the authorizing agent(s) of the procedures that will be followed if disposition instructions are not received.
- Informs the authorizing agent(s) that disposition will take place if disposition instructions are not received within sixty days of initiation of the contact process.
- Informs the authorizing agent(s) that recovery of the cremated human remains, after the disposition, may or may not be possible.
- Maintains a permanent record of the location of the disposition.

(3) No entity making disposition of cremated human remains under subsection (2) of this section will be liable for the disposition or nonrecoverability of cremated human remains.

WSR 02-14-059

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Funeral Directors and Embalmers)

[Filed June 27, 2002, 10:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-03-087.

Title of Rule: To amend existing rules, adopt uniform rules concerning cremation, and to adopt new rules concerning board policy.

Purpose: To amend existing rules for clarity; bring terminology in line with industry standards; to adopt uniform rules concerning cremation of human remains for consistency between the funeral and cemetery boards; and to bring existing board policy into rule.

Statutory Authority for Adoption: RCW 18.39.175.

Statute Being Implemented: Chapter 18.39 RCW.

Summary: The rules being established, amended, or repealed will update the rules governing the funeral service industry in accordance with the governor's directive requiring periodic rule review. See proposed and amended rules shown below.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dennis McPhee, Department of Licensing, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1555.

Name of Proponent: Board of Funeral Directors and Embalmers, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To clarify definitions; establish accountability for the conduct of others; amend embalming and preparation room standards. Amend rules concerning control of human remains; confidential information; concealment of a crime; inspections of funeral establishments and crematories; board approval of embalming schools and accrediting associations; renewal of licenses, registrations, endorsements or permits; apprenticeship registration and reporting; establishment licensure; AIDS prevention and education requirements; effective date of continuing education requirement; procedure for obtaining approval of continuing education; and to adopt uniform rules of procedure for cremation.

WAC 308-48-070 and 308-48-100 will be repealed.

Proposal Changes the Following Existing Rules: See copies of rule changes and new rules shown below.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Board of Funeral Directors and Embalmers has determined there will be no impact on small business as a result of these rules.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Holiday Inn (Ballroom "A"), 1 South Grady Way, Renton, WA 98055, on September 5, 2002, at 11:30 a.m.

Assistance for Persons with Disabilities: Contact Dennis McPhee by telephone TDD (360) 586-2788, or (360) 664-1555.

Submit Written Comments to: Dennis McPhee, Program Manager, Funeral and Cemetery Unit, P.O. Box 9012, Olympia, WA 98507-9012, fax (360) 586-4414, by September 4, 2002.

Date of Intended Adoption: September 5, 2002.

June 27, 2002

Jon Donnellan

Administrator

Chapter 308-47 WAC

RULES OF PROCEDURE FOR CREMATION

NEW SECTION

WAC 308-47-010 Definitions. (1) "**Authorizing agent**" means the person(s) legally entitled to control the disposition of the human remains.

(2) "**Crematory**" the building or area of a building that houses a cremation chamber, to be used for the cremation of human remains.

(3) "**Crematory authority or endorsement**" the legal entity and their authorized representatives, licensed to perform cremations.

(4) "**Cremation chamber**" means the enclosed space in a crematory in which the cremation process takes place.

(5) "**Cremation**" means the reduction of human remains to bone fragments, in a crematory, by means of incineration.

(6) "**Cremated human remains**" means the end products of cremation.

(7) "**Pulverization**" is the reduction of identifiable bone fragments to unidentifiable dimensions by manual or mechanical means following cremation.

(8) "**Processing**" is the removal of foreign objects from cremated human remains and may include pulverization.

(9) "**Cremation container**" means the container in which the human remains must be enclosed before being placed in the cremation chamber for cremation. A cremation container must:

- Be composed of a combustible material. If the remains are delivered to a crematory in a noncombustible container, the authorizing agent must be informed of the disposition of the container, if the container is not actually used in the cremation process. Any transfer of human remains to combustible containers at the crematory must be in accordance with chapter 18.39 RCW, Title 308 WAC, and applicable public health laws.

- Be rigid enough for placement into the cremation chamber.

- Assure protection to the health and safety of the crematory operators and others.

- Provide a proper covering for the human remains.

- Be resistant to leakage or spillage of body fluids.

(10) "**Sealable container**" means any container in which cremated human remains can be placed and closed to prevent leakage or spillage of cremated human remains.

(11) "**Holding facility**" means an area designated for the care, storage and holding of human remains prior to disposition. A holding facility must:

- Comply with any applicable public health laws.
- Preserve the dignity of the human remains.
- Recognize the personal integrity, health and safety of employees and others.
- Be secure from access by anyone other than authorized personnel.

(12) "**Human remains**" means the body of a deceased person.

(13) "**Cadaver**" means the body of a deceased person, or any part thereof, which has been donated to science for medical research purposes.

(14) "**Body parts**" means limbs and other portions of human anatomy that have been removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy or medical research.

(15) "**Commingling**" means the mixing of cremated human remains of more than one deceased person.

(16) "**Residue**" means the cremation products that may unavoidably remain in the cremation chamber after manual sweeping techniques are performed.

NEW SECTION

WAC 308-47-020 Identification of human remains. A crematory must not take custody of unidentified human remains. Before accepting human remains, the crematory must verify that identification is attached to the cremation container. Upon accepting human remains for cremation, the crematory must make a permanent record of the following:

- Name of deceased.
- Date of death.
- Place of death.
- Name and relationship of authorizing agent.
- Name of firm engaging crematory services.
- Description of the cremation container to be consumed with the human remains.
- An identification number assigned each human remains and inscribed on a metal disc or metal tag. The metal identification disc or tag must identify the crematory and accompany the human remains through each phase of the cremation, processing and packaging. The disc or tag identification number must be recorded on all paperwork regarding a human remains and in the crematory log.

NEW SECTION

WAC 308-47-030 Holding human remains for cremation. (1) A crematory must not accept and hold human remains for cremation unless the human remains are contained in a cremation container.

(2) A crematory must not accept human remains in a cremation container having evidence of body fluid leakage.

(3) Human remains that are not embalmed must be held only within a refrigerated facility of adequate capacity, with a maximum temperature of 48 degrees Fahrenheit, or in compliance with applicable public health regulations.

NEW SECTION

WAC 308-47-040 Cremation of human remains. (1) Cremation must not take place until the burial transit permit and authorization for cremation are obtained.

(2) Immediately prior to being placed within the cremation chamber, the identification of the human remains must be verified by the crematory operator. Appropriate identification of the human remains will be placed near the cremation chamber in such a way as to identify the human remains being cremated. The metal identification disc or metal tag must be placed in the cremation chamber with the human remains.

(3) Simultaneous cremation of more than one human remains within the same cremation chamber is not permitted, unless written authorization is obtained from the authorizing agent of each human remains to be cremated simultaneously. Such written authorization will exempt the crematory from all liability for commingling the products of the cremation process.

(4) Simultaneous cremation of more than one human remains within the same cremation chamber may be performed without the authorizations required in subsection (3) of this section, if:

- Equipment, techniques, and other devices are employed that keep the human remains separate and distinct, before and during the cremation process.
- Recoverable cremated remains are kept separate and distinct after the cremation process.

(5) Crematories licensed by the state cemetery board or the board of funeral directors and embalmers, will only be used for the cremation of human remains, cadavers, or human body parts.

NEW SECTION

WAC 308-47-050 Processing of cremated human remains. (1) Upon completion of the cremation, the products of the cremation process must be removed from the cremation chamber, with the exception of residue.

(2) The cremation products must be placed within an individual container or tray in such a way that will insure against commingling with other cremated human remains.

(3) Identification must be attached to the container or tray.

(4) All cremated human remains must undergo processing to comply with applicable legal requirements.

(5) Processing or pulverization of cremated human remains may not be required if cremated human remains are to be placed in a cemetery, mausoleum, columbarium, or building devoted exclusively to religious purposes, or where religious or cultural beliefs oppose the practice.

(6) All body prostheses, bridgework, or similar items removed from the cremated human remains during processing will be disposed of by the crematory, as directed by the authorizing agent.

NEW SECTION

WAC 308-47-060 Packaging and storage of cremated human remains. (1) The cremated human remains must be placed in a sealable container, or in such container as may have been ordered or supplied by the authorizing agent.

(2) The packaged cremated human remains will be identified. The metal identification disc or metal tag must stay with the cremated human remains.

(3) If the cremated human remains do not completely fill the container, the remaining space may be filled with suitable packing material. The container must then be securely closed.

(4) If the entire cremated human remains will not fit within the designated container, the remainder of the cremated human remains must be returned to the authorizing agent in a second container, clearly identified as being part of, and together with, the designated container. Upon written consent of the authorizing agent, excess cremated human remains may be disposed of in any legal manner.

NEW SECTION

WAC 308-47-070 Disposition of cremated human remains. (1) A crematory must keep a permanent record of all cremations performed and the disposition or release of the cremated human remains. The record must include the following information:

- Date of death.
- Date burial transit permit was issued.
- Date of delivery of human remains to the crematory.
- Date of cremation.
- Name of crematory operator performing the cremation.
- Name of person performing packaging, and date of packaging.
- Date of release or date of disposition of the cremated human remains.

(2) When cremated human remains have been in the possession of a crematory, funeral establishment or cemetery for a period of two years or more, the entity holding the cremated human remains may arrange for disposition in any legal manner, provided the entity:

- Attempts to contact the authorizing agent for disposition instructions by registered mail.
- Informs the authorizing agent(s) of the procedures that will be followed if disposition instructions are not received.
- Informs the authorizing agent(s) that disposition will take place if disposition instructions are not received within sixty days of initiation of the contact process.
- Informs the authorizing agent(s) that recovery of the cremated human remains, after the disposition, may or may not be possible.
- Maintains a permanent record of the location of the disposition.

(3) No entity making disposition of cremated human remains under subsection (2) of this section will be liable for the disposition or nonrecoverability of cremated human remains.

AMENDATORY SECTION (Amending Order PM 604, filed 7/11/86)

WAC 308-48-010 Definitions. For the purpose of these rules, the following terms ~~((shall))~~ will be construed ~~((in the following manner))~~ as follows:

(1) ~~("Funeral director," "embalmer," and "funeral establishment" shall have the same meaning as provided in RCW 18.39.010.~~

(2) ~~"Board" shall mean the state board of funeral directors and embalmers.~~

(3) ~~"Licensee" ((shall))~~ will mean any person or entity holding a license, registration, endorsement, or permit issued by the director.

~~((4))~~ (2) "In its employ" as used in RCW 18.39.148 ~~((shall))~~ will include personnel who are employed on a part-time basis as well as personnel who are employed on a full-time basis.

~~((Any prohibition in these rules and regulations stated as against a licensee or apprentice shall be taken and treated as a prohibition against such action by the licensee or apprentice in his own proper person, directly or indirectly, or by agent, servant, employee or associate, or through any person, firm or corporation, and as a prohibition against such action known and permitted by him and operating or tending to operate for his benefit from whatever source.))~~

NEW SECTION

WAC 308-48-015 Accountability for the conduct of others. Licensees are accountable for the conduct of their agents, servants, employees or associates if the conduct is prohibited under chapter 18.39 RCW or board rules.

AMENDATORY SECTION (Amending WSR 97-21-060, filed 10/14/97, effective 11/14/97)

WAC 308-48-031 Funeral establishment facility, equipment, and embalming and preparation room standards. A funeral establishment or branch establishment shall:

(1) Have an exclusive area/office at an identified location for conducting the business which is accessible to the public.

(2) Provide private and secure area(s) for holding human remains which will include:

(a) A refrigerated holding area of adequate capacity for unembalmed remains with a maximum temperature of 48 degrees Fahrenheit;

(b) A sink with hot and cold running water;

(c) Covered receptacles for soiled linens, bandages, refuse and other waste materials which meet OSHA, WISHA, department of health and any other applicable regulations;

(d) Adequate chemicals for the disinfection of human remains and the equipment used in handling and caring for human remains;

(e) Chemical storage that meets OSHA, WISHA, department of health and any other applicable regulations.

(3) Provide rest rooms that are available for staff and the public.

(4) In the case where the holding of human remains is not provided at this facility, provide the identification of the facility upon request to the board and the individual or individuals that has/have the right to control the disposition of the human remains where this establishment or branch provides for the holding and/or preparation of the human remains entrusted to its care (this off-site facility must meet the requirements of subsection (2) of this section).

(5) Provide for the privacy of unscasketed human remains in vehicles used for transportation of the remains by screening, curtains, or adequately tinted windows.

(6) Provide that if embalming is performed at the establishment or branch, no embalming of a human remains shall be performed in a funeral establishment or branch establishment except in a room set aside exclusively for embalming of a human remains. Such room shall be maintained and kept in a clean sanitary condition, and every embalming and preparation room shall be constructed, equipped, and maintained as follows:

(a) The surfaces of the floor, walls, and ceiling shall be covered with tile or other hard, smooth, impervious washable material.

(b) The room shall be adequately lighted and adequately ventilated. The ventilation shall be provided by an exhaust fan or by an appropriate air-conditioning unit (~~which will completely remove objectionable fumes~~).

(c) The room shall be equipped and provided with hot and cold running water, a utility sink, and cabinets, closets or shelves for instruments and supplies.

(d) The room shall be equipped with adequate sewage and waste disposal and drainage facilities and systems.

(e) The doors shall be tight closing and rigid and any windows of the room shall be so maintained as to obstruct any view into such room. The room's entry door(s) must be labeled "Private" or "Authorized Entry Only(-)", and must be locked at all times.

(f) The embalming or preparation table shall be nonporous.

(g) The room shall be equipped with proper and convenient covered receptacles for refuse (~~, bandages, cotton, and other waste materials~~).

AMENDATORY SECTION (Amending Rule 4, filed 9/17/64)

WAC 308-48-040 Control of ~~((dead bodies))~~ human remains. (1) No licensee (~~shall~~) will, directly or indirectly, assume control of any (~~dead body~~) human remains without having first obtained authority (~~therefore~~) from the person(s), their responsible representatives, or persons lawfully entitled (~~thereto, or their responsible representatives or, in a proper case, a public official lawfully entitled~~) to such control.

(2) A licensee in charge of (~~a dead body shall~~) human remains will be governed by the directions of those lawfully entitled to such control (~~as aforesaid~~), as to matters relating to the preparation, handling and final (~~disposal of such body~~) disposition of the human remains (including steps in

preparation, autopsy, embalming, dressing, viewing, video-taping, photographing; (~~type of clothing, casket, box or vault, cremation; time, place, type and manner of funeral ceremonies and burial or other customary disposal~~) insofar as public health and laws will permit.

~~(3) Whenever any dead human body shall have been in the lawful possession of any person, firm, corporation or association for a period of one year or more, or whenever the cremated remains of any dead human body have been in the lawful possession of any person, firm, corporation or association for a period of two years or more, upon submission of evidence to the effect that such person, firm, corporation or association has made unsuccessful efforts to have the person or persons responsible for the remains, provide for disposition of same, special permits for such disposition may be secured from the state department of health)~~ funeral, burial and cremation merchandise, and disposition arrangements.

AMENDATORY SECTION (Amending Rule 5, filed 9/17/64)

WAC 308-48-050 Confidence. No licensee (~~or apprentice shall divulge any confidence, privacy or secrets of the domestic life in any home wherein he may be called upon to serve, and this prohibition shall include~~) will divulge any information as to illness, cause of death, financial affairs or transactions, and any other information customarily considered confidential, obtained while serving in such licensed capacity. (~~This prohibition shall not prevent the divulging to any person lawfully entitled or properly authorized to receive same.~~)

AMENDATORY SECTION (Amending Order PM 604, filed 7/11/86)

WAC 308-48-060 Against concealment of crime. (1) No licensee (~~or apprentice shall~~) will remove (~~or~~), embalm (~~a dead body~~), or perform other preparation of a human remains when he/she has information indicating crime or (~~intentional~~) violence in connection with the cause of death, until permission is (~~first~~) obtained from a (~~county~~) coroner, medical examiner or other qualified official.

(2) Any licensee (~~or apprentice~~) having or obtaining, as a result of (~~his~~) providing services, any information in relation to a possible crime (~~shall forthwith~~) must communicate such information to a (~~proper law enforcement officer~~) properly qualified official.

(3) No licensee (~~or apprentice shall do~~) will perform any act knowing that it will conceal evidence of crime.

~~((4) No embalmer or apprentice embalmer shall knowingly use any fluid or compound which is in violation of federal or state law, in the embalming of a dead body.)~~

AMENDATORY SECTION (Amending Order PM 716, filed 3/28/88)

WAC 308-48-085 Funeral establishments and crematories—Inspections. (1) Funeral establishments and crematories licensed under the provisions of chapter 18.39 RCW

will be inspected at least once each year by the duly appointed department inspector.

(2) Inspections shall cover ~~((the areas of sanitation and public health as well as conformity))~~ compliance with applicable statutes and rules. Funeral establishments and crematories will be open for inspection during normal business hours. If the establishment or crematory is not open, the ownership must identify someone to the department that can open the establishment or crematory for an unannounced inspection, or provide a method of access to the inspector.

AMENDATORY SECTION (Amending Order PL 468, filed 5/18/84)

WAC 308-48-145 Approval of embalming schools and accrediting associations. (1) The board ~~((, in approving courses of instruction in embalming schools pursuant to RCW 18.39.035(2),))~~ adopts the standards of the American Board of Funeral Service Education, Inc. ~~((which are relevant to the accreditation of embalming schools and current on April 23, 1983, and)),~~ in approving courses of instruction in embalming schools, pursuant to RCW 18.39.035(2). The board approves all ((and only those)) schools ((which were)) accredited by, and in good standing with, the American Board of Funeral Service Education, Inc. ((pursuant to those standards or as subsequently revised, and approved by the board. Other embalming schools which apply for the board's approval and which meet the standards to the board's satisfaction may be approved, but it is the responsibility of a school to apply for approval and of an applicant to ascertain whether or not a school has been approved by the board.))

(2) The board ~~((, in approving))~~ approves associations accrediting schools, colleges or universities providing a two-year college course pursuant to RCW 18.39.045~~((;))~~. The board approves of accrediting groups recognized by the Council ((on Postsecondary)) for Higher Education Accreditation ((COPA)). The board adopts the standards of ((COPA relevant to the recognition of accrediting groups as of May 15, 1982 and approves all and only those groups recognized and in good standing with COPA pursuant to those standards or as subsequently revised, and approved by the board)) the Council for Higher Education Accreditation.

The board may approve other accrediting associations which ((apply for the board's approval and which)) meet the board's standards ((to the board's satisfaction may be approved, but)). It is the responsibility of an association to apply for approval and of an applicant to ascertain whether or not a school, college or university has been accredited by an association approved by the board.

~~((3) In both (1) and (2), the board reserves the right to withdraw approval of any course of instruction in an embalming school or any association accrediting a school, college or university providing a two-year college course which ceases to meet the approval of the board and/or the American Board of Funeral Service Education, Inc. or COPA.))~~

AMENDATORY SECTION (Amending Order PL 207, filed 11/5/75)

WAC 308-48-180 Renewal of licenses, registrations, endorsements and permits. (1) The annual license or registration renewal date for embalmers ~~((and)),~~ funeral directors ~~((is hereby changed to coincide with))~~ and apprentices is the licensee's birthdate. ~~((a))~~ Individuals making application and fulfilling requirements for initial license and examination ~~((, provided they meet all such requirements,))~~ will be issued a license ~~((, to))~~ or registration which will expire on their next birth ~~((anniversary))~~ date.

~~((b))~~ Individuals making application for initial license with the state of Washington and under the reciprocity regulations, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date~~((.))~~

(2) ~~((After the initial conversion to a staggered system, licensees may))~~ Funeral establishments, branch establishments, prearrangement sales licenses, and crematories must renew their licenses ((, at the annual renewal fee rate, for one year, from birth anniversary date to next birth anniversary date)) annually.

(3) ~~((Under the staggered license renewal system, the late payment penalty provision will be applied as follows:~~

~~((a))~~ Before the expiration date of the ~~((individual's))~~ license, the director ~~((shall))~~ will mail a notice ~~((for))~~ of renewal ~~((of license to every person holding a current license)).~~ The licensee must return such notice along with current renewal fees prior to the expiration of ~~((said))~~ the license. ~~((Should the licensee fail to renew his or her))~~ Failure to renew the license prior to the expiration date ((, then the individual is subject to)) will require payment of the penalty fee.

AMENDATORY SECTION (Amending Order PM 697, filed 12/9/87)

WAC 308-48-200 Report of apprenticeship registration, termination, transfer and credit. (1) The responsibility for notifying the director, department of licensing of apprenticeship registration and termination rests with the employing funeral ~~((director or embalmer pursuant to RCW 18.39.120))~~ establishment. In order to protect the status of the apprentice in cases where the employing licensee fails to initiate the required report of ~~((termination or))~~ registration or termination, the affected apprentice should initiate and ensure submission of same. ~~((Such report must be submitted within thirty days of the termination or registration of the apprentice's employment, setting forth the information required for apprenticeship credit.))~~ The ~~((report))~~ notification shall be certified by signature of the ~~((supervising employer))~~ sponsor.

(2) ~~((A transfer of apprenticeship report shall be submitted by the apprentice or his new employer to the director, department of licensing, within thirty days of his hiring by a new supervising employer. Such report is to be signed by the apprentice and his new supervising employer. No apprenticeship credit shall be allowed for period worked between the time of transfer and the reporting of same unless such report~~

is submitted within the required thirty days of such transfer.) No credit for apprenticeship ~~((shall))~~ will be allowed for any period during which the apprentice is not ~~(([duty] [duty]))~~ registered pursuant to RCW 18.39.120~~((, except as provided for in WAC 308-48-120))~~. In the event an apprentice's ~~((supervising employer))~~ sponsor dies or is otherwise incapable of certifying apprenticeship credit, such credit may be given by ~~((certification of the apprentice of credit due or by))~~ certification by another ~~((licensee))~~ licensed funeral director or embalmer who has knowledge of the work performed and the credit due~~((: Provided, That in either such case, documentation or reasonable proof of such credit may be required by the director))~~ or by documentation or reasonable proof of such credit as determined by the board.

AMENDATORY SECTION (Amending Order PM 652, filed 5/20/87)

WAC 308-48-210 Establishment licensure. (1) It is the intent of the board that the establishment licensure process serve to protect consumers by identifying to the department all locations subject to ~~((inspection and))~~ regulation. ~~((Establishments are encouraged to procure an individual))~~ Any provider of any aspect of the care, shelter, transportation, embalming, other preparation and arrangements for the disposition of human remains must be licensed as a funeral establishment. Establishments must obtain a funeral establishment or branch license for each location.

(2) Branches of an establishment may operate under the general license of the establishment, pursuant to RCW 18.39.145 and 18.39.148 and the following terms and conditions:

(a) Branch(es) must operate under the same name as the ~~((general))~~ establishment.

~~((b))~~ ~~((Branch(es) must be identified by location on the general establishment license.~~

~~((c))~~ Branch(es) must display a ~~((duplicate of the general))~~ current branch license.

~~((d))~~ ~~((c))~~ Branch(es) must have a licensed funeral director and embalmer in its employ and available to provide any services requiring the professional skills of a licensee.

~~((e))~~ ~~((d))~~ The failure of a branch to meet the standards of an establishment may result in cancellation of the ~~((entire general))~~ establishment license, pursuant to RCW 18.39.148.

AMENDATORY SECTION (Amending Order PM 793, filed 1/19/89)

WAC 308-48-350 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in 70.24 RCW.

(2) ~~((Application for licensure or apprenticeship registration. Effective January 1, 1990 persons applying for licensure or apprenticeship registration shall submit evidence to show~~

compliance with the education requirements of subsection ~~(4).~~

~~(3))~~ Renewal of funeral director and/or embalmer licenses or apprenticeship registrations~~((: Effective with the renewal period beginning January 1, 1990, ending December 31, 1990)), and all persons making initial application for funeral director and/or embalmer licensure, or initial renewal~~ ~~((of))~~ of funeral director and/or embalmer apprenticeship registration ~~((shall))~~ must submit evidence to show compliance with the education requirements of subsection ~~((4))~~ (3) of this section.

~~((4))~~ (3) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training ~~((shall))~~ must be a minimum of four and one half clock hours and ~~((shall))~~ must include, but is not limited to, the following: Prevention, transmission and treatment of AIDS.

(b) Implementation. ~~((Effective January 1, 1990,))~~ The requirement for initial funeral director and/or embalmer licensure, the first renewal of a funeral director and/or embalmer apprenticeship registration, (renewal,) or reinstatement of any license or apprenticeship registration on lapsed, inactive, or disciplinary status ~~((shall))~~ will include ~~((completion of AIDS education and training. All persons affected by this section shall show))~~ evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant ~~((shall))~~ must:

(i) Certify, on forms provided, that the minimum education and training has been completed ~~((after January 1, 1987));~~

(ii) Keep records for ~~((two))~~ five years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

~~((5))~~ (4) Continuing education. The AIDS education requirement may be counted towards the fulfillment of the continuing education requirement.

AMENDATORY SECTION (Amending Order PL 504, filed 12/19/84)

WAC 308-48-520 Effective date of continuing education requirement. ~~((4))~~ The effective date of the continuing education requirement will be two years after ~~((the 1985 renewal date. Therefore, the required number of hours must first be met by the 1987 license renewal date.~~

~~(2)~~ With respect to any individual, the regulation will become effective on the 1987 renewal or two years after initial licensure in this state, whichever is later.

~~(3)~~ Acceptable courses taken after January 1, 1985 may be included in the first computation of continuing education hours necessary for renewal initial licensure as a funeral director and/or embalmer, or initial registration as an apprentice funeral director and/or embalmer.

AMENDATORY SECTION (Amending WSR 91-20-071, filed 9/26/91, effective 10/27/91)

WAC 308-48-600 Procedure for obtaining board approval of continuing education activity. (1) An application for approval of continuing education activity must be submitted to the board (~~((no less than ninety days))~~) before the activity is scheduled to commence. The board (~~((shall))~~) will notify the applicant of approval or disapproval (~~((within forty-five days of submission of the application))~~) of the continuing education activity and the number of credit hours approved.

(2) The board may require examples of teaching materials and descriptive information about any continuing education activity and refuse approval of any continuing education activity that does not meet the qualifications.

(3) The board may monitor any approved activity and, upon a subsequent significant variation in the program, may disapprove any part of the credit hours.

~~((4) The board may grant post approval or disapprove participation in a nonapproved continuing education activity. If participation in such activity is approved, the board may consider and determine the number of hours of credit which shall be given for such participation. The board may determine that such nonapproved activities satisfy any, all, or none of the requirements. A petition for credit under this post approval subsection must be filed with the board within thirty days after completion of the activity. Such petition shall include documentation as the board may require. Failure to comply with these provisions shall be sufficient grounds to refuse credit.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-48-070 Fraud and deceit.
- WAC 308-48-100 Improper methods for seeking business.
- WAC 308-48-185 Funeral establishments and crematories—License expiration.
- WAC 308-48-700 Definitions.
- WAC 308-48-710 Identification of human remains.
- WAC 308-48-720 Holding human remains for cremation.
- WAC 308-48-730 Cremation of human remains.
- WAC 308-48-740 Processing of cremated remains.
- WAC 308-48-750 Packaging and storage of cremated or processed remains.
- WAC 308-48-760 Disposition of cremated or processed remains.

WAC 308-48-770

Endorsement required.

AMENDATORY SECTION (Amending WSR 90-17-148, filed 8/22/90, effective 9/22/90)

WAC 308-49-150 Prearrangement funeral service contract form requirements. (1) The terms of prearrangement funeral service contracts are of substantial importance to both consumers and the establishment.

Contracts (~~((therefore should))~~) must be written in language that can be easily understood by all parties and printed or typed in easily readable type size and style.

(2) Every (~~((contract shall))~~) prearrangement funeral service contract must include the following information:

(a) The name of the purchaser and the beneficiary of the contract;

(b) A description of the services and merchandise to be provided, if specific merchandise and services are to be furnished, and a statement clearly setting forth whether the purchase price (~~((paid))~~) fully pays for such services and merchandise or if the purchase price is to be applied toward the cost of such services and merchandise when they are provided;

(c) The total purchase price to be paid under the contract and the manner and terms which will govern payment;

(d) (~~((If a contract is to be funded through a prearrangement funeral service trust fund it shall also include the following information:~~

(i) That a prearrangement funeral service trust exists and of the amount to be deposited into the trust;

(ii) Identification of the trust to be used and information as to how the trustees may be contacted;

(iii) If the contract is revocable or not or if there are provisions to convert to an irrevocable status;

(iv) That all moneys paid are fully refundable if canceled by the purchaser within thirty days of signing;

(v) ~~In the case of cancellation by purchaser or beneficiary after thirty days of signing that up to ten percent of the contract may be retained by the seller.)~~ That all funds placed in trust plus net accruals are subject to refund.

~~((vi) That reasonable fees as set forth by statute for the administration of the trust plus taxes paid or withheld shall be deducted from the interest, dividends and increases that the trust may earn.~~

~~((vii) That the board may terminate a contract if the establishment goes out of business, becomes insolvent or bankrupt, makes an assignment for the benefit of creditors, has its prearrangement funeral service certificate of registration revoked, or for any other reason is unable to fulfill the obligations under the contract. That in such event, or upon demand of the purchaser or beneficiary of the prearrangement funeral service contract the funeral establishment shall refund to the purchaser or beneficiary all moneys deposited in trust and allocated to the contract unless otherwise ordered by a court of competent jurisdiction. That the purchaser or beneficiary may, in lieu of a refund, elect to transfer the prearrangement funeral service contract and all amounts in trust to another funeral establishment licensed by the board to enter into prearrangement funeral service contracts which will agree to endorse the contract and to be bound to the contract and to provide for the funeral merchandise or services.~~

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~~(e) If a contract is to be funded through insurance, the contract shall also contain language which:~~

~~(i) States the amount of insurance;~~
~~(ii) Informs the purchaser of the name and address of the insurance company through which the insurance will be provided and the policy number;~~

~~(iii) Informs the purchaser that amounts paid for insurance may not be refundable.~~

~~(f) A statement to the purchaser of the contract that the funds deposited under the contract, plus accruals thereon, shall be withdrawable from the trust under the following circumstances and conditions;~~

~~(i) If the funeral establishment files a verified statement with the trust that the prearrangement funeral merchandise and services covered by the contract have been furnished and delivered in accordance therewith; or~~

~~(ii) If the funeral establishment files a verified statement with the trust that the prearrangement funeral merchandise and services covered by the contract have been canceled in accordance with its terms;))~~

(3) Such contract shall be dated and be executed by the purchaser and by the funeral establishment through its owner, officer or managing agent.

~~((4) If a retail installment transaction is involved, the contract shall comply with the requirements of chapter 63.14 RCW.))~~

AMENDATORY SECTION (Amending WSR 97-21-064, filed 10/14/97, effective 11/14/97)

WAC 308-49-164 Prearrangement funeral service trust agreement requirements. (1) Each establishment entering into prearrangement funeral service contracts which does not use insurance as a method of funding shall establish one or more prearrangement funeral service trust agreements. ~~((The establishment may join with one or more other Washington state licensed funeral establishments in a "master trust."))~~

(2) Such prearrangement funeral service trust agreements shall be between the funeral establishment and trustees designated by the funeral establishment. The agreement shall include language that provides for:

(a) A minimum of two trustees;
 (b) Duties and responsibilities of the trustees;
 (c) Method of removal of trustees;
 (d) Selection of depository(ies);
 (e) ~~((Procedures to be followed when the establishment deposits prearrangement funeral service contract moneys;~~

~~(f) Conditions under which moneys may be withdrawn from the trust and procedures to be followed in making withdrawals;~~

~~(g)) Details as to investment and administration of the trust;~~

~~((h)) (f) Compensation of trustees and expenses to be incurred;~~

~~((i)) (g) Accounting methods to be used;~~

~~((j)) (h) Provisions for amendment and termination of the trust agreement.~~

(3) Such prearrangement funeral service trust agreements are an integral part of the prearrangement funeral ser-

vice contract and shall be approved by the board prior to use. ~~Amendments((;)) or changes to the trust agreement((; or termination of the trust agreement shall))~~ must receive prior approval from the board before incorporation of amendment or change((; or implementation of termination)).

AMENDATORY SECTION (Amending Order PM 737, filed 6/6/88)

WAC 308-49-170 Annual statement requirements. (1) Each ~~((registered))~~ funeral establishment ~~((shall))~~ must file with the board annually, ninety days after the end of its fiscal year, a ~~((true and accurate))~~ statement of its financial condition, transactions and affairs for the preceding fiscal year.

(2) The statement shall include a balance sheet and a profit and loss statement for the preceding fiscal year and/or other such fiscal documents as the board may require.

(3) The funeral establishment shall list any changes in its officers, directors, managers or partners or any change in ownership greater than ten percent which have occurred in the preceding fiscal year.

(4) With respect to each prearrangement funeral service contract trust fund, the following information ~~((shall))~~ must be provided:

(a) The name of the depository and the account number;
 (b) The number of outstanding contracts at the beginning of the fiscal year;

(c) The total amount paid in by the holders of such contracts pertinent to the trust fund;

(d) The total amount deposited in the trust account;
 (e) The number of new contracts issued during the fiscal year;

(f) The amount paid in on such new contracts and the amount deposited in the trust fund for such contracts;

(g) The number of individuals withdrawing from the contracts, the principal amount paid to them and the amount of interest, dividends, or accretions, separately stated, paid to them.

(h) The number of cases where prearrangement funeral merchandise and services covered by the contract have been furnished and delivered and the amount transferred out of the trust fund to the funeral establishment for such services and/or merchandise;

(i) The number of outstanding contracts as of the end of the fiscal year and the amount being held in trust for such contracts.

(5) The annual report form ~~((shall))~~ must include verification from the depository as to the amount of money held in funeral prearrangement trust as of the reporting date.

(6) The annual statement ~~((shall))~~ must be accompanied by a fee as determined by the director, payable to the state treasurer.

NEW SECTION

WAC 308-49-210 Examination expense from change of ownership or control. Examination expenses for a funeral prearrangement trust fund examination performed in con-

junction with a transfer of ownership or control of a funeral establishment will be paid by the selling entity.

WSR 02-14-060
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed June 27, 2002, 11:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-005.

Title of Rule: Amending WAC 250-40-030 of the Washington state work study program.

Purpose: To expand the definition of institutions eligible to participate in the Washington state work study program.

Statutory Authority for Adoption: RCW 28B.80.240 and 28B.12.060.

Statute Being Implemented: SSB 5166.

Summary: In March 2002, SSB 5166 changed the program provisions governing institutional eligibility in the state work study program. Revised rules are needed to reflect statutory changes to the "eligible institution" definition. The proposed revised rules will recognize as eligible those institutions accredited by any of the six regional accrediting associations. The institution must operate as a nonprofit college or university, have a record of delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, and be eligible to administer federal financial aid.

Reasons Supporting Proposal: To align program administrative rules to correspond to recently amended program statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Betty Gebhardt, 917 Lakeridge Way, Olympia, WA 98501-3430, (360) 753-7852.

Name of Proponent: Washington State Higher Education Coordinating Board, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This change is expected to initially add one or two schools to a program that currently has over fifty institutions participating.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In 1974 when the state work study program was created, its statute specified as eligible institutions only those schools accredited by one regional association, the Northwest Association of Schools and Colleges. SSB 5166 passed in March 2002 and amended the statute to include branches of a member institution of an accrediting association recognized by rule of the board that has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington. The proposed change would have the board recognize in the program rules that an eligible institution could also be accredited by one of five other regional associations.

Proposal Changes the Following Existing Rules: WAC 250-40-030 would now recognize all six regional accrediting associations.

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

RCW 34.05.328 does not apply to this rule adoption. RCW [34.05.328] does not appear to apply in this matter.

Hearing Location: Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98501-3430, on August 23, 2002, at 9:00 a.m. to noon.

Assistance for Persons with Disabilities: Contact Colleen Scovill at (360) 753-7850, TDD (360) 753-7809, by August 16, 2002.

Submit Written Comments to: Betty Gebhardt, Education Services, Associate Director, 917 Lakeridge Way, Olympia, WA 98501.

Date of Intended Adoption: September 27, 2002.

June 27, 2002

Betty Gebhardt

Associate Director

AMENDATORY SECTION (Amending WSR 93-20-044, filed 9/29/93, effective 10/30/93)

WAC 250-40-030 Definitions. (1) "Financial need" shall be the difference between the budgetary cost to the student attending an institution of postsecondary education and the total family contribution which the institutional financial aid administrator determines can reasonably be expected to be available to the student for meeting such costs.

(2) "Budgetary cost" of attending an institution shall consist of those costs required to support the individual and other costs in accordance with federal costs of attendance calculations during the period of enrollment. Budgets will reflect the applicable year's cost levels for tuition, room and board, transportation, books, supplies, personal expenses, and any other cost factors deemed necessary for consideration, consistent with WAC 250-40-040 (2)(a).

(3) "Total family contribution and resources" shall be consistent with amounts recognized by federal need analysis criteria, unless otherwise modified in accordance with these rules and program guidelines.

(4) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.011 - 28B.15.013 except resident students defined in RCW 28B.15.012 (2)(e) and board-adopted rules and regulations pertaining to the determination of residency.

(5) "Eligible institution of postsecondary education" shall mean any postsecondary educational institution in the state of Washington accredited by the Northwest Association of Schools and Colleges(±); or a branch campus of a member institution accredited by Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Southern Association of Colleges and Schools, Northwest Association of Schools and Colleges, or Western Association of Schools and Colleges that is eligible for federal student financial aid assistance and has operated as a

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nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years in the state of Washington; or any public technical colleges in the state of Washington.

(6) "Eligible employer" shall be defined as any eligible public institution of postsecondary education; any other nonprofit organization which is nonsectarian; or any profit-making nonsectarian employer producing a good or providing a service for sale or resale to others, which can and agrees to provide employment of a demonstrable benefit related to the student's postsecondary educational pursuits and which conducts business within the state of Washington; or any other employer approved by the higher education coordinating board. In approving an employer as eligible, the board or an institution acting as its agent will consider at the minimum:

(a) The relationship of the jobs to the students' educational objectives;

(b) The potential for displacement of regular employees;

(c) The rate of pay as compared to salaries and wages provided other employees engaged in similar work;

(d) The employer compliance with appropriate federal and state civil rights laws.

(7) "Dependent student" shall mean any post-high school student attending an eligible institution of postsecondary education who does not qualify as an independent student in accordance with subsection (8) of this section.

(8) "Independent student" shall mean any student who qualifies as an independent student for federal student aid.

(9) "Half-time student" means any student enrolled in at least one-half the credit hour or clock hour load defined by the institution as constituting expected full-time progress toward the particular degree or certificate.

(10) "Off-campus community service placements" shall include direct service, planning, or applied research that is designed to improve the quality of life for residents of the community served, particularly low-income residents, in such fields as health care, child care, education, literacy training, welfare, social services, public safety, crime prevention and control, transportation, recreation, housing and neighborhood improvement, rural development, and community improvement. Placements are identified by an institution through formal or informal consultation with local nonprofit, governmental, and community-based organizations.

WSR 02-14-061

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 99-24—Filed June 27, 2002, 12:46 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-22-079.

Title of Rule: Solid waste handling standards, chapter 173-350 WAC.

Purpose: To adopt comprehensive standards for solid waste handling practices and facilities, and to provide permit exemption opportunities that encourage the use, reuse, and recycling of solid waste.

Statutory Authority for Adoption: Chapter 70.95 RCW.
Statute Being Implemented: Chapter 70.95 RCW.

Summary: The proposed rule provides standards for solid waste handling practices and facilities that protect human health and the environment, and implement legislation intended to streamline the permitting system and encourage the reuse and recycling of solid waste. These solid waste handling practices and facilities are currently subject to chapters 173-304 and 173-314 WAC. Once effective the proposed rule will immediately apply to all new facilities. Existing facilities will be required to meet the new regulation in phases. The proposed rule will apply to all solid waste handling facilities except municipal solid waste landfills subject to chapter 173-351 WAC and special incinerator ash subject to chapter 173-306 WAC.

Name of Agency Personnel Responsible for Drafting: Michael A. Hibbler, Spokane, Washington, (509) 456-3270; Implementation and Enforcement: Cullen Stephenson, Lacey, Washington, (360) 407-6103.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Though proposed as a new rule, chapter 173-350 WAC, is a rewritten version of the existing rule, chapter 173-304 WAC, dealing with this subject. This approach has been taken in pursuit of the following goals:

- Improvement of organization, readability, and usability by eliminating the extensive cross-referencing characterizing the existing rule;
- Incorporation of guidelines applicable to composting and moderate risk waste facilities into the rule (see proposed WAC 173-350-220 and 173-350-360);
- Updating facility standards and definitions, including consistency with other rules - in particular chapter 173-308 WAC, Biosolids management and chapter 173-351 WAC, Criteria for municipal solid waste landfills;
- Incorporation of the content contained in chapter 173-314 WAC, Waste tire carrier and storage site licenses, which will be repealed once this rule is adopted; and
- Incorporation of recent legislative changes, including a five year life for permits, provisions for beneficial use permit exemptions, and deferral to other environmental permits.

Proposal does not change existing rules.

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

Small Business Economic Impact Statement

The Regulatory Fairness Act (chapter 19.85 RCW) requires that proposed rule making be analyzed for disproportionate burdens imposed on small businesses versus large businesses and that mitigation be provided, if legal and feasible, for any such impacts. This discussion summarizes that evaluation of the above-cited proposed rule.

INTRODUCTION: Although proposed as a new rule, chapter 173-350 WAC is a phased replacement of the existing rule, chapter 173-304 WAC, dealing with this subject. This approach has been taken in pursuit of the following goals:

- Improvement of organization, readability, and usability by eliminating the extensive cross-referencing characterizing the existing rule;
- Incorporation of guidelines applicable to composting and moderate risk waste facilities into the rule (see proposed WAC 173-350-220 and 173-350-360);
- Updating facility standards and definitions, including consistency with other rules - in particular chapter 173-308 WAC, Biosolids management, chapter 173-314 WAC, Waste tire carrier and storage site licenses¹, and chapter 173-351 WAC, Criteria for municipal solid waste landfills; and
- Incorporation of recent legislative changes, including a five year life for permits, provisions for beneficial use permit exemptions, and deferral to other environmental permits.

In view of the above items, the proposed rule does not impose new significant compliance burdens on most affected solid waste management activities or facilities. The major exception appears to be the regulatory requirements imposed on demolition waste landfills. These were previously grouped with inert waste landfills and, hence, subject to relatively modest compliance burdens. However, the proposed rule shifts (construction and) demolition waste landfills into a category known as "limited purpose" landfills.² Evaluation of this change in regulatory classification indicates that new compliance requirements fall disproportionately on small businesses under baseline conditions. Description of this evaluation and consideration of the mitigative options available to regulated firms will take up much of the remainder of this discussion.

CONSTRUCTION AND DEMOLITION WASTE LANDFILLS (SIC 4953/NAICS 562212)

Framework of the Analysis

New or expanded construction/demolition waste landfills are now subject to the more complete and more rigorous requirements applicable to limited purpose landfills, as opposed to inert waste landfills as is the case under the existing rule. These standards, and the need for additional engineering and contract construction services that accompany them, imply higher compliance costs, as does the need for a financial assurance mechanism and environmental monitoring. This section of the discussion describes the formulation of an analysis of those costs.

The starting point basis for this analysis is a set of cost estimates for permitting, developing, and operating new or expanded limited purpose landfills. In the absence of experience with these processes' impacts on landfills handling construction and demolition wastes under limited purpose landfill requirements, similar requirements for new municipal solid waste landfills under chapter 173-351 WAC served as a model. A ten acre active area is assumed. The "presumptive

liner design" described in WAC 173-350-400 (3)(b)(v) and the "presumptive final closure cover" in WAC 173-350-400 (3)(e)(ii) are also assumed to apply, as is active leachate management. Further, it is assumed that closure and post-closure financial assurance requirements would be satisfied via the establishment and funding of a trust.

The impact estimates derived from this set of assumptions clearly represent a conservative, maximum-expected-cost, situation. Chapter 173-351 WAC applies to landfills handling a wide range of household, commercial, and industrial solid wastes. The estimates derived from regulation of such landfills would be likely to fall toward the high end of a range of compliance costs for construction and demolition waste landfills. As the discussion below will indicate, there are a number of alternative assumptions and mitigative provisions available that would reduce economic impacts on both small and large businesses. However, these will vary significantly with the climatic and hydrogeologic setting (and other factors) in which a particular landfill is developed and operated. Further, existing demolition waste landfills would not be subject to many of the costs contained in the estimates used here. These businesses would have to update their existing permits and operations to conform to the new rule. The magnitude (and cost) of this effort will likewise vary among firms, depending on current conditions and practices, but would most probably be less than starting a new process from the beginning. In view of this variability, and lacking knowledge of its extent, the assumptions and estimates described above provide a relatively fixed starting point from which to introduce and consider the effects of alternatives and mitigative provisions.

The Regulatory Fairness Act distinguishes between small and large businesses on an employment basis, with small businesses characterized as having fifty or fewer employees. The act also directs that regulatory compliance costs be compared for small businesses versus the 10% of the businesses in an impacted industry that represent the largest businesses required to comply with the proposed rule. The best available data³ indicates that 90% or more of the business in SIC 4953 may have fifty or fewer employees. This implies that landfill operation is generally not a labor-intensive activity and that employment is a weak measure of business size.

However, landfills with a given active area can and do vary in terms of design capacity and the rates at which waste is received over time. Thus, for purposes of this analysis, landfills with low design capacity (500,000 tons) and disposal rates (15,000 tons per year) are treated as "small" businesses while those with larger design capacity (750,000 tons) and higher disposal rates (100,000 tons per year) are treated as "large" businesses. Costs per \$100 of revenue have been selected as the impact measure used in this analysis.

Revenue data for private firms is not available on a state-level basis in Washington. This analysis utilizes a range of revenue values (tipping fees per ton of waste) from \$20 to \$70 at \$10 increments. Multiplication of these by the disposal rates assigned to small and large businesses generates a range of annual revenue estimates used here.

Finally, it is clear that, at equivalent landfill sizes, design capacity and disposal rates interact to determine the life span

of a given landfill. Likewise, the annually recurring elements of estimated compliance costs and tipping fees will interact with landfill life span to determine lifetime costs and revenues. Under the assumptions adopted for this analysis, the operating lifetime of a prototypical small landfill would extend over 33 years while the hypothetical large landfill would have an operating life of 7.5 years. This difference is reconciled in the impact estimates presented below by using lifetime costs and revenues in both cases.⁴

Regulatory Compliance Impacts -
Small vs. Large Businesses

In general, the costs considered here are higher in absolute terms for larger businesses than for smaller ones. However, when these costs are translated into the relative impact measure of costs per \$100 of revenue, these absolute differences are not sufficient to prevent disproportionate impacts on smaller versus larger firms. The table below displays these impacts in broad overview. Further discussion of costs and mitigative provisions in the proposed rule follows.

LIFETIME COSTS - CONSTRUCTION/
DEMOLITION WASTE LANDFILLS

Baseline Case

2001 Dollars per \$100 Revenue

	<u>Arid Climate</u>	<u>Wet Climate</u>
Small Business	\$15 - \$53	\$23 - \$81
Large Business	\$11 - \$37	\$12 - \$41

Cost Impacts - Additional Discussion

The impact ranges described above are a result of the cost estimates adopted for this analysis and, in particular, the use of a range of tipping fees to characterize revenues. The higher ends of these ranges are associated with the lowest tipping fees, and the converse. Even though these estimates and assumptions are based on professional experience and informed judgment, it is unlikely that these extremes will characterize any particular real-world situation. Actual experience is likely to fall somewhere between. Since the ranges overlap, it is difficult to assess the proportionality of impacts on small versus large businesses. However, if the same tipping fee is assumed for both, the ratio of small business to large business impacts is 1.5 for arid climates and 2.0 for wet climates.⁵

In general, new or increased operating costs (leachate management, ground water monitoring, etc.) stemming from the proposed rule have been included or accounted for in the table above. In some cases (operating plans, annual reports, etc.), these are part of the cost of obtaining and maintaining a permit. In other cases, certain operating requirements (control of fugitive dust, preventing unauthorized dumping, etc.) are part of the requirements for demolition waste landfills under the existing rule (see WAC 173-304-461) or will have minimal impact upon a properly operated construction/demolition waste landfill (e.g., gas control) due to the nature of

the wastes disposed and the risks associated with it. Finally, some costs associated with the proposed rule are recognized, but not susceptible to analysis here because of lack of data or widely varying local and regional conditions (e.g., increased buffers). This discussion will not further consider such costs.

Mitigation

While the bulk of the discussion to this point has been in terms of permitting, establishing, and operating a new or expanded construction/demolition waste landfill under limited purpose landfill requirements, existing demolition waste landfills are affected by the proposed rule as well. The degree to which this will impose compliance costs upon such firms, or will disproportionately impact small firms, will vary on a case-by-case basis. Determining factors include the degree to which a firm's existing permit and operations need to be revised in order to comply with the proposed rule, as well as the climatic, hydrogeologic, etc. conditions characterizing a given operation or site. In general, one would expect owners and operators of landfills with relatively short remaining life spans to be more significantly impacted than those with landfills having longer remaining lives.

The following listing summarizes mitigative features of the proposed rule that may apply to new (or expanded) construction/demolition waste landfills, existing landfills, or both:

(a) Staggered compliance schedule - (applicable to existing landfills) spreads the steps needed to comply with the proposed rule over time, thus reducing burdens on human and financial resources at any given time (see WAC 173-350-030).

(b) Jurisdictional health department discretion - permits - (applicable to existing landfills) allows jurisdictional health departments (JHDS) to determine if a permit modification is needed based on the extent of the changes needed to achieve compliance, thus allowing for a waiver of permit modification if warranted (see WAC 173-350-030 (2)(c)).

(c) General performance standard - provides flexibility for owners and operators of both existing and new/expanded landfills to achieve compliance in most efficient or effective ways for a given site (see WAC 173-350-040).

The following are applicable to limited purpose landfills, including (but not restricted to) new or expanded construction/demolition waste landfills.

(d) Design standards - general flexibility - authorizes JHDS to exercise flexibility in setting requirements for individual landfills based on the nature of the waste handled, setting characteristics and operational considerations, as long as the basic performance standards of WAC 173-350-040 are met (see WAC 173-350-400 (3)(a)).

(e) JHD discretion - liners - authorizes JHDS to waive requirements for liners given a demonstration that the nature of the waste disposed and the properties of the natural soil provide sufficient groundwater protection, thus potentially eliminating the need for leachate collection and management (see WAC 173-350-400 (3)(b)(ii) and (3)(c)).

This provision alone represents significant potential reductions on small business regulatory burdens in that program staff has indicated that, in general, small construc-

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tion/demolition waste landfills may not need liners while large landfills will typically be required to include liners or similar ground water quality protection measures. In order to assess the magnitude of this potential, the cost estimates used in the baseline case were adjusted using the assumptions that all small landfills would be exempt from liner (and associated) requirements while maintaining the baseline requirements for large landfills. The results are summarized in the table below.

LIFETIME COSTS - CONSTRUCTION/
DEMOLITION WASTE LANDFILLS

Modified Small Landfill Case

2001 Dollars per \$100 Revenue

	<u>Arid Climate</u>	<u>Wet Climate</u>
Small Business	\$8 - \$29	\$8 - \$29
Large Business	\$11 - \$37	\$12 - \$41

As a result of this modification, the ratio of small business impacts to large business impacts is reduced to 0.8 in arid climates and 0.7 in wet climate areas.

(f) Leachate management via evaporation ponds - reduces compliance cost impacts by dispensing with the need for treatment of leachate prior to discharge or delivery to a treatment plant, resulting in reduced compliance cost impacts, primarily for landfills in arid climate settings, by on the order of 12% for small firms and 2% for large firms compared to the estimates shown on page 4 of this document.

(g) Presumptive liner and final closure cover designs - provide rule-satisfying alternatives to custom designed and engineered system components (see WAC 173-350-400 (3)(b)(v) and (e)(ii)).

(h) Operating standards exemptions for small landfills - provide some relief from compliance burdens through certain exemptions keyed to permitted capacity, including recording and reporting waste received in cubic yards with an estimate of weight by formula as opposed to weighing by scales if permitted capacity is less than ten thousand cubic yards per year (see WAC 173-350-400 (4)(a)(iv) and (e)(iii)(B)) and relief from having at least two staff on site during active periods if permitted capacity is less than 50 thousand cubic yards per year (see WAC 173-350-400 (4)(a)(iv)).

(i) Operating standards waivers - general - WAC 173-350-400 (4)(b)(i) through (v) provide exemptions from a number of operating requirements upon a demonstration that they are not needed for protection of human health or the environment given the nature or source of waste received or the quality of the leachate generated.

(j) Variances - WAC 173-350-710(7) provides for variances from any section of the proposed rule, with one basis for obtaining a variance being the imposition of "... hardship without equal or greater benefit to the public."⁶

It is not possible to determine which of the above, if any, would apply in a particular case without landfill-specific details. However, the material summarized here is evidence of a good faith effort to provide relief from compliance bur-

dens for both small and large businesses, and to mitigate disproportionate burdens imposed on small businesses.

WASTE TIRE STORAGE (SIC 4953/NAICS 562219)
AND TRANSPORTATION (SIC 4212/NAICS 562119)

As noted in the introduction to this discussion, the current regulation (chapter 173-314 WAC) dealing with this subject is incorporated into this proposed rule as WAC 173-350-350. The provisions of the existing rule relating to waste tire transportation are essentially unchanged by this incorporation. Provisions relating to waste tire storage facilities have been modified to take into account uniform fire code requirements relating to the prevention and suppression of tire fires.

The only significant change in the proposed new rule language relates to financial assurance requirements for storage facilities. The existing rule includes a requirement for a \$10,000 performance bond, or equivalent financial assurance, as part of an application for a storage site license. The comparable provision proposed in WAC 173-350-350 (9)(a) calls for a financial assurance mechanism with funding "... sufficient for hiring a third party to remove the maximum number of tires permitted to be stored at the facility and deliver the tires to a facility permitted to accept the tires" as part of the facility closure plan.

The effect of this change is to convert a cost that would be (roughly) constant for all impacted facilities into a cost that will vary with the number of tires to be moved. The existing requirement would, in fact, tend to place a disproportionately higher burden on smaller facilities by any of the measures contained in the Regulatory Fairness Act. The proposed new requirement, related to the number of tires involved, should correlate more directly with business size and would tend to reduce or eliminate this disproportionality.

EFFECTS ON REVENUES: Revenues are determined by tipping fees and disposal rates. The provisions of this proposed rule will not affect these in and of themselves. However, these provisions, adjusted for any mitigative factors that may apply, will affect the distribution of business operating revenues between regulatory compliance and other uses - including operating profit. Presumably, this will be taken into account in the business plans of proponents of new landfills. Existing landfill operators may choose to offset any regulatory cost impacts by adjusting tipping fees. The extent to which this succeeds will depend on the market conditions and degree and nature of competitive pressure faced by affected firms. These will vary from case to case.

INVOLVEMENT OF SMALL BUSINESSES IN THE RULE DEVELOPMENT PROCESS: Ecology formed and utilized an advisory committee during the rule development process. This group included representatives of the impacted business community, including small businesses. Further opportunities for small business involvement will occur as part of the public review and comment process for this proposed rule.

¹ The requirements of this rule have been incorporated into the proposal. Chapter 173-314 WAC will be repealed if this proposal is adopted.

² See definition in proposed WAC 173-350-100.

³ U. S. Census Bureau, *County Business Patterns - Washington, 1998 and 1999* and Washington State Employment Security Department data.

⁴ Some readers may suggest that discounting both streams of costs and revenues to a present value would be preferable. However, the impact measure

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in this case is the ratio of costs to revenues. Discounting to a present value in this case involves multiplying the numerator and denominator of a ratio by the same number. Assuming the same discount rate for large and small businesses, the results remain the same as with the approach described here.

⁵ If it is assumed that larger landfills charge lower tipping fees due to economies of scale and to offset customer transportation costs over a wider market area, the ratio becomes smaller. For example, assuming that large landfill fees are \$10 per ton less than small landfill fees results in ratios varying between 1.0 and 1.2 for arid climate sites, and 1.3 to 1.7 for wet climate areas.

⁶ See 173-350-710 (a)(i).

A copy of the statement may be obtained by writing to Michael A. Hibbler, Department of Ecology, Eastern Regional Office, 4601 North Monroe, Spokane, WA 99205-1295, phone (509) 456-3270, fax (509) 456-5056.

RCW 34.05.328 applies to this rule adoption. Pursuant to RCW 34.05.328(5) the proposed rule has been determined to be a significant legislative rule. The applicable requirements of RCW 34.05.328 are being complied with.

Hearing Location: The public hearing will be conducted simultaneously at the following Washington Department of Information Systems video-conferencing centers. To attend the public hearing video conferences you must go to one of the following locations: **SPOKANE SITE:** 1101 North Argonne, Suite 109, Spokane, WA; **LACEY SITE:** 710 Sleater Kinney Road S.E., Suite Q, Lacey, WA; **SEATTLE SITE:** 1107 S.W. Grady Way, Suite 112, Renton, WA; or **YAKIMA SITE:** Yesterday's Village, The 15 West Yakima Avenue Building, 15 West Yakima Avenue, Suite 220, Yakima, WA, on August 6, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Lynette Kuehl or Brenda Pozega, by July 30, 2002, TDD (509) 458-2055, or (509) 456-2947.

Submit Written Comments to: Michael A. Hibbler, mh461@ecy.wa.gov, Washington Department of Ecology, Eastern Regional Office, 4601 North Monroe, Spokane, WA 99205-1295, fax (509) 456-5056, by 5:00 p.m. on September 4, 2002.

Date of Intended Adoption: November 20, 2002.

June 27, 2002
Linda Hoffman
Deputy Director

Chapter 173-350 WAC

SOLID WASTE HANDLING STANDARDS

NEW SECTION

WAC 173-350-010 Purpose. This chapter is adopted under the authority of chapter 70.95 RCW, Solid waste management—Reduction and recycling, to protect public health, to prevent land, air, and water pollution, and conserve the state's natural, economic, and energy resources by:

(1) Setting minimum functional performance standards for the proper handling and disposal of solid waste originating from residences, commercial, agricultural and industrial operations and other sources;

(2) Identifying those functions necessary to assure effective solid waste handling programs at both the state and local level;

(3) Following the priorities for the management of solid waste as set by the legislature in chapter 70.95 RCW, Solid waste management—Reduction and recycling.

(4) Describing the responsibility of persons, municipalities, regional agencies, state and local government related to solid waste;

(5) Requiring use of the best available technology for siting, and all known available and reasonable methods for designing, constructing, operating and closing solid waste handling facilities;

(6) Promoting regulatory consistency by establishing statewide minimum standards for solid waste handling; and

(7) Encouraging the development and operation of waste recycling facilities and activities needed to accomplish the management priority of waste recycling.

NEW SECTION

WAC 173-350-020 Applicability. This chapter applies to facilities and activities that manage solid wastes as that term is defined in WAC 173-350-100. This chapter does not apply to the following:

(1) Overburden from mining operations intended for return to the mine;

(2) Wood waste used for ornamental, animal bedding, mulch and plant bedding, or road building purposes;

(3) Wood waste directly resulting from the harvesting of timber left at the point of generation and subject to chapter 76.09 RCW, Forest practices;

(4) Land application of manures and crop residues at agronomic rates;

(5) Home composting as defined in WAC 173-350-100;

(6) Single-family residences and single-family farms whose year round occupants engage in solid waste disposal regulated under WAC 173-351-700(4);

(7) Clean soils and clean dredge spoils as defined in WAC 173-350-100;

(8) Dredge spoils regulated under section 404 of the Federal Clean Water Act;

(9) Biosolids that are beneficially used or otherwise managed under chapter 173-308 WAC, Biosolids management;

(10) Domestic septage taken to a sewage treatment plant permitted under chapter 90.48 RCW, Water pollution control;

(11) Liquid wastes, the discharge or potential discharge of which, is regulated under federal, state or local water pollution permits;

(12) Domestic wastewater facilities and industrial wastewater facilities otherwise regulated by federal, state, or local water pollution permits;

(13) Dangerous wastes fully regulated under chapter 70.105 RCW, Hazardous waste management, and chapter 173-303 WAC, Dangerous waste regulations;

(14) Special incinerator ash regulated under chapter 173-306 WAC, Special incinerator ash management standards;

(15) PCB wastes regulated under 40 CFR Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions;

(16) Radioactive wastes, defined by chapter 246-220 WAC, Radiation protection—General provisions, and chapter 246-232 WAC, Radioactive protection—Licensing applicability;

(17) Landfilling of municipal solid waste regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills;

(18) Drop boxes used solely for collecting recyclable materials;

(19) Intermodal facilities as defined in WAC 173-350-100; and

(20) Solid waste handling facilities that have engaged in closure and closed before the effective date of this chapter.

NEW SECTION

WAC 173-350-025 Owner responsibilities for solid waste. The owner, operator, or occupant of any premise, business establishment, or industry shall be responsible for the satisfactory and legal arrangement for the solid waste handling of all solid waste generated or accumulated by them on the property.

NEW SECTION

WAC 173-350-030 Effective dates. (1) *Effective dates - New facilities and new solid waste handling units.* New facilities and new solid waste handling units permitted after the effective date of this chapter shall comply with all the requirements of this regulation.

(2) *Effective dates - Existing facilities.*

(a) The owner or operator of existing facilities shall:

(i) Meet all applicable operating standards within twelve months of the effective date of this chapter;

(ii) Meet all applicable environmental monitoring, closure and post-closure planning, and financial assurance requirements of this chapter within twenty-four months of the effective date of this chapter; and

(iii) Meet all applicable performance and design requirements, other than location or setback requirements, within thirty-six months of the effective date of this chapter.

(b) The owner or operator of existing facilities shall initiate the permit modification process outlined in WAC 173-350-710(4) within twelve months after the effective date of this chapter. If a permit modification is necessary, every application for a permit modification shall describe the date and methods for altering an existing facility to meet (a)(i) through (iii) of this subsection.

(c) The jurisdictional health department shall determine if a new permit application is required based on the extent of the changes needed to bring the facility into compliance.

(d) An existing facility completing closure within twelve months of the effective date of this chapter may close in compliance with the requirements of chapter 173-304 WAC, Minimum functional standards for solid waste handling. Any facility that does not complete closure within twelve months

of the effective date of this chapter shall close in compliance with applicable requirements of this chapter.

NEW SECTION

WAC 173-350-040 Performance standards. The owner or operator of all solid waste facilities subject to this chapter shall:

(1) Design, construct, operate, and close all facilities in a manner that does not present risks to human health or the environment;

(2) Comply with chapter 90.48 RCW, Water pollution control and implementing regulations, including chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington;

(3) Conform to the approved local comprehensive solid waste management plan prepared in accordance with chapter 70.95 RCW, Solid waste management—Reduction and recycling, and/or the local hazardous waste management plan prepared in accordance with chapter 70.105 RCW, Hazardous waste management;

(4) Not cause any violation of emission standards or ambient air quality standards at the property boundary of any facility and comply with chapter 70.94 RCW, Washington Clean Air Act;

(5) Comply with all other applicable local, state, and federal laws and regulations; and

(6) Not dilute a waste, or the residual from treatment of a waste, as a substitute for treatment or disposal.

NEW SECTION

WAC 173-350-100 Definitions. When used in this chapter, the following terms have the meanings given below.

"Active area" means that portion of a facility where solid waste recycling, reuse, treatment, storage, or disposal operations are being, are proposed to be, or have been conducted. Setbacks shall not be considered part of the active area of a facility.

"Agricultural composting" means composting of agricultural waste as an integral component of a system designed to improve soil health and recycle agricultural wastes. Agricultural composting is conducted on lands used for farming.

"Agricultural wastes" means wastes on farms resulting from the raising or growing of plants and animals including, but not limited to, crop residue, manure and animal bedding, and carcasses of dead animals weighing each or collectively in excess of fifteen pounds.

"Agronomic rates" means the application rate (dry weight basis) that will provide the amount of nitrogen or other critical nutrient required for optimum growth of vegetation, and that will not result in the violation of applicable standards or requirements for the protection of ground or surface water as established under chapter 90.48 RCW, Water pollution control and related rules including chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington, and chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington.

"Air quality standard" means a standard set for maximum allowable contamination in ambient air as set forth in chapter 173-400 WAC, General regulations for air pollution sources.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

"Ashes" means the residue including any air pollution flue dusts from combustion or incineration of material including solid wastes.

"Below ground tank" means a device meeting the definition of "tank" in this chapter where a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface of the tank that is in the ground.

"Beneficial use" means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products, in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use.

"Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all applicable requirements under chapter 173-308 WAC, Biosolids management. Biosolids includes a material derived from biosolids and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under chapter 173-308 WAC, Biosolids management.

"Buffer" means a permanently vegetated strip adjacent to an application area, the purpose of which is to filter runoff or overspray from the application area and protect an adjacent area.

"Buy-back recycling center" means any facility which collects, receives, or buys recyclable materials from household, commercial, or industrial sources for the purpose of accumulating, grading, or packaging recyclable materials for subsequent shipment and reuse, other than direct application to land.

"Cab cards" means a license carried in a vehicle that authorizes that vehicle to legally pick up waste tires and haul to a permitted, licensed facility or an exempt facility for deposit.

"Captive insurance companies" means companies that are wholly owned subsidiaries controlled by the parent company and established to insure the parent company or its other subsidiaries.

"Channel migration zone" means the lateral extent of likely movement of a stream or river channel along a stream reach.

"Clean soils and clean dredge spoils" means soils and dredge spoils that do not contain contaminants at concentrations which could negatively impact the quality of air, waters of the state, soils, or sediments; or pose a threat to the health of humans or other living organisms.

"Closure" means those actions taken by the owner or operator of a solid waste handling facility to cease disposal

operations or other solid waste handling activities, to ensure that all such facilities are closed in conformance with applicable regulations at the time of such closures and to prepare the site for the post-closure period.

"Closure plan" means a written plan developed by an owner or operator of a facility detailing how a facility is to close at the end of its active life.

"Composted material" means organic solid waste that has undergone biological degradation and transformation under controlled conditions designed to promote aerobic decomposition at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

"Composting" means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.

"Conditionally exempt small quantity generator (CESQG)" means a dangerous waste generator whose dangerous wastes are not subject to regulation under chapter 70.105 RCW, Hazardous waste management, solely because the waste is generated or accumulated in quantities below the threshold for regulation and meets the conditions prescribed in WAC 173-303-070 (8)(b).

"Construction" means the continuous on-site physical act of constructing solid waste handling unit(s) or when the owner or operator of a facility has entered into contractual obligations for physical construction of the facility that cannot be canceled or modified without substantial financial loss.

"Container" means a portable device used for the collection, storage, and/or transportation of solid waste including, but not limited to, reusable containers, disposable containers, and detachable containers.

"Contaminant" means any chemical, physical, biological, or radiological substance that does not occur naturally in the environment or that occurs at concentrations greater than natural background levels.

"Contaminate" means the release of solid waste, leachate, or gases emitted by solid waste, such that contaminants enter the environment at concentrations that pose a threat to human health or the environment, or cause a violation of any applicable environmental regulation.

"Contaminated dredge spoils" means dredge spoils resulting from the dredging of surface waters where contaminants are present at concentrations not suitable for open water disposal, or which could negatively impact the quality of air, waters of the state, soils or sediments, or pose a threat to the health of humans or other living organisms.

"Contaminated soils" means soils that contain contaminants at concentrations which could negatively impact the quality of air, waters of the state, soils or sediments, or pose a threat to the health of humans or other living organisms.

"Corrosion expert" means a person certified by the National Association of Corrosion Engineers (NACE) or a registered professional engineer who has certification or

licensing that includes education and experience in corrosion control.

"Crop residues" means vegetative material leftover from the harvesting of crops, including leftover pieces or whole fruits or vegetables, crop leaves and stems. Crop residue does not include food processing waste.

"Dangerous wastes" means any solid waste designated as dangerous waste by the department under chapter 173-303 WAC, Dangerous waste regulations.

"Department" means the Washington state department of ecology.

"Detachable containers" means reusable containers that are mechanically loaded or handled, such as a dumpster or drop box.

"Disposable containers" means containers that are used once to handle solid waste, such as plastic bags, cardboard boxes and paper bags.

"Disposal" or **"deposition"** means the discharge, deposit, injection, dumping, leaking, or placing of any solid waste into or on any land or water.

"Disposal site" means the location where any final treatment, use, processing, or deposit of solid waste occurs.

"Domestic septage" means Class I, II or III domestic septage as defined in chapter 173-308 WAC, Biosolids management.

"Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of domestic wastewater together with such industrial waste as may be present.

"Drop box facility" means a facility used for the placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site.

"Energy recovery" means the recovery of energy in a useable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (above twelve hundred degrees Fahrenheit) processing.

"Existing facility" means a facility which is owned or leased, and in operation, or for which construction has begun, on or before the effective date of this chapter and the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances.

"Facility" means all contiguous land (including buffers and setbacks) and structures, other appurtenances, and improvements on the land used for solid waste handling.

"Facility structures" means constructed infrastructure such as buildings, sheds, utility lines, and piping on the facility.

"Final treatment" means the act of processing or preparing solid waste for disposal, use, or other approved method.

"Free liquids" means any solid waste which is deemed to contain free liquids as determined by the Paint Filter Liquids Test, Method 9095, in "Test Methods for Evaluating

Solid Waste, Physical/Chemical Methods," EPA Publication SW-846.

"Garbage" means unwanted animal and vegetable wastes and animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, swill and carcasses of dead animals, and of such a character and proportion as to be capable of attracting or providing food for vectors, except sewage and sewage sludge.

"Ground water" means that part of the subsurface water that is in the zone of saturation.

"Holocene fault" means a plane along which earthen material on one side has been displaced with respect to that on the other side and has occurred in the most recent epoch of the Quaternary period extending from the end of the Pleistocene to the present.

"Home composting" means composting of on-site generated wastes, and incidental materials beneficial to the composting process, by the owner or person in control of a single-family residence, or for a dwelling that houses two to five families, such as a duplex or clustered dwellings.

"Household hazardous wastes" means any waste which exhibits any of the properties of dangerous wastes that is exempt from regulation under chapter 70.105 RCW, Hazardous waste management, solely because the waste is generated by households. Household hazardous waste can also include other solid waste identified in the local hazardous waste management plan prepared pursuant to chapter 70.105 RCW, Hazardous waste management.

"Incineration" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

"Incompatible waste" means a waste that is unsuitable for mixing with another waste or material because the mixture might produce heat or pressure, fire or explosion, violent reaction, toxic dust, fumes, mists, or gases, or flammable fumes or gases.

"Industrial solid wastes" means waste by-products from manufacturing operations such as scraps, trimmings, packing, and other discarded materials that are not dangerous wastes.

"Industrial wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of industrial wastewater.

"Inert waste" means solid wastes that meet the criteria for inert waste in WAC 173-350-990.

"Inert waste landfill" means a landfill that receives only inert wastes.

"Intermediate solid waste handling facility" means any intermediate use or processing site engaged in solid waste handling which is not the final site of disposal. This includes transfer stations, drop boxes, baling and compaction sites.

"Intermodal facility" means any facility operated for the purpose of transporting closed containers of waste and the containers are not opened for further treatment, processing or consolidation of the waste.

"Jurisdictional health department" means city, county, city-county or district public health department.

"Land application site" means a contiguous area of land under the same ownership or operational control on which solid wastes are beneficially utilized for their agromonic or soil-amending capability.

"Land reclamation" means using solid waste to restore drastically disturbed lands including, but not limited to, construction sites and surface mines.

"Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land including facilities that use solid waste as a component of fill.

"Leachate" means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases.

"Limited moderate risk waste" means waste batteries, waste oil, and waste antifreeze generated from households.

"Limited moderate risk waste facility" means a facility that collects, stores, and consolidates only limited moderate risk waste.

"Limited purpose landfill" means a landfill which is not regulated or permitted by other state or federal environmental regulations that receives solid wastes limited by type or source. Limited purpose landfills include, but are not limited to, landfills that receive segregated industrial solid waste, construction, demolition and landclearing debris, wood waste, ash (other than special incinerator ash), and dredge spoils. Limited purpose landfills do not include inert waste landfills, municipal solid waste landfills regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills, landfills disposing of special incinerator ash regulated under chapter 173-306 WAC, Special incinerator ash management standards, landfills regulated under chapter 173-303 WAC, Dangerous waste regulations, or chemical waste landfills used for the disposal of polychlorinated biphenyls (PCBs) regulated under Title 40 CFR Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.

"Liquid" means a substance that flows readily and assumes the form of its container but retains its independent volume.

"Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete or asphalt, or unconsolidated earth materials, soil or regolith lying at or near the earth's surface.

"Local fire control agency" means a public or private agency or corporation providing fire protection such as a local fire department, the department of natural resources or the United States Forest Service.

"Lower explosive limits" means the lowest percentage by volume of a mixture of explosive gases that will propagate a flame in air at twenty-five degrees centigrade and atmospheric pressure.

"Materials recovery facility" means any facility that accepts source separated solid waste for the purpose of recycling and disposes of an incidental and accidental residual not

to exceed five percent of the total waste received, by weight per year, or ten percent by weight per load.

"Mobile systems and collection events" means activities conducted at a temporary location to collect moderate risk waste.

"Moderate risk waste (MRW)" means solid waste that is limited to conditionally exempt small quantity generator (CESQG) and household hazardous waste (HHW) as defined in this chapter.

"MRW facility" means a solid waste handling unit that is used to collect, treat, recycle, exchange, store, consolidate, and/or transfer moderate risk waste. This does not include mobile systems and collection events or limited MRW facilities that meet the applicable terms and conditions of WAC 173-350-360 (2) or (3).

"Municipal solid waste (MSW)" means a subset of solid waste which includes unsegregated garbage, refuse and similar solid waste material discarded from residential, commercial, institutional and industrial sources and community activities, including residue after recyclables have been separated. Solid waste that has been segregated by source and characteristic may qualify for management as a non-MSW solid waste, at a facility designed and operated to address the waste's characteristics and potential environmental impacts. The term MSW does not include:

- Dangerous wastes other than wastes excluded from the requirements of chapter 173-303 WAC, Dangerous waste regulations, in WAC 173-303-071 such as household hazardous wastes;

- Any solid waste, including contaminated soil and debris, resulting from response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601), chapter 70.105D RCW, Hazardous waste cleanup—Model Toxics Control Act, chapter 173-340 WAC, the Model Toxics Control Act cleanup regulation or a remedial action taken under those rules; nor

- Mixed or segregated recyclable material that has been source-separated from garbage, refuse and similar solid waste. The residual from source separated recyclables is MSW.

"Natural background" means the concentration of chemical, physical, biological, or radiological substances consistently present in the environment that has not been influenced by regional or localized human activities. Metals at concentrations naturally occurring in bedrock, sediments and soils due solely to the geologic processes that formed the materials are natural background. In addition, low concentrations of other persistent substances due solely to the global use or formation of these substances are natural background.

"New facility" means a facility that begins operation or construction after the effective date of this chapter.

"New solid waste handling unit" means a solid waste handling unit that begins operation or construction, and significant modifications to existing solid waste handling units, after the effective date of this chapter.

"Nuisance" means unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures, or endangers the comfort, repose, health or safety of

others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, any lake or navigable river, bay, stream, canal, or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

"One hundred year flood plain" means any land area that is subject to one percent or greater chance of flooding in any given year from any source.

"Open burning" means the burning of solid waste materials in an open fire or an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

"Overburden" means the earth, rock, soil, and topsoil that lie above mineral deposits.

"Permeability" means the ease with which a porous material allows liquid or gaseous fluids to flow through it. For water, this is usually expressed in units of centimeters per second and termed hydraulic conductivity.

"Permit" means an authorization issued by the jurisdictional health department which allows a person to perform solid waste activities at a specific location and which includes specific conditions for such facility operations.

"Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatever.

"Pile" means any noncontainerized accumulation of solid waste that is used for treatment or storage.

"Plan of operation" means the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life.

"Point of compliance" means a point established in the ground water by the jurisdictional health department as near a possible source of release as technically, hydrogeologically and geographically feasible.

"Post-closure" means the requirements placed upon disposal sites after closure to ensure their environmental safety for at least a twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production, or leachate generation).

"Post-closure plan" means a written plan developed by an owner or operator of a facility detailing how a facility is to meet the post-closure requirements for the facility.

"Premises" means a tract or parcel of land with or without habitable buildings.

"Private facility" means a privately owned facility that accepts or disposes of only its own generated solid waste.

"Processing" means an operation to convert a solid waste into a useful product or to prepare it for disposal.

"Public facility" means a publicly or privately owned facility that accepts solid waste generated by other persons;

"Putrescible waste" means solid waste which contains material capable of being readily decomposed by microorganisms and which is likely to produce offensive odors.

"Pyrolysis" means the process in which solid wastes are heated in an enclosed device in the absence of oxygen to vaporization, producing a hydrocarbon-rich gas capable of being burned for recovery of energy.

"Recyclable materials" means those solid wastes that are separated for recycling or reuse, including, but not limited to, papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan.

"Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

"Representative sample" means a sample that can be expected to exhibit the average properties of the sample source.

"Reserved" means a section having no requirements and which is set aside for future possible rule making as a note to the regulated community.

"Retail take-back center" means a retail outlet that accepts limited MRW of comparable types as the products offered for sale at that outlet.

"Reusable containers" means containers that are used more than once to handle solid waste, such as garbage cans.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of the facility.

"Run-on" means any rainwater or other liquid that drains over land onto any part of a facility.

"Scavenging" means the removal of materials at a disposal site, or intermediate solid waste-handling site, without the approval of the owner or operator and the jurisdictional health department.

"Seismic impact zone" means an area with a ten percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in two hundred fifty years.

"Setback" means that part of a facility that lies between the active area and the property boundary.

"Sewage sludge" means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated.

"Soil amendment" means any substance that is intended to improve the physical characteristics of soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW, Municipal sewage sludge—Biosolids and wastewater, as regulated in chapter 90.48 RCW, Water pollution control.

"Soil water" means the aqueous liquid phase of the soil and its solutes.

"Solid waste" or **"wastes"** means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, aban-

done vehicles or parts thereof, contaminated soils and contaminated dredge spoils, and recyclable materials.

"Solid waste handling" means the management, storage, collection, transportation, treatment, use, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

"Solid waste handling unit" means discrete areas of land, sealed surfaces, liner systems, excavations, facility structures, or other appurtenances within a facility used for solid waste handling.

"Solid waste management" means the systematic administration of activities, which provide for the collection, separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste.

"Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

"Storage" means the holding of solid waste materials for a temporary period.

"Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

"Surface water" means all lakes, rivers, ponds, streams, inland waters, salt waters and all other water and water courses within the jurisdiction of the state of Washington.

"Tank" means a stationary device designed to contain an accumulation of liquid or semisolid materials meeting the definition of solid waste or leachate, and which is constructed primarily of nonearthen materials to provide structural support.

"Tire derived materials" means tires that have been shredded, baled or otherwise processed from waste tires.

"Transfer station" means a permanent, fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility. Transfer stations do not include recycling facilities that are defined as materials recovery facilities.

"Treatment" means the physical, chemical, or biological processing of solid waste to make such solid wastes safer for storage or disposal, amenable for recycling or energy recovery, or reduced in volume.

"Twenty-five-year storm" means a storm of twenty-four hours duration and of such intensity that it has a four percent probability of being equaled or exceeded each year.

"Type 1 feedstocks" means source-separated yard and garden wastes, wood wastes, agricultural crop residues, wax-coated cardboard, preconsumer meat-free food wastes, other similar source-separated materials that the jurisdictional

health department determines to have a comparable low level of risk in hazardous substances, human pathogens, and physical contaminants.

"Type 2 feedstocks" means manure and bedding from herbivorous animals that the jurisdictional health department determines to have a comparable low level of risk in hazardous substances and physical contaminants.

"Type 3 feedstocks" means meat and postconsumer source-separated food wastes or other similar source-separated materials that the jurisdictional health department determines to have a comparable low level of risk in hazardous substances and physical contaminants, but are likely to have high levels of human pathogens.

"Type 4 feedstocks" means mixed municipal solid wastes, postcollection separated or processed solid wastes, industrial solid wastes, industrial biological treatment sludges, or other similar compostable materials that the jurisdictional health department determines to have a comparable high level of risk in hazardous substances, human pathogens and physical contaminants.

"Universal wastes" means universal wastes as defined in chapter 173-303 WAC, Dangerous waste regulations. Universal wastes include, but may not be limited to, dangerous waste batteries, mercury-containing thermostats, and universal waste lamps generated by fully regulated dangerous waste generators or CESQGs.

"Unstable area" means a location that is susceptible to forces capable of impairing the integrity of the facility's liners, monitoring system or structural components. Unstable areas can include poor foundation conditions and areas susceptible to mass movements.

"Use" means consuming, expending, or exhausting by use, solid waste materials.

"Vadose zone" means that portion of a geologic formation in which soil pores contain some water, the pressure of that water is less than atmospheric pressure, and the formation occurs above the zone of saturation.

"Vector" means a living animal, including, but not limited to, insects, rodents, and birds, which is capable of transmitting an infectious disease from one organism to another.

"Vermicomposting" means the controlled and managed process by which live worms convert organic residues into dark, fertile, granular excrement.

"Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

"Waste tires" means any tires that are no longer suitable for their original intended purpose because of wear, damage or defect. Used tires, which were originally intended for use on public highways that are considered unsafe in accordance with RCW 46.37.425, are waste tires. Waste tires also include quantities of used tires that may be suitable for their original intended purpose when mixed with tires considered unsafe per RCW 46.37.425.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in

saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

"Wood derived fuel" means wood pieces or particles used as a fuel for energy recovery, which contain paint, bonding agents, or creosote. Wood derived fuel does not include wood pieces or particles coated with paint that contains lead or mercury, or wood treated with other chemical preservatives such as pentachlorophenol, copper naphthanate, or copper-chrome-arsenate.

"Wood waste" means solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, construction, demolition, handling and storage of raw materials, trees and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, hogged fuel, and log sort yard waste, but does not include wood pieces or particles containing paint, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

"Yard debris" means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping or similar activities. Yard debris includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

"Zone of saturation" means that part of a geologic formation in which soil pores are filled with water and the pressure of that water is equal to or greater than atmospheric pressure.

NEW SECTION

WAC 173-350-200 Beneficial use permit exemptions.

(1) *Beneficial use permit exemption - Applicability.* Any person may apply to the department for exemption from the permitting requirements of this chapter for beneficial use of solid waste. Applications for permit exemptions shall be prepared and submitted in accordance with the requirements of subsections (3) and (4) of this section. Upon the department's approval of an application for permit exemption, all approved beneficial use of solid waste shall be conducted in accordance with the terms and conditions for approval, as well as those general terms and conditions prescribed in subsection (2) of this section.

(2) *Beneficial use permit exemption - General terms and conditions.*

(a) The following general terms and conditions apply to all permit exempt beneficial uses of solid waste. All persons beneficially using solid waste approved for permit exemption in accordance with this section shall:

(i) Conduct the beneficial use in a manner that does not present a threat to human health or the environment;

(ii) Ensure that the material is not a dangerous waste regulated under chapter 173-303 WAC, Dangerous waste regulations;

(iii) Not dilute a waste, or the residual from treatment of a waste, as a substitute for treatment or disposal;

(iv) Comply with all applicable federal, state, and local rules, regulations, requirements and codes, and local land use requirements;

(v) Immediately notify the department and the jurisdictional health department of any accidental release(s) of contaminants to the environment;

(vi) Separate wastes intended for beneficial use from wastes that are destined for disposal, prior to entering the location where the beneficial use will occur;

(vii) Manage the waste in a manner that controls vector attraction;

(viii) Ensure that solid waste being stored prior to being beneficially used is managed in accordance with the requirements of all applicable sections of this chapter;

(ix) Allow the department or the jurisdictional health department, at any reasonable time, to inspect the location where a permit exempt solid waste is used to ensure compliance with applicable terms and conditions of this section; and

(x) Prepare and submit a copy of an annual report to the department by April 1st on forms supplied by the department. The annual report shall detail the activities of the exemption holder during the previous calendar year and shall include the following information:

(A) The permit exemption number applicable to the beneficial use activity;

(B) The name, address, and telephone number of the exemption holder;

(C) The amount of solid waste beneficially used;

(D) A certification that the nature of the waste and the operating practices have been in compliance with the terms and conditions of this section and the beneficial use permit exemption during the calendar year; and

(E) Any additional information that may be specified by the department under the beneficial use permit exemption.

(b) In addition to the general terms and conditions established in (a) of this subsection, solid wastes applied to the land for agronomic value or soil amending capability under a beneficial use permit exemption shall:

(i) Demonstrate that the waste meets the quality standards required by the Washington state department of agriculture (WSDA) for registered commercial fertilizers by following the procedures of WAC 16-200-7062 through 16-200-7064, Feeds, fertilizers, and livestock remedies;

(ii) Be applied at an application rate and in a manner that ensures protection of ground water and surface water. At a minimum, the application rate shall take into account the concentration of available nutrients and micronutrients in the soil amendment, other solid waste applied to the land, residual nutrients at the application site(s), additional sources of nutrients, pollutant loading rates, soil and waste pH, soil type, crop type and vertical separation from ground water; and

(iii) Not be stored at an application site during periods when precipitation or wind will cause migration from the storage area, unless the site is specifically designed to accommodate storage during these periods. The quantity stored at an application site shall not exceed the maximum needed to meet the annual needs of the site based on the approved application rate. When a soil amendment is stored at an application site it shall not contain free liquids unless the requirements of WAC 173-350-330 are met.

(c) The department may require a person operating under any exemption issued under this section to meet additional or more stringent requirements for protection of human health

and the environment, or to ensure compliance with other applicable regulations:

(i) At the time the department approves an application for a beneficial use permit exemption; or

(ii) When new information becomes available that warrants additional protections, but in the opinion of the department does not necessitate revocation of the beneficial use permit exemption.

(d) The department shall notify in writing the exempted party and all jurisdictional health departments of any additional or more stringent requirements.

(3) *Beneficial use permit exemption - Initial application procedure.* Any person(s) interested in obtaining a statewide exemption from solid waste permitting requirements for the beneficial use of a solid waste may apply to the department on a form supplied by the department. All application submittals must be on paper no larger than 11 inch x 17 inch. The application shall at a minimum contain the following:

(a) The name(s), address(es) and phone number(s) of the waste generator(s);

(b) The name(s), address(es) and phone number(s) of the applicant. If the applicant is a broker or other third party the uniform business identifier number shall also be included;

(c) A list of all product(s) made by the waste generator(s);

(d) A list of all feedstocks used to manufacture the product(s);

(e) A description of the solid waste and the proposed beneficial use;

(f) A description of how the waste will be transported or distributed for the proposed beneficial use;

(g) A description of other materials that contribute or potentially contribute contaminants/pollutants to the waste to be beneficially used;

(h) A schematic and text summary of the waste generator(s) operations, including all points where wastes are generated, treated or stored;

(i) A description of how terms and conditions of subsection (2)(a) of this section will be met;

(j) A State Environmental Policy Act checklist;

(k) If the beneficial use is proposed as a soil amendment, or for other solid wastes beneficially applied to the land, a description of how the terms and conditions of subsection (2)(b) of this section will be met; and

(l) Any additional information deemed necessary by the department.

(4) *Beneficial use permit exemption - Secondary application procedure.* Beneficial use permit exemptions, approved by the department in accordance with the procedures of subsection (5) of this section, are granted solely to the original applicant(s). Any person, other than the original applicant(s), interested in beneficially using solid waste pursuant to the terms and conditions of an existing permit exemption shall apply to the department by following the procedures described in subsection (3) of this section.

(5) *Beneficial use permit exemption - Determination, revocation, and appeals.*

(a) The department shall review every application for completeness. Once an application is determined to be complete, the department shall:

(i) Notify the applicant that the application has been determined to be complete.

(ii) Forward a copy of the complete application and supporting documentation to all jurisdictional health departments for review and comment. Within forty-five calendar days, the jurisdictional health departments shall forward their comments and any other information that they deem relevant to the department.

(iii) The department shall develop and maintain a register of all complete applications it receives for beneficial use exemptions. The register shall include information regarding the proposed beneficial use and process for submitting comments. The department shall maintain a list of interested parties and forward the register to those parties. The department may provide the register and application information in an electronic form upon request by an interested party.

(b) Once a determination is made by the department that an application is complete and the public review process has begun, any changes to the application or submittal of additional information by the applicant shall result in a withdrawal of the completeness determination by the department and termination of the public review process. The department shall resume review of the amended application in accordance with the procedures of (a) of this subsection.

(c) After completion of the comment period, the department shall review comments, technical information from agency and other publications, standards published in regulations, and other information deemed relevant by the department to render a decision.

(d) Every complete application shall be approved or disapproved by the department in writing within ninety days after receipt. Exemptions shall be granted by the department only to those beneficial uses of solid waste that the department determines to present little or no risk to human health or the environment.

(e) Upon approval of the application by the department, the beneficial use of the solid waste by the original applicant is exempt from solid waste handling permitting for use anywhere in the state consistent with the terms and conditions of the approval.

(f) The department may require a person operating under any exemption covered by this section to apply to the jurisdictional health department for a solid waste handling permit under the applicable section of this chapter if:

(i) The exemption holder fails to comply with the terms and conditions of this section and the approval; or

(ii) The department determines that the exemption was obtained by misrepresenting or omitting any information that potentially could have affected the issuance or terms and conditions of an exemption.

(g) The department shall provide written notification to the exempted party and all jurisdictional health departments of any requirement to apply for a permit under this chapter. A person that is required by the department to apply for permit coverage shall immediately cease beneficial use activities until all necessary solid waste handling permits are issued.

(h) The terms and conditions of subsection (2)(a)(viii) of this section shall remain in effect until the solid waste handling permit process has been completed.

(i) Any person that violates the terms and conditions of a beneficial use permit exemption issued under this section may be subject to the civil penalty provisions of RCW 70.95.315.

(j) Appeals of the department's decision to issue or deny or revoke a beneficial use permit exemption shall be made to the pollution control hearings board by filing with the hearings board a notice of appeal within thirty days of the decision of the department. The board's review of the decision shall be made in accordance with chapter 43.21B RCW, Environmental hearing office—Pollution control hearings board, and any subsequent appeal of a decision of the board shall be made in accordance with RCW 43.21B.180.

Persons that may appeal are:

(i) For waste derived soil amendments any aggrieved party may appeal.

(ii) For all other beneficial uses of solid waste any jurisdictional health department or the applicant may appeal.

(6) *Beneficial use permit exemption - Solid waste exempt from permitting by rule.* Reserved.

Note: RCW 70.95.300 contains provisions that allow the department to exempt from permitting certain beneficial uses of solid waste by rule. The statute also requires the department to develop an application and approval process by which a person could apply for a beneficial use permit exemption. At this time the department has chosen to limit rule making to development of the required application and approval process, and hold a section in reserve for future development of a list of approved beneficial uses.

NEW SECTION

WAC 173-350-210 Material recovery and recycling facilities. (1) *Materials recovery and recycling facilities - Applicability.* These standards apply to material recovery facilities and facilities engaged in recycling solid waste. These standards do not apply to:

(a) Storage, treatment or recycling of solid waste in piles which are subject to WAC 173-350-320;

(b) Storage or recycling of solid waste in surface impoundments which are subject to WAC 173-350-330;

(c) Composting facilities subject to WAC 173-350-220;

(d) Solid waste that is beneficially used on the land that is subject to WAC 173-350-230;

(e) Storage of waste tires prior to recycling which is subject to WAC 173-350-350;

(f) Storage of moderate risk waste prior to recycling which is subject to WAC 173-350-360;

(g) Energy recovery or incineration of solid waste which is subject to WAC 173-350-240.

(2) *Materials recovery and recycling facilities - Permit exemption and notification.*

(a) In accordance with RCW 70.95.305, material recovery and recycling facilities are subject solely to the requirements of (b) of this subsection and are exempt from solid waste handling permitting. An owner or operator that does not comply with the terms and conditions of (b) of this subsection is required to obtain a permit from the jurisdictional

health department as an intermediate solid waste handling facility and shall comply with the requirements of WAC 173-350-310. In addition, violations of the terms and conditions of (b) of this subsection may be subject to the penalty provisions of RCW 70.95.315.

(b) Material recovery and recycling facilities shall be managed according to the following terms and conditions to maintain their exempt status:

(i) Meet the performance standards of WAC 173-350-040;

(ii) Accept source separated solid waste for the purpose of recycling and dispose of an incidental and accidental residual not to exceed five percent of the total waste received, by weight per year, or ten percent by weight per load;

(iii) Allow inspections by the department or jurisdictional health department at reasonable times;

(iv) Notify the department and jurisdictional health department, thirty days prior to operation for new facilities, and ninety days from the effective date of the rule for existing facilities, of the intent to operate a material recovery and recycling facility in accordance with this section. Notification shall be in writing, and shall include:

(A) Contact information for facility owner or operator;

(B) A general description of the facility;

(C) A description of the types of solid waste managed at the facility; and

(D) An explanation of the recycling processes and methods;

(v) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report shall detail facility activities during the previous calendar year and shall include the following information:

(A) Name and address of the facility;

(B) Calendar year covered by the report;

(C) Annual quantities and types of waste received, recycled and disposed, in tons, for purposes of determining progress towards achieving the goals of waste reduction, waste recycling, and treatment in accordance with RCW 70.95.010(4). Such facilities may request confidentiality for their reports in accordance with chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records, and RCW 43.21A.160; and

(D) Any additional information required by written notification of the department.

NEW SECTION

WAC 173-350-220 Composting facilities. (1) *Composting facilities - Applicability.*

(a) This section is applicable to all facilities or sites that treat solid waste by composting. This section is not applicable to:

(i) Composting used as a treatment for dangerous wastes regulated under chapter 173-303 WAC. Dangerous waste regulation;

(ii) Composting used as a treatment for petroleum contaminated soils regulated under WAC 173-350-320;

(iii) Treatment of liquid sewage sludge or biosolids in digesters at wastewater treatment facilities regulated under

chapter 90.48 RCW, Water pollution control and chapter 70.95J RCW, Municipal sewage sludge—Biosolids;

(iv) Treatment of other liquid solid wastes in digesters regulated under WAC 173-350-330; and

(v) Composting biosolids when permitted under chapter 173-308 WAC, Biosolids management.

(b) In accordance with RCW 70.95.305, the operation of the following activities in this subsection are subject solely to the requirements of (c) of this subsection and are exempt from solid waste handling permitting. An owner or operator that does not comply with the terms and conditions of (c) of this subsection is required to obtain a permit from the jurisdictional health department and shall comply with all other applicable requirements of this chapter. In addition, violations of the terms and conditions of (c) of this subsection may be subject to the penalty provisions of RCW 70.95.315.

(i) On-site production of substrate used to grow mushrooms;

(ii) Vermicomposting, when used to process Type 1, Type 2, or Type 3 feedstocks generated on-site;

(iii) Composting of Type 1 or Type 2 feedstocks with a volume limit of forty cubic yards of material on-site at any time. Material on-site includes feedstocks, partially composted feedstocks, and finished compost;

(iv) Composting of food waste generated on-site and composted in containers designed to prohibit vector attraction and prevent odor generation. Total volume of the containers shall be limited to ten cubic yards or less;

(v) Agricultural composting when all the agricultural wastes are generated on-site and all finished compost is used on-site;

(vi) Agricultural composting when any agricultural wastes are generated off-site, and all finished compost is used on-site, and total volume of material is limited to one thousand cubic yards on-site at any time. Material on-site includes feedstocks, partially composted feedstocks, and finished compost; and

(vii) Agricultural composting at registered dairies when the composting is a treatment option under the Natural Resources Conservation Service waste management system. The composting operation shall be a component of a fully certified dairy nutrient management plan as required by chapter 90.64 RCW, Dairy Nutrient Management Act.

(viii) Composting of Type 1 or Type 2 feedstocks when more than forty cubic yards and less than two hundred fifty cubic yards of material is on-site at any one time.

(ix) Agricultural composting, when any of the finished compost is distributed off-site and when it meets the following requirements:

(A) More than forty cubic yards, but less than one thousand cubic yards of agricultural waste is on-site at any time; and

(B) Agricultural composting is managed according to a farm management plan written in conjunction with a conservation district, a qualified engineer, or other agricultural professional able to certify that the plan meets applicable Natural Resource Conservation Service standards.

(x) Vermicomposting when used to process Type 1 or Type 2 feedstocks generated off-site. Total volume of mate-

rials is limited to one thousand cubic yards on-site at any one time.

(c) Composting operations identified in subsection (b) shall be managed according to the following terms and conditions to maintain their exempt status:

(i) Comply with the performance standards of WAC 173-350-040;

(ii) Protect surface water and ground water through the use of best management practices and all known available and reasonable methods of prevention, control, and treatment as appropriate. This includes, but is not limited to, setbacks from wells, surface waters, property lines, roads, public access areas, and site-specific setbacks when appropriate;

(iii) Control nuisance odors to prevent migration beyond property boundaries;

(iv) Manage the operation to prevent attraction of flies, rodents, and other vectors;

(v) Provide an annual analysis, prepared in accordance with the requirements of subsection (4)(a)(viii) of this section, for composted material that is distributed off-site from categorically exempt facilities described in subsection (1)(b)(vii) through (ix) of this section.

(vi) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st for categorically exempt facilities described in subsection (1)(b)(vii) through (ix) of this section. The annual report shall be on forms supplied by the department and shall detail facility activities during the previous calendar year and shall include the following information:

(A) Name and address of the facility;

(B) Calendar year covered by the report;

(C) Annual quantity and type of feedstocks received, in tons;

(D) Annual quantity of composted material sold or distributed, in tons; and

(E) Any additional information required by written notification of the department.

(vii) Allow the department or the jurisdictional health department to inspect the site at reasonable times;

(viii) For activities under (b)(viii) through (x) of this subsection, and registered dairies where compost is distributed off-site, the department and jurisdictional health department shall be notified in writing thirty days prior to beginning any composting activity. Notification shall include name of responsible person, location of composting operation and identification of feedstocks.

(2) *Composting facilities - Location standards.* There are no specific location standards for composting facilities subject to this chapter; however, composting facilities must meet the requirements provided under WAC 173-350-040(5).

(3) *Composting facilities - Design standards.* The owner or operator of a composting facility shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the design standards of this subsection. Scale drawings of the facility including the location and size of feedstock and finished product storage areas, compost processing areas, fixed equipment, buildings, leachate collection devices, access roads and other appurtenant facilities; and design specifications for compost pads,

storm water run-on prevention system, and leachate collection and conveyance systems shall be provided. All composting facilities shall be designed and constructed to meet the following requirements:

(a) When necessary to provide public access, all-weather roads shall be provided from the public highway or roads to and within the compost facility and shall be designed and maintained to prevent traffic congestion, traffic hazards, dust and noise pollution;

(b) Composting facilities shall separate storm water from leachate by designing storm water run-on prevention systems, which may include covered areas (roofs), diversion swales, ditches or other designs to divert storm water from areas of feedstock preparation, active composting and curing;

(c) Composting facilities shall collect any leachate generated from areas of feedstock preparation, active composting and curing. The leachate shall be conveyed to a leachate holding pond, tank or other containment structure. The leachate holding structure shall be of adequate capacity to collect the amount of leachate generated, and the volume calculations shall be based on the facility design, monthly water balance, and precipitation data. Leachate holding ponds and tanks shall be designed according to the following:

(i) For leachate ponds at registered dairies, the design and installation shall meet Natural Resources Conservation Service standards in place at the time of construction of the pond.

(ii) For leachate ponds at composting facilities other than registered dairies, the pond shall be designed to meet the following requirements:

(A) Have a liner consisting of a minimum 30-mil thickness geomembrane overlying a structurally stable foundation to support the liners and the contents of the impoundment. High density polyethylene geomembranes used as primary liners or leak detection liners shall be at least 60-mil thick to allow for proper welding. The jurisdictional health department may approve the use of alternative designs if the owner or operator can demonstrate during the permitting process that the proposed design will prevent migration of solid waste constituents or leachate into the ground or surface waters at least as effectively as the liners described in this subsection;

(B) Have dikes and slopes designed to maintain their structural integrity under conditions of a leaking liner and capable of withstanding erosion from wave action, overflowing, or precipitation;

(C) Have freeboard equal to or greater than eighteen inches to avoid overtopping from wave action, overflowing, or precipitation. The jurisdictional health department may reduce the freeboard requirement provided that other engineering controls are in place which prevent overtopping. These engineering controls shall be specified during the permitting process;

(D) Leachate ponds that have the potential to impound more than ten-acre feet (three million two hundred fifty-nine thousand gallons) of liquid measured from the top of the dike and which would be released by a failure of the containment dike shall be reviewed and approved by the dam safety section of the department.

(iii) Tanks used to store leachate shall meet design standards in WAC 173-350-330 (3)(b).

(d) Composting facilities shall be designed with process parameters and management procedures that promote an aerobic composting process. This requirement is not intended to mandate forced aeration or any other specific composting technology. This requirement is meant to ensure that compost facility designers take into account porosity, nutrient balance, pile oxygen, pile moisture, pile temperature, and retention time of composting when designing a facility.

(e) Incoming feedstocks, active composting, and curing materials shall be placed on compost pads that meet the following requirements:

(i) All compost pads shall be curbed or graded in a manner to prevent ponding, run-on and runoff, and direct all leachate to collection devices. Design calculations shall be based upon the volume of water resulting from a twenty-five-year storm event as defined in WAC 173-350-100;

(ii) All compost pads shall be constructed over soils that are competent to support the weight of the pad and the proposed composting materials;

(iii) The entire surface area of the compost pad shall maintain its integrity under any machinery used for composting activities at the facility; and

(iv) The compost pad shall be constructed of materials such as concrete (with sealed joints), asphaltic concrete, or soil cement to prevent subsurface soil and ground water contamination;

(v) The jurisdictional health department may approve other materials for compost pad construction if the permit applicant is able to demonstrate that the compost pad will meet the requirements of this subsection.

(4) *Composting facilities - Operating standards.* The owner or operator of a composting facility shall:

(a) Operate the facility to:

(i) Control dust, nuisance odors, and other contaminants to prevent migration of air contaminants beyond property boundaries;

(ii) Prevent the attraction of vectors;

(iii) Ensure that only feedstocks identified in the approved plan of operation are accepted at the facility;

(iv) Ensure the facility operates under the supervision and control of a properly trained individual during all hours of operation, and access to the facility is restricted when the facility is closed;

(v) Ensure facility employees are trained in appropriate facility operations, maintenance procedures, and safety and emergency procedures according to individual job duties and according to an approved plan of operation;

(vi) Implement and document pathogen reduction activities when Type 2, 3 or 4 feedstocks are composted. Documentation shall include compost pile temperature and notation of turning as appropriate, based on the composting method used. Pathogen reduction activities shall at a minimum include the following:

(A) In vessel composting - the temperature of the active compost pile shall be maintained at fifty-five degrees Celsius (one hundred thirty-one degrees Fahrenheit) or higher for three days; or

(B) Aerated static pile - the temperature of the active compost pile shall be maintained at fifty-five degrees Celsius

PROPOSED

(one hundred thirty-one degrees Fahrenheit) or higher for three days; or

(C) Windrow composting - the temperature of the active compost pile shall be maintained at fifty-five degrees Celsius (one hundred thirty-one degrees Fahrenheit) or higher for fifteen days or longer. During the period when the compost is maintained at fifty-five degrees Celsius (one hundred thirty-one degrees Fahrenheit) or higher, there shall be a minimum of five turnings of the windrow; or

(D) An alternative method that can be demonstrated by the owner or operator to achieve an equivalent reduction of human pathogens;

(vii) Monitor the composting process according to the plan of operation submitted during the permitting process. Monitoring shall include inspection of incoming loads of feedstocks and pathogen reduction requirements of (a)(vi) of this subsection; and

(viii) Analyze composted material for:

(A) Metals in Table A at the minimum frequency listed in Table C. Compost facilities composting only Type 1 and Type 2 feedstocks are not required to test for molybdenum and selenium. Testing frequency is based on the feedstock type and the volume of feedstocks processed per year;

(B) Parameters in Table B at the minimum frequency listed in Table C. Testing frequency is based on the feedstock type and the volume of feedstocks processed per year;

(C) Nitrogen content; and

(D) Biological stability as outlined in United States Department of Agriculture's Test Methods for the Examination of Composting and Compost;

(E) The jurisdictional health department may require testing of additional metal or contaminants, and/or modify the frequency of testing based on historical data for a particular facility, to appropriately evaluate the composted material.

Table A - Metals

Metal	Limit (mg/kg dry weight)
Arsenic	< = 20 ppm
Cadmium	< = 10 ppm
Copper	< = 750 ppm
Lead	< = 150 ppm
Mercury	< = 8 ppm
Molybdenum ¹	< = 9 ppm
Nickel	< = 210 ppm
Selenium ¹	< = 18 ppm
Zinc	< = 1400 ppm

¹Not required for composted material made from Type 1, Type 2 or a mixture of Type 1 and Type 2 feedstocks.

Table B - Other Testing Parameters

Parameter	Limit
Manufactured Inerts	< 1 percent
Sharps	0
pH	5 - 10 (range)

Parameter	Limit
Fecal Coliform ²	< 1,000 Most Probable Number per gram of total solids (dry weight).
Salmonella ²	< 3 Most Probable Number per 4 grams of total solids (dry weight).

²Subsection (4)(b)(ii) of this section requires testing for either fecal coliform or salmonella, not both.

Table C - Frequency of Testing Based on Feedstocks Received

Feedstock Type	< 5,000 cubic yards	= or > 5,000 cubic yards
Type 1 or Type 2	Once per year	Every 10,000 cubic yards or every six months whichever is more frequent
Type 3	Once per quarter (four times per year)	Every 5,000 cubic yards or every other month whichever is more frequent
Type 4	Every 1,000 cubic yards	Every 1,000 cubic yards or once per month whichever is more frequent

(b) Inspect the facility to prevent malfunctions and deterioration, operator errors and discharges, which may cause or lead to the release of waste to the environment or a threat to human health. Inspections shall be conducted at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. For compost facilities with leachate holding ponds, conduct regular liner inspections at least once every five years, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. The frequency of inspections shall be specified in the operations plan and shall be based on the type of liner, expected service life of the material, and the site-specific service conditions. The jurisdictional health department shall be given sufficient notice and have the opportunity to be present during liner inspections. An inspection log or summary shall be kept at the facility or other convenient location if permanent office facilities are not on-site, for at least five years from the date of inspection. Inspection records shall be available to the jurisdictional health department upon request.

(c) Maintain daily operating records of the following:

(i) Temperatures and compost pile turnings for Type 2, Type 3 and Type 4 feedstocks;

(ii) Additional process monitoring data as prescribed in the plan of operation; and

(iii) Results of laboratory analyses for composted materials as required in (a)(viii) of this subsection. Facility

inspection reports shall be maintained in the operating record. Significant deviations from the plan of operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available upon request by the jurisdictional health department.

(d) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall detail the facility's activities during the previous calendar year and shall include the following information:

- (i) Name and address of the facility;
- (ii) Calendar year covered by the report;
- (iii) Annual quantity and type of feedstocks received, in tons;

(iv) Annual quantity of composted material sold or distributed, in tons;

(v) Annual summary of laboratory analyses of composted material; and

(vi) Any additional information required by the jurisdictional health department as a condition of the permit.

(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan of operation shall convey to site personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval of the jurisdictional health department. Each plan of operation shall include the following:

- (i) List of feedstocks to be composted, including a general description of the source of feedstocks;
- (ii) A description of how wastes are to be handled on-site during the facility's active life including:
 - (A) Acceptance criteria that will be applied to the feedstocks;

(B) Procedures for ensuring that only the waste described will be accepted;

(C) Procedures for handling unacceptable wastes;

(D) Mass balance calculations for feedstocks and amendments to determine an acceptable mix of materials for efficient decomposition;

(E) Material flow plan describing general procedures to manage all materials on-site from incoming feedstock to finished product;

(F) A description of equipment, including equipment to add water to compost as necessary;

(G) Process monitoring plan, including temperature, moisture, and porosity;

(H) Pathogen reduction plan for facilities that accept Type 2, Type 3, and Type 4 feedstocks;

(I) Sampling and analysis plan for the final product;

(J) Odor management plan (air quality control plan);

(K) Leachate management plan, including monthly water balance; and

(L) Storm water management plan;

(iii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspections and inspection logs;

(iv) A neighbor relations plan describing how the owner or operator will manage complaints;

(v) Safety, fire and emergency plans;

(vi) Forms for recordkeeping of daily weights or volumes of incoming feedstocks by type and finished compost product, and process monitoring results; and

(xvii) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(5) *Composting facilities - Ground water monitoring requirements.* There are no specific ground water monitoring requirements for composting facilities subject to this chapter; however, composting facilities must meet the requirements provided under WAC 173-350-040(5).

(6) *Composting facilities - Closure requirements.* The owner or operator of a composting facility shall:

(a) Notify the jurisdictional health department sixty days in advance of closure. At closure, all raw or partially composted feedstocks from the facility shall be removed to another facility that meets the requirements of chapter 70.95 RCW, Solid waste management—Reduction and recycling, to manage that type of waste. The site shall be decontaminated.

(b) Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan shall include:

(i) Methods of removing raw or partially composted feedstocks; and

(ii) Steps taken for decontamination.

(7) *Composting facilities - Financial assurance requirements.* There are no specific financial assurance requirements for composting facilities subject to this chapter; however, composting facilities must meet the requirements provided under WAC 173-350-040(5).

(8) *Composting facilities - Permit application contents.* The owner or operator of a composting facility shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

(a) Engineering reports/plans and specifications that address the design standards of subsection (3) of this section;

(b) A plan of operation meeting the requirements of subsection (4) of this section; and

(c) A closure plan meeting the requirements of subsection (6) of this section.

(9) *Composting facilities - Construction records.* The owner or operator of a composting facility shall provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. Facilities shall not commence operation until the jurisdictional health department has approved the construction documentation in writing.

(10) *Composting facilities - Designation of composted materials.* Composted materials meeting the limits for metals in Table A and the parameters of Table B of this section, and having a stability rating of very stable or stable, shall no longer be considered a solid waste and shall no longer be sub-

ject to this chapter. Composted materials that do not meet these limits are still considered solid waste and are subject to management under chapter 70.95 RCW, Solid waste management—Reduction and recycling.

NEW SECTION

WAC 173-350-230 Land application. (1) *Land application - Applicability.* This section applies to solid waste that is beneficially used on the land for its agronomic value, or soil-amending capability, including land reclamation. This section does not apply to:

(a) The application of commercial fertilizers registered with the Washington state department of agriculture as provided in RCW 15.54.325, and which are applied in accordance with the standards established in RCW 15.54.800(3);

(b) Biosolids regulated under chapter 173-308 WAC, Biosolids management;

(c) Composted materials no longer considered solid waste under WAC 173-350-220(10);

(d) Dangerous waste regulated under chapter 173-303 WAC Dangerous waste regulations;

(e) Waste derived soil amendments exempted from permitting under WAC 173-350-200; and

(f) Materials used to improve the engineering characteristics of soil.

(2) *Land application - Location standards.* There are no specific location standards for land application of solid waste subject to this chapter; however, land application sites must meet the requirements except as provided under WAC 173-350-040(5).

(3) *Land application - Design standards.* There are no specific design standards for land application of solid waste subject to this chapter; however, land application sites must meet the requirements provided under WAC 173-350-040(5).

(4) *Land application - Operating standards.* The owner or operator of a land application site shall operate the site in a manner to prevent risks to human health and the environment and to comply with the performance standards of WAC 173-350-040. The jurisdictional health department shall determine the need for environmental monitoring to ensure compliance with the performance standards. In addition the owner or operator shall:

(a) Operate the site to ensure that:

(i) For waste stored in piles on the site:

(A) Contamination of ground water, surface water, air and land during storage and in case of fire or flood is prevented;

(B) The potential for combustion within the pile and the potential for combustion from other sources is minimized;

(C) The duration of on-site waste storage is limited to one year, or less if the jurisdictional health department believes it is necessary to prevent the contamination of ground water, surface water, air and land; and

(D) The amount of material on site does not exceed the amount that could potentially be applied to the site during a one-year period in accordance with the plan of operations;

(ii) For storage of liquid waste or semisolid waste in surface impoundments or tanks, the requirements of WAC 173-350-330 are met;

(iii) Land application occurs at a predictable application rate determined as follows:

(A) For agricultural applications, solid waste shall be applied to the land at a rate that does not exceed the agronomic rate. The agronomic rate should be based on Washington State University cooperative extension service fertilizer guidelines or other appropriate guidance accepted by the jurisdictional health department;

(B) For the purposes of land reclamation or other soil amending activities, the application rate may be designed to achieve a soil organic matter content or other soil physical characteristic and promote long-term soil productivity, with consideration of the carbon-to-nitrogen ratio to control nutrient leaching; and

(C) For liquid wastes, the application rate shall also be based on soil permeability and infiltration rate.

(b) Maintain operating records of the amount and type of waste applied to the land, the crop and any additional nutrient inputs. Significant deviations from the plan of operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available upon request by the jurisdictional health department;

(c) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall detail the activities during the previous calendar year and shall include the following information:

(i) Site address or legal description;

(ii) Calendar year covered by the report;

(iii) Annual quantity and type of waste received from each source, in tons;

(iv) For each crop grown: The acreage used, the amount, type and source of each waste applied, the crop, and any additional nutrient inputs to the land, such as manure, biosolids, or commercial fertilizer;

(v) Quantity and type of any waste remaining in storage as of December 31st of the reporting year, in tons;

(vi) Any additional waste characterization information required to be obtained as a condition of the permit, and a summary report of that data;

(vii) Any environmental monitoring data required to be obtained as a condition of the permit, and a summary report of that data; and

(viii) Any additional information required by the jurisdictional health department as a condition of the permit;

(d) Develop, keep, and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval of the jurisdictional health department. Each plan of operation shall include the following:

(i) A description of the types of solid wastes to be handled at the site;

(ii) A description of how wastes are to be handled on-site during the life of the site including:

(A) How wastes will be delivered to the site and meet any local agency notification requirements;

(B) A description of the process, system and equipment that will be used to apply the waste to the land that explains:

(I) How the equipment and system will be calibrated to deliver waste at the agronomic rate;

(II) Whether the waste will be allowed to remain on the surface of the land, will be tilled into the soil, or will be injected into the soil at the time of application;

(III) When the waste will be applied to the land relative to crop and livestock management practices; and

(IV) Any proposed restrictions on application related to climatic factors including typical precipitation, twenty-five-year storm events as defined in WAC 173-350-100, temperature, and wind, or site conditions including frozen soils and seasonal high ground water;

(C) A description of how the waste will be managed at all points during storage and application to control attraction to disease vectors and to mitigate odor impacts;

(iii) A spill response plan including the names and phone numbers of all contacts to be notified in the event of a spill and how the spill will be cleaned up;

(iv) If the seasonal high ground water is three feet or less below the surface, a management plan describing how ground water will be protected;

(v) A waste monitoring plan providing analytical results representative of the waste being applied to the land, over time, taking into account the rate of production of the waste, timing of delivery, and storage;

(vi) The forms used to record volumes, weights and waste application data;

(vii) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(5) *Land application - Ground water monitoring requirements.* There are no specific ground water monitoring requirements for land application sites subject to this chapter; however, land application sites must meet the requirements except as provided under WAC 173-350-040(5).

(6) *Land application - Closure requirements.* The owner or operator of all land application sites shall notify the jurisdictional health department sixty days in advance of closure. All land application sites shall be closed by applying all materials in storage in accordance with the permit, or by removing those materials to a facility that meets the requirements of chapter 70.95 RCW, Solid waste management—Reduction and recycling, to manage that type of waste.

(7) *Land application - Financial assurance requirements.* There are no specific financial assurance requirements for land application sites subject to this chapter; however, land application sites must meet the requirements provided under WAC 173-350-040(5).

(8) *Land application - Permit application contents.*

(a) The owner or operator of land application sites subject to this section shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements

of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

(i) Contact information, including name, contact person, mailing address, phone, fax, e-mail for:

(A) Any person who generates waste that will be applied to the site;

(B) The person who is applying for a permit (the permit holder);

(C) The person who prepares the permit application; and

(D) The person who owns the site where the waste will be applied.

(ii) Statement of intended use. The permit application shall contain a clear explanation of the benefit to be obtained from land application of the material. Avoidance of disposal is not adequate justification for land application of solid waste.

(iii) An analysis of the waste which includes:

(A) A description of the material to be applied to the land;

(B) A description of the processes by which the material is generated and treated including all processed feedstocks;

(C) Any pseudonyms or trade names for the material;

(D) A discussion of the potential for the material to generate odors or to attract disease vectors, including any complaints regarding odors associated with this material;

(E) An analysis of pollutant concentrations of the following:

(I) Total arsenic;

(II) Total barium;

(III) Total cadmium;

(IV) Total chromium;

(V) Total copper;

(VI) Total lead;

(VII) Total mercury;

(VIII) Total molybdenum;

(IX) Total nickel;

(X) Total selenium;

(XI) Total zinc.

(F) An analysis of nutrients at a minimum to include total Kjeldahl nitrogen, total nitrate-nitrogen, total ammonia- and ammonium-nitrogen, total phosphorus, and extractable potassium;

(G) An analysis of physical/chemical parameters to include at a minimum: Total solids, total volatile solids, pH, electrical conductivity, total organic carbon;

(H) A discussion of any pathogens known or suspected to be associated with this material, including those which can cause disease in plants, animals, or humans;

(I) The concentration of fecal coliform bacteria expressed as CFU or MPN per gram of dry solid material; and

(J) Any additional analysis required by the jurisdictional health department. The jurisdictional health department may reduce the analytical requirements of this section. Methods of analysis are to be determined by the jurisdictional health department.

(iv) A comprehensive site characterization including:

(A) A description of current practices and a brief description of past practices on the application site, including application of wastes, soil amendments, manures, biosolids,

liming agents, and other fertilization practices, livestock usage, irrigation practices, and crop history. Also indicate whether any management plan has been prepared for the site such as a farm, forest, or nutrient management plan. Discuss any potential changes to management practices at the site;

(B) A description of the climate at the application site including typical precipitation, precipitation of a twenty-five-year storm, as defined in WAC 173-350-100, temperatures, and seasonal variations;

(C) A brief discussion of the potential for surface water to flow onto, or off the site, and typical depths to seasonal high ground water;

(D) An analysis of soil nutrients including residual nitrate in the upper two feet of soil in one foot increments;

(E) A site map showing property boundaries and ownership of adjacent properties with the application areas clearly shown, and with the latitude and longitude of the approximate center of each land application site;

(F) A topographic relief map of the site extending one quarter beyond the site boundaries at a scale of 1:24,000 or other scale if specified by the jurisdictional health department;

(G) Show the following information on either of the maps provided or on additional maps if needed:

(I) Location of the site by street address, if applicable;

(II) The zoning classification of the site;

(III) The means of access to the site;

(IV) The size of the site in acres, and if applicable, the size of individual fields, units, and application areas;

(V) The location and size of any areas which will be used to store the waste;

(VI) Adjacent properties, uses, and their zoning classifications;

(VII) Delineation of wetlands on the site;

(VIII) Any portion of the site that falls within a wellhead protection area;

(IX) Any seasonal surface water bodies located on the site or perennial surface water bodies within one-quarter mile of the site;

(X) The location of all wells within one-quarter mile of the boundary of the application area which are listed in public records or otherwise known, whether for domestic, irrigation, or other purposes;

(XI) Any setback or buffer to surface water, property boundaries, or other feature, if proposed;

(XII) The location of any critical areas or habitat identified under the Endangered Species Act, local growth management plans, habitat conservation plans, conservation reserve program, or local shoreline master program;

(XIII) A copy of the natural resource conservation service soil survey map from the most recent edition of the soil survey that includes the distribution of soil types with an overlay of the site boundaries; and

(XIV) A description of the soil type(s), textural classes, and soil depths present on the site as determined by the most recent edition of the natural resource conservation service soil survey or from actual field measurements.

(v) A plan of operation meeting the requirements of subsection (4) of this section.

(b) Two or more areas of land under the same ownership or operational control which are not contiguous may be considered as one site for the purposes of permitting, if in the opinion of the jurisdictional health department the areas are sufficiently proximate and management practices are sufficiently similar that viewing them as one proposal would expedite the permit process without compromising the public interest. A jurisdictional health department may also require separate permits for a contiguous area of land if it finds that the character of a proposed site or management practices across the site are sufficiently different that the permit process and public interest would be best served by a more focused approach.

NEW SECTION

WAC 173-350-240 Energy recovery and incineration facilities. (1) *Energy recovery and incineration facilities - Applicability.*

(a) These standards apply to all facilities designed to burn more than twelve tons of solid waste or refuse-derived fuel per day.

(b) These standards do not apply to facilities that burn gases recovered at a landfill or solid waste digesters.

(c) In accordance with RCW 70.95.305, the combustion of wood waste, wood derived fuel, and wastewater treatment sludge generated from the manufacturing of paper, for the purpose of energy recovery is subject solely to the requirements of (d)(i) through (iv) of this subsection and is exempt from solid waste handling permitting. An owner or operator that does not comply with the terms and conditions of (d)(i) through (iv) of this subsection is required to obtain a permit from the jurisdictional health department and shall comply with all other applicable requirements of this chapter. In addition, violations of the terms and conditions of (d)(i) through (iv) of this subsection may be subject to the penalty provisions of RCW 70.95.315.

(d) Owners and operators of all categorically exempt energy recovery facilities shall:

(i) Comply with the performance standards of WAC 173-350-040;

(ii) Ensure that only fuels approved in writing by the agency with jurisdiction over the facility for air quality regulation are combusted;

(iii) Allow department and jurisdictional health department representatives to inspect the facility at reasonable times for the purpose of determining compliance with this chapter; and

(iv) Ensure that wastewater treatment sludge generated from the manufacturing of paper is combusted only in energy recovery units at the facility from which it originates.

(2) *Energy recovery and incineration facilities - Location standards.* There are no specific location standards for energy recovery or incineration facilities subject to this chapter; however, energy recovery and incineration facilities must meet the requirements provided under WAC 173-350-040(5).

(3) *Energy recovery and incineration facilities - Design standards.* There are no specific design standards for energy recovery or incineration facilities subject to this chapter;

however, energy recovery and incineration facilities must meet the requirements provided under WAC 173-350-040(5).

(4) *Energy recovery and incineration facilities - Operating standards.* The owner or operator of an energy recovery or incineration facility shall:

(a) Operate the facility to:

(i) Confine solid wastes prior to and after processing to specifically designed piles, surface impoundments, tanks or containers meeting the applicable standards of this chapter. Storage of wastes other than in the specifically designed storage compartments is prohibited. Equipment and space shall be provided in the storage and charging areas, and elsewhere as needed, to allow periodic cleaning as required to maintain the plant in a sanitary and clean condition;

(ii) Handle solid wastes, including combustion residues, in a manner that complies with this chapter;

(iii) Provide recycling facilities; and

(iv) Ensure that dangerous waste is not disposed, treated, stored or otherwise handled, unless the requirements of chapter 173-303 WAC, Dangerous waste regulations, are met.

(b) Inspect the facility to prevent malfunctions and deterioration, operator errors and discharges that may lead to the release of wastes to the environment or cause a threat to human health. The owner or operator shall conduct these inspections as needed, but at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process.

(c) Maintain daily operating records on the weights and types of wastes received, and number of vehicles delivering waste to the facility. Facility inspection reports shall be maintained in the operating record. Significant deviations from the plan of operation shall also be noted on the operating record. Records shall be maintained for a minimum of five years and shall be available upon request by the jurisdictional health department.

(d) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st of each year on forms supplied by the department. The annual report shall detail the facility's activities during the previous calendar year and shall include the following information:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantity of each type of solid waste received and incinerated, in tons if available;

(iv) Annual quantity, type and destination of solid waste bypassed, in tons;

(v) Annual quantity of ash disposed and disposal location, in tons; and

(vi) Any additional information required by the jurisdictional health department as a condition of the permit.

(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval of the

jurisdictional health department. Each plan of operation shall include the following:

(i) A description of the types of solid wastes to be handled at the facility;

(ii) How solid wastes are to be handled on-site during the facility's active life, including alternative storage, and/or disposal plans for all breakdowns that would result in overfilling of the storage facility;

(iii) A description of how equipment, structures and other systems, including leachate collection and gas collection equipment, are to be inspected and maintained, including the frequency of inspection and inspection logs;

(iv) Safety, fire and emergency plans including:

(A) Actions to take if there is a fire or explosion;

(B) Actions to take if leaks are detected;

(C) Remedial action programs to be implemented in case of a release of hazardous substances to the environment;

(D) Actions to take for other releases (e.g., failure of run-off containment system);

(v) Forms used to record volumes or weights;

(vi) Other such details to demonstrate that the facility will be operated in accordance with this chapter and as required by the jurisdictional health department.

(5) *Energy recovery and incineration facilities - Ground water monitoring requirements.* There are no specific ground water monitoring requirements for energy recovery and incineration facilities subject to this chapter; however, energy recovery and incineration facilities must meet the requirements provided under WAC 173-350-040(5).

(6) *Energy recovery and incineration facilities - Closure requirements.* The owner or operator of an energy recovery or incineration facility shall:

(a) Notify the jurisdictional health department one hundred eighty days in advance of closure. All waste at the time of closure shall be removed to a facility that meets the requirements of chapter 70.95 RCW, Solid waste management—Reduction and recycling, to manage that type of waste. The site shall be decontaminated.

(b) Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan shall include:

(i) Methods of removing wastes; and

(ii) Steps taken for decontamination.

(7) *Energy recovery and incineration facilities - Environmental impact statement required.* In accordance with RCW 70.95.700, no solid waste energy recovery or incineration facility shall be operated prior to the completion of an environmental impact statement containing the considerations required under RCW 43.21C.030 (2)(c) and prepared pursuant to the procedures of chapter 43.21C RCW, State Environmental Policy Act.

(8) *Energy recovery and incineration facilities - Financial assurance requirements.* There are no specific financial assurance requirements for energy recovery facilities and incineration facilities subject to this chapter; however, energy recovery and incineration facilities must meet the requirements provided under WAC 173-350-040(5).

(9) *Energy recovery and incineration facilities - Permit application contents.* The owner or operator of an energy

recovery or incineration facility shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each permit application shall contain:

(a) Preliminary engineering reports/plans and specifications that address:

(i) The design of the storage and handling facilities on-site for incoming waste as well as fly ash, bottom ash and any other wastes produced by air or water pollution controls; and

(ii) The design of the incinerator or thermal treater, including charging or feeding systems, combustion air systems, combustion or reaction chambers, including heat recovery systems, ash handling systems, and air pollution and water pollution control systems. Instrumentation and monitoring systems design shall also be included.

(b) A plan of operation that addresses the requirements of subsection (4) of this section; and

(c) A closure plan meeting the requirements of subsection (6) of this section.

NEW SECTION

WAC 173-350-300 On-site storage, collection and transportation standards. (1) *On-site storage, collection and transportation standards - Applicability.* This section is applicable to the temporary storage of solid waste in a container at a premises, business establishment, or industry and the collecting and transporting of the solid waste.

(2) *On-site storage.*

(a) The owner or occupant of any premises, business establishment, or industry shall be responsible for the safe and sanitary storage of all containerized solid wastes accumulated at those premises.

(b) The owner, operator, or occupant of any premises, business establishment, or industry shall store solid wastes in containers that meet the following requirements:

(i) Disposable containers shall be sufficiently strong to allow lifting without breakage and shall be thirty-two gallons in capacity or less where manual handling is practiced;

(ii) Reusable containers, except for detachable containers, shall be:

(A) Rigid and durable;

(B) Corrosion resistant;

(C) Nonabsorbent and water tight;

(D) Rodent-proof and easily cleanable;

(E) Equipped with a close-fitting cover;

(F) Suitable for handling with no sharp edges or other hazardous conditions; and

(G) Equal to or less than thirty-two gallons in volume where manual handling is practiced;

(iii) Detachable containers shall be durable, corrosion-resistant, nonabsorbent, nonleaking and have either a solid cover or screen cover to prevent littering.

(3) *Collection and transportation standards.*

(a) All persons collecting or transporting solid waste shall avoid littering, or the creation of other nuisances at the loading point, during transport and during proper unloading

of the solid waste at a permitted transfer station, or other permitted solid waste handling facility.

(b) Vehicles or containers used for the collection and transportation of solid waste shall be tightly covered or screened where littering may occur, durable and of easily cleanable construction. Where garbage is being collected or transported, containers shall be cleaned as necessary to prevent nuisances, odors and insect breeding and shall be maintained in good repair.

(c) Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such manner that the containers will not fail, and the contents will not spill or leak in quantities to cause a nuisance. Where such spillage or leakage does occur the waste shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

(d) All persons commercially collecting or transporting solid waste shall inspect collection and transportation vehicles at least monthly. Inspection records shall be maintained at the facility normally used to park such vehicles or such other location that maintenance records are kept. Such records shall be kept for a period of at least two years, and be made available upon the request of the jurisdictional health department.

NEW SECTION

WAC 173-350-310 Intermediate solid waste handling facilities. (1) *Intermediate solid waste handling facilities - Applicability.* This section is applicable to any facility engaged in solid waste handling that provides intermediate storage and/or processing prior to transport for final disposal. This includes, but is not limited to, transfer stations, baling and compaction sites, and drop boxes. This section is not applicable to:

(a) Storage, treatment or recycling of solid waste in piles which are subject to WAC 173-350-320;

(b) Storage or recycling of solid waste in surface impoundments which are subject to WAC 173-350-330;

(c) Composting facilities subject to WAC 173-350-220;

(d) Material recovery and recycling facilities which are subject to WAC 173-350-210, except as provided in WAC 173-350-210 (2)(a);

(e) Storage of waste tires prior to recycling which is subject to WAC 173-350-350;

(f) Storage of moderate risk waste prior to recycling which is subject to WAC 173-350-360;

(g) Energy recovery or incineration of solid waste which is subject to WAC 173-350-240.

(2) *Intermediate solid waste handling facilities - Location standards.* There are no specific location standards for intermediate solid waste handling facilities subject to this chapter; however, intermediate solid waste handling facilities must meet the requirements provided under WAC 173-350-040(5).

(3) *Intermediate solid waste handling facilities - Design standards.* The owner or operator of all intermediate solid waste handling facilities shall prepare engineering

reports/plans and specifications to address the following design standards:

(a) Transfer stations, baling and compaction sites shall:

(i) Be surrounded by a fence, trees, shrubbery, or natural features as to control access and be screened from the view of immediately adjacent neighbors, unless the tipping floor is fully enclosed by a building;

(ii) Be sturdy and constructed of easily cleanable materials;

(iii) Be free of potential rat harborages, and provide effective means to control rodents, insects, birds and other vectors;

(iv) Be adequately screened to prevent blowing of litter and to provide effective means to control litter;

(v) Provide protection of the tipping floor of transfer stations, baling and compaction systems from wind, rain or snow;

(vi) Provide pollution control measures to protect surface and ground waters, including runoff collection and discharge designed to handle a twenty-five-year storm as defined in WAC 173-350-100, and equipment cleaning and washdown water; and

(vii) Provide pollution control measures to protect air quality.

(b) Drop boxes shall be constructed of durable watertight materials with a lid to prevent water infiltration, access by rats and other vectors, and control litter.

(4) *Intermediate solid waste handling facilities - Operating standards.* The owner or operator of an intermediate solid waste handling facility shall:

(a) Operate the facility to:

(i) For transfer stations, bailing and compaction sites:

(A) Be protective of human health and the environment;

(B) Provide all-weather approach roads, exit roads, and all other vehicular areas;

(C) Control rodents, insects, and other vectors;

(D) Control litter;

(E) Prohibit scavenging;

(F) Prohibit open burning;

(G) Control dust;

(H) For putrescible waste, control nuisance odors;

(I) Provide attendant(s) on-site during hours of operation;

(J) Have a sign that identifies the facility and shows at least the name of the site, and, if applicable, hours during which the site is open for public use, what materials the facility does not accept and other necessary information posted at the site entrance; and

(K) Have communication capabilities to immediately summon fire, police, or emergency service personnel in the event of an emergency.

(ii) For drop box facilities:

(A) Be serviced as often as necessary to ensure adequate dumping capacity at all times. Storage of waste outside the drop boxes is prohibited;

(B) Be protective of human health and the environment;

(C) Control rodents, insects, and other vectors;

(D) Control litter;

(E) Prohibit scavenging;

(F) Control dust;

(G) For putrescible waste, control nuisance odors; and

(H) Have a sign that identifies the facility and shows at least the name of the site, and, if applicable, hours during which the site is open for public use, what materials the facility does not accept and other necessary information posted at the site entrance;

(b) Inspect and maintain the facility to prevent deterioration or the release of wastes to the environment that could pose a threat to human health. Inspection shall be as needed, but at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

(c) Maintain operating records on the weights and types of wastes received or removed from the facility. Facility inspection reports shall be maintained in the operating record. Significant deviations from the plan of operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available upon request by the jurisdictional health department;

(d) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall detail the facility's activities during the previous calendar year and shall include the following information:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantity of each type of solid waste handled by the facility, in tons;

(iv) Destination of waste transported from the facility for processing or disposal; and

(v) Any additional information required by the jurisdictional health department as a condition of the permit.

(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval of the jurisdictional health department. Each plan of operation shall include the following:

(i) A description of the types of solid wastes to be handled at the facility;

(ii) A description of how solid wastes are to be handled on-site during the facility's life, including methods of adding or removing waste from the facility and equipment used;

(iii) Safety and emergency plans;

(iv) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;

(v) For putrescible wastes, an odor management plan describing the actions to be taken to control nuisance odors;

(vi) The forms used to record volumes or weights; and

(vii) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(5) *Intermediate solid waste handling facilities - Ground water monitoring requirements.* There are no specific ground

water monitoring requirements for intermediate solid waste handling facilities subject to this chapter; however, intermediate solid waste handling facilities must meet the requirements provided under WAC 173-350-040(5).

(6) *Intermediate solid waste handling facilities - Closure requirements.* The owner or operator of an intermediate solid waste handling facility shall:

(a) Notify the jurisdictional health department sixty days in advance of closure. All waste shall be removed to a facility that meets the requirements of chapter 70.95 RCW, Solid waste management—Reduction and recycling, to manage that type of waste. The site shall be decontaminated.

(b) Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan shall include:

- (i) Methods of removing wastes; and
- (ii) Steps taken for decontamination.

(7) *Intermediate solid waste handling facilities - Financial assurance.* There are no specific financial assurance requirements for intermediate solid waste handling facilities subject to this chapter; however, intermediate solid waste handling facilities must meet the requirements provided under WAC 173-350-040(5).

(8) *Intermediate solid waste handling facilities - Permit application contents.* The owner or operator of an intermediate solid waste handling facility shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

(a) For transfer stations, bailing and compaction sites:

(i) Engineering reports/plans and specifications that address the design standards of subsection (3)(a) of this section;

(ii) A plan of operation meeting the applicable requirements of subsection (4) of this section;

(iii) A closure plan meeting the requirements of subsection (6) of this section;

(b) For drop boxes:

(i) Engineering reports/plans and specifications that address the design standards of subsection (3)(b) of this section;

(ii) A plan of operation meeting the applicable requirements of subsection (4) of this section; and

(iii) A closure plan meeting the requirements of subsection (6) of this section.

NEW SECTION

WAC 173-350-320 Piles used for storage or treatment. (1) *Piles used for storage or treatment - Applicability.*

(a) This section is applicable to solid waste stored or treated in piles where putrescible waste piles that do not contain municipal solid waste are in place for more than three weeks, nonputrescible waste piles are in place for more than three months and municipal solid waste piles are in place for more than three days. This section is not applicable to:

(i) Waste piles located at composting facilities subject to WAC 173-350-220 that are an integral part of the facility's operation;

(ii) Piles of nonputrescible waste stored in enclosed buildings provided that no liquids or sludges with free liquids are added to the pile; and

(iii) Piles of waste tires or used tires subject to WAC 173-350-350.

(b) In accordance with RCW 70.95.305, storage piles of wood waste used for fuel or as a raw material, wood derived fuel, and agricultural wastes on farms, are subject solely to the requirements of (c)(i) through (iii) of this subsection and are exempt from solid waste handling permitting. An owner or operator that does not comply with the terms and conditions of (c)(i) through (iii) of this subsection is required to obtain a permit from the jurisdictional health department and shall comply with all other applicable requirements of this chapter. In addition, violations of the terms and conditions of (c)(i) through (iii) of this subsection may be subject to the penalty provisions of RCW 70.95.315.

(c) Owners and operators of all storage piles that are categorically exempt from solid waste handling permitting in accordance with (b) of this subsection shall:

(i) Ensure that at least fifty percent of the material stored in the pile is used within one year and all material is used within three years;

(ii) Comply with the performance standards of WAC 173-350-040; and

(iii) Allow department and jurisdictional health department representatives to inspect the waste pile at reasonable times for the purpose of determining compliance with this chapter.

(d) In accordance with RCW 70.95.305, the storage of inert waste in piles is subject solely to the requirements of (e)(i) through (vi) of this subsection and are exempt from solid waste handling permitting. An owner or operator that does not comply with the terms and conditions of (e)(i) through (vi) of this subsection is required to obtain a permit from the jurisdictional health department and shall comply with all other applicable requirements of this chapter. In addition, violations of the terms and conditions of (e)(i) through (vi) may be subject to the penalty provisions of RCW 70.95.315.

(e) Owners and operators of all storage piles that are categorically exempt from solid waste handling permitting in accordance with (d) of this subsection shall:

(i) Implement and abide by a procedure that is capable of detecting and preventing noninert wastes from being accepted or mixed with inert waste;

(ii) Ensure that at least fifty percent of the material stored in the pile is used within one year and all the material is used within three years;

(iii) Control public access and unauthorized vehicular traffic to prevent illegal dumping of wastes;

(iv) Comply with the performance standards of WAC 173-350-040;

(v) Allow department and jurisdictional health department representatives to inspect the waste pile at reasonable times for the purpose of determining compliance with this chapter; and

(vi) Notify the department and jurisdictional health department thirty days prior to commencing operations of the intent to store inert waste in accordance with this section. Notification shall be in writing, and shall include:

- (A) Contact information for the owner or operator;
- (B) A general description and location of the facility; and
- (C) A description of the inert waste handled at the facility.

(2) *Piles used for storage or treatment - Location standards.* There are no specific location standards for piles subject to this chapter; however, waste piles must meet the requirements provided under WAC 173-350-040(5).

(3) *Piles used for storage or treatment - Design standards.*

(a) The owner or operator of piles used for storage or treatment shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the design standards of this subsection. The maximum waste capacity, elevation and boundaries of the waste pile shall be provided. Piles shall be designed and constructed to:

- (i) Control public access;
- (ii) Comply with the uniform fire code as implemented through the local fire control agency;
- (iii) Minimize vector harborage to the extent practicable; and
- (iv) Provide all-weather approach roads and exits.

(b) In addition to the requirements of (a) of this subsection, the owner or operator of piles of putrescible waste or waste determined by the jurisdictional health department to be likely to produce leachate posing a threat to human health or the environment shall prepare engineering reports/plans and specifications of the surface on which the pile(s) will be placed including an analysis of the surface under the stresses expected during operations, and the design of the surface water management systems including run-on prevention and runoff conveyance, storage, and treatment. The piles shall be designed and constructed to:

- (i) Place waste on a sealed surface, such as concrete or asphaltic concrete, to prevent soil and ground water contamination. The surface shall be durable enough to withstand material handling practices. The jurisdictional health department may approve other types of surfaces, such as engineered soil, if the applicant can demonstrate that the proposed surface will prevent soil and ground water contamination; and
- (ii) Control run-on and runoff from a twenty-five-year storm, as defined in WAC 173-350-100.

(4) *Piles used for storage or treatment - Operating standards.* The owner or operator of piles used for storage or treatment shall:

- (a) Operate the facility to:
 - (i) Control fugitive dust;
 - (ii) Control access to the pile;
 - (iii) Ensure that nonpermitted waste is not accepted at the facility;
 - (iv) Control vector harborage and implement vector control as necessary;
 - (v) Ensure that waste piles capable of attracting birds do not pose an aircraft safety hazard; and

(vi) For piles of putrescible waste, control nuisance odors.

(b) Inspect and maintain the facility to prevent malfunctions, deterioration, operator errors and discharges that may cause or lead to the release of wastes to the environment or a threat to human health. Inspections shall include the engineered surface on which the piles are placed, and the leachate and stormwater control systems. Inspections shall be as needed, but at least weekly, to ensure it is meeting the operational standards, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

(c) Maintain daily operating records on the weights and the types of waste received or removed from the facility. Facility inspection reports shall be maintained in the operating record. Significant deviations from the plan of operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available upon request by the jurisdictional health department;

(d) Shall prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall detail the facility's activities during the previous calendar year and shall include the following information:

- (i) Name and address of the facility;
- (ii) Calendar year covered by the report;
- (iii) Annual quantity and type of solid waste handled by the facility, including amounts received, amounts removed and the amount of waste remaining at the facility at year's end, in tons; and

(iv) Any additional information required by the jurisdictional health department as a condition of the permit.

(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to the site operating personnel that concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval of the jurisdictional health department. Each plan of operation shall include the following:

- (i) A description of the types of solid waste to be handled at the facility;
- (ii) A description of how solid wastes are to be handled on-site during the facility's life including:
 - (A) The maximum amount of waste to be stored or treated in pile(s) at the facility;
 - (B) Methods of adding and removing waste from the pile and equipment used;
- (iii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;
- (iv) Safety and emergency plans;
- (v) Forms to record weights or volumes; and
- (vi) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(5) *Piles used for storage or treatment - Ground water monitoring requirements.* There are no specific ground water

monitoring requirements for piles used for storage and treatment subject to this chapter; however, waste piles must meet the requirements provided under WAC 173-350-040(5).

(6) *Piles used for storage or treatment - Closure requirements.* The owner or operator of piles used for storage or treatment shall:

(a) Notify the jurisdictional health department sixty days in advance of closure. All waste shall be removed from the pile at closure to a facility that meets the requirements of chapter 70.95 RCW, Solid waste management—Reduction and recycling, to manage that type of waste. The site shall be decontaminated.

(b) Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. As a minimum, the closure plan shall include:

- (i) Methods of removing waste; and
- (ii) Steps taken for decontamination.

(7) *Piles used for storage or treatment - Financial assurance requirements.* There are no specific financial assurance requirements for piles used for storage or treatment subject to this regulation chapter; however, waste piles must meet the requirements provided under WAC 173-350-040(5).

(8) *Piles used for storage or treatment - Permit application contents.* The owner or operator of piles used for storage or treatment shall obtain a permit from the jurisdictional health department.

All applications for permits shall be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

- (a) The design of fire control features;
- (b) Engineering reports/plans and specifications that address the design standards of subsection (3) of this section;
- (c) A plan of operation meeting the requirements of subsection (4) of this section; and
- (d) A closure plan meeting the requirements of subsection (6) of this section.

(9) *Piles used for storage or treatment - Construction records.* The owner or operator of piles used for storage or treatment shall provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. Facilities shall not commence operation until the jurisdictional health department has approved the construction documentation in writing.

NEW SECTION

WAC 173-350-330 Surface impoundments and tanks. (1) *Surface impoundments and tanks - Applicability.*

(a) These standards are applicable to:

(i) Surface impoundments associated with solid waste facilities including, but not limited to, leachate lagoons associated with landfills permitted under this chapter and chapter 173-351 WAC, Criteria for municipal solid waste landfills, and surface impoundments associated with recycling, and piles used for storage or treatment;

(ii) Above or below ground tanks with a capacity greater than one thousand gallons associated with solid waste handling facilities used to store or treat liquid or semisolid wastes or leachate associated with solid waste handling facilities.

(b) These standards are not applicable to:

(i) Surface impoundments or tanks whose facilities are regulated under local, state or federal water pollution control permits;

(ii) Leachate holding ponds at compost facilities regulated under WAC 173-350-220;

(iii) Septic tanks receiving only domestic sewage from facilities at the site;

(iv) Agricultural waste managed according to a farm management plan written in conjunction with the local conservation district;

(v) Underground storage tanks subject to chapter 173-360 WAC, Underground storage tanks; and

(vi) Tanks used to store moderate risk waste subject to WAC 173-350-360.

(2) *Surface impoundments and tanks - Location standards.*

(a) Surface impoundments shall not be located in unstable areas unless the owner or operator demonstrates that engineering measures have been incorporated in the facility's design to ensure that the integrity of the liners, monitoring system and structural components will not be disrupted. The owner or operator shall place the demonstration in the application for a permit.

(b) There are no location standards for tanks subject to this chapter, except as provided under WAC 173-350-040(5).

(3) *Surface impoundments and tanks - Design standards.*

(a) The owner or operator of a surface impoundment shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the design standards of this subsection. In determining pond capacity, volume calculations shall be based on the facility design, monthly water balance, and precipitation data. All surface impoundments shall be designed and constructed to meet the following requirements:

(i) Have a liner consisting of a minimum 30-mil thickness geomembrane overlying a structurally stable foundation to support the liners and the contents of the impoundment. (HDPE geomembranes used as primary liners or leak detection liners shall be at least 60-mil thick to allow for proper welding.) The jurisdictional health department may approve the use of alternative designs if the owner or operator can demonstrate during the permitting process that the proposed design will prevent migration of solid waste constituents or leachate into the ground or surface waters at least as effectively as the liners described in this subsection.

(ii) Have a ground water monitoring system which complies with the requirements of WAC 173-350-500 or a leak detection layer. If a leak detection layer is used, it shall consist of an appropriate drainage layer underlain by a geomembrane of at least 30-mil thickness.

(iii) Have embankments and slopes designed to maintain structural integrity under conditions of a leaking liner and capable of withstanding erosion from wave action, overflow, or precipitation.

(iv) Have freeboard equal to or greater than eighteen inches to provide protection against wave action, overfilling, or precipitation. During the permitting process the jurisdictional health department may reduce the freeboard requirement provided that other specified engineering controls are in place which prevent overtopping.

(v) When constructed with a single geomembrane liner, the liner shall be tested using an electrical leak location evaluation capable of detecting a hole 3 millimeters in its longest dimension or other equivalent postconstruction test method prior to being placed in service. Results of the test shall be submitted with the construction record drawings.

(vi) Surface impoundments that have the potential to impound more than ten-acre feet (three million two hundred fifty-nine thousand gallons) of liquid measured from the top of the embankment and which would be released by a failure of the containment embankment shall be reviewed and approved by the dam safety section of the department.

(b) The owner or operator of a tank used to store or treat liquid or semisolid wastes meeting the definition of solid waste or leachate, shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the following design standards:

(i) Tanks and ancillary equipment shall be tested for tightness using a method acceptable to the jurisdictional health department prior to being covered, enclosed or placed in use. If a tank is found not to be tight, all repairs necessary to remedy the leak(s) in the system shall be performed and verified to the satisfaction of the jurisdictional health department prior to the tank being covered or placed in use.

(ii) Below ground tanks shall be designed to resist buoyant forces in areas of high ground water and shall either be:

(A) Retested for tightness at a minimum of once every two years; or

(B) Equipped with a leak detection system capable of detecting a release from the tank;

(iii) For tanks or components in which the external shell of a metal tank or any metal component will be in contact with the soil or water, a determination shall be made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank during its operating life. This determination shall be included with design information submitted with the permit application;

(iv) Above ground tanks shall be equipped with secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary plus the precipitation from the twenty-five-year storm event as defined in WAC 173-350-100;

(v) Areas used to load or unload tanks shall be designed to contain spills, drippage and accidental releases during loading and unloading of vessels;

(vi) Tanks and piping shall be protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means;

(vii) Tanks shall be structurally suited for the proposed use; and

(viii) Tanks, valves, fittings and ancillary piping shall be protected from failure caused by freezing.

(4) *Surface impoundments and tanks - Operating standards.* The owner or operator of a surface impoundment or tank shall:

(a) Operate the facility to:

(i) Prevent overfilling of surface impoundments or tanks and maintain required freeboard;

(ii) Control access to the site;

(iii) Control odors for wastes or liquids with the potential to create nuisance odors; and

(iv) Control birds at impoundments storing wastes capable of attracting birds.

(b) Inspect surface impoundments, tanks and associated piping, pumps and hoses as needed, but at least weekly, to ensure they are meeting the operational standards, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. In addition, surface impoundments shall have regular liner inspections. Their frequency and methods of inspection shall be specified in the plan of operation and shall be based on the type of liner, expected service life of the material, and the site-specific service conditions. The inspections shall be conducted at least once every five years, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. The jurisdictional health department shall be given sufficient notice and have the opportunity to be present during liner inspections.

(c) Maintain operating records on the weights and the types of waste received or removed from the facility. Facility inspection reports shall be maintained in the operating record. Significant deviations from the plan of operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available for inspection at the request of the jurisdictional health department.

(d) Shall prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall detail the facility's activities during the previous calendar year and shall include the following information:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantity and type of solid waste received and removed, in tons;

(iv) Results of ground water monitoring in accordance with WAC 173-350-500;

(v) Results of leak detection system monitoring, if applicable; and

(vi) Any additional information required by the jurisdictional health department as a condition of the permit.

(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval of the jurisdictional health department. Each plan of operation shall include the following:

(i) A description of the types of solid waste to be handled at the facility;

(ii) A description of how wastes are handled on-site during the facility's active life;

(iii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs. This description shall include:

- (A) The ground water monitoring system, if required;
- (B) The overflowing prevention equipment, including details of filling and emptying techniques;
- (C) The liners and embankments, tank piping and secondary containment;
- (D) Safety and emergency plans;
- (E) The forms used to record weights and volumes; and
- (F) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(5) *Surface impoundments and tanks - Ground water monitoring requirements.*

(a) Surface impoundments not equipped with a leak detection layer are subject to the ground water monitoring requirements of WAC 173-350-500.

(b) Surface impoundments equipped with a leak detection layer and tanks are not subject to the ground water monitoring requirements of this chapter, except as provided under WAC 173-350-040(5).

(6) *Surface impoundments and tanks - Closure requirements.* The owner or operator of a surface impoundment or tank shall:

(a) Notify the jurisdictional health department sixty days in advance of closure. All waste from the surface impoundment or tank shall be removed to a facility that meets the requirements of chapter 70.95 RCW, Solid waste management—Reduction and recycling, to manage that type of waste. The site shall be decontaminated.

(b) Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan shall include:

- (i) Methods of removing waste; and
- (ii) Steps taken for decontamination.

(7) *Surface impoundments and tanks - Financial assurance requirements.* There are no specific financial assurance requirements for surface impoundments or tanks subject to this chapter; however, surface impoundments and tanks must meet the requirements provided under WAC 173-350-040(5).

(8) *Surface impoundments and tanks - Permit application contents.*

(a) The owner or operator of a surface impoundment or tank shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

- (i) Engineering reports/plans and specifications that address the design standards of subsection (3) of this section;
- (ii) A plan of operation meeting the requirements of subsection (4) of this section;

(iii) For surface impoundments not equipped with a leak detection layer, hydrogeologic reports and plans that address the requirements of subsection (5) of this section;

(iv) A closure plan meeting the requirements of subsection (6) of this section.

(9) *Surface impoundments and tanks - Construction records.* The owner or operator of a surface impoundment or tank shall provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. Facilities shall not commence operation until the jurisdictional health department has approved the construction documentation in writing.

NEW SECTION

WAC 173-350-350 Waste tire storage and transportation. (1) *Waste tire storage and transportation - Applicability.* This section is applicable to all:

(a) Facilities that store waste tires in quantities of greater than eight hundred automobile tires or the combined weight equivalent of sixteen thousand pounds of all types of waste tires. This section is not applicable to the storage of waste tires in an enclosed building or in mobile containers used to transport waste tires.

(b) Persons engaged in the business of transporting waste tires except for:

- (i) Any person transporting five tires or less;
- (ii) Any person transporting used tires back to a retail outlet for repair or exchange;
- (iii) Any waste hauler regulated by chapter 81.77 RCW, Solid waste collection companies;
- (iv) The United States, the state of Washington or any local government, or contractors hired by these entities, when involved in the cleanup of illegal waste tire piles; and
- (v) Tire retailers associated with retreading facilities who use company-owned vehicles to transport waste tires for the purposes of retreading or recycling.

(2) *Waste tire storage and transportation - Transportation prohibitions and enforcement.*

(a) No person shall enter into a contract for transportation of waste tires with an unlicensed waste tire transporter.

(b) All waste tires that are being transported shall be delivered to a facility that meets WAC 173-350-040(5).

(c) Any person subject to this section who transports or stores waste tires without a valid waste tire carrier license or waste tire storage license issued by the Washington state department of licensing shall be subject to the penalty provisions of RCW 70.95.560.

(3) *Waste tire storage and transportation - Carrier license requirements.*

(a) All persons subject to this section engaged in the business of transporting waste tires are required to obtain a waste tire carrier license from the Washington state department of licensing.

(b) Application forms for a waste tire carrier license will be available at unified business identifier service centers

located throughout the state. Unified business identifier service locations include:

- (i) The field offices of the department of revenue and the department of labor and industries;
- (ii) The tax offices of employment security;
- (iii) The Olympia office of the secretary of state; and
- (iv) The business license service office of the Washington state department of licensing.

(c) An application for a waste tire carrier license and a cab card for one vehicle shall include a two hundred fifty dollar application fee, fifty dollars of which shall be nonrefundable. Each additional vehicle cab card to be used by the licensee requires an additional fifty dollar fee. The application shall include:

- (i) A performance bond in the sum of ten thousand dollars in favor of the state of Washington; or
- (ii) In lieu of the bond, an applicant may submit other financial assurance acceptable to the department.

(d) The refundable portion of application fees may be returned to the applicant if the application is withdrawn before the department has approved or denied the application.

(e) A waste tire carrier license shall be valid for one year from the date of approval.

(4) *Waste tire storage and transportation - Location standards.* There are no specific location standards for waste tire storage sites subject to this chapter; however, waste tire storage sites must meet the requirements provided under WAC 173-350-040(5).

(5) *Waste tire storage and transportation - Design standards.* The owner or operator of a waste tire storage area shall prepare engineering reports/plans and specifications to address the design standards of this subsection. The maximum number of tires to be stored on site and the individual pile locations and sized shall be provided. The facility shall be designed so that:

(a) The size of any individual pile of waste tires shall be limited to:

- (i) A maximum area of five thousand square feet;
- (ii) A maximum volume of fifty thousand cubic feet; and
- (iii) A maximum height of ten feet;

(b) A clear space of at least forty feet between each pile of waste tires shall be provided. The clear space shall not contain flammable or combustible material or vegetation;

(c) Tire storage shall not be located within ten feet of any property line or building and shall not exceed six feet in height within twenty feet of any property line or building; and

(d) Public access shall be limited.

(6) *Waste tire storage and transportation - Operating standards.* The owner or operator of a waste tire storage facility shall:

(a) Operate the facility to:

(i) Have communication capabilities to immediately summon fire, police, or other emergency service personnel in the event of an emergency;

(ii) Control public access in a manner sufficient to prevent arson, unauthorized vehicular traffic and illegal dumping of wastes;

(iii) Manage waste tires in such a way that it is protected from any material or conditions which may cause them to ignite;

(iv) Limit the total quantity of waste tires stored on-site at any time to the amount permitted by the jurisdictional health department;

(v) Provide on-site fire control equipment sufficient to extinguish any fire reasonably possible from one individual pile of waste tires. Fire control equipment may include, but is not limited to:

(A) Automatic sprinkler protection;

(B) Fire hydrants, hoses and ancillary equipment;

(C) Portable fire extinguishers; and

(D) Material-handling equipment capable of moving tires during fire fighting operations;

(vi) Provide vector control; and

(vii) Issue written receipts upon receiving loads of waste tires;

(b) Inspect and maintain the facility to prevent malfunctions, deterioration, operator errors and discharges that may lead to the release of wastes to the environment or cause a threat to human health. Inspections shall be as needed, but at least weekly, to ensure it is meeting the operational standards, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

(c) Maintain daily operating records including:

(i) The numbers of tires received and removed from the site. Quantities may be measured by:

(A) Actual number of tires; or

(B) Weight, provided the operator documents the approximate number of tires included in each load; or

(C) Volume in cubic yards, provided the operator documents the approximate number of tires included in each load;

(ii) Facility inspection reports;

(iii) Significant deviations from the plan of operation;

(iv) Records shall be kept for a minimum of five years and shall be available upon request by the jurisdictional health department;

(d) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall detail the facility activities during the previous calendar year and shall include the following information:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantity of tires, in tons;

(iv) Annual quantity of tires removed from the facility and end use, in tons;

(v) Total tons of tires remaining at the facility at year's end;

(vi) Applicable financial assurance reviews and audit findings in accordance with WAC 173-350-600; and

(vii) Any additional information required by the jurisdictional health department as a condition of the permit;

(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If

necessary, the plan shall be modified with the approval of the jurisdictional health department. Each plan of operation shall include the following:

(i) A description of how waste tires are to be handled on-site during the active life including:

(A) Transportation and routine storage; and

(B) Procedures for ensuring that all waste tires received by the facility have been transported in accordance with this section;

(ii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;

(iii) Safety, fire and emergency plans addressing the following:

(A) Procedures for the use of communications equipment to immediately report emergencies to the fire department, police, or emergency service personnel;

(B) A list of all emergency equipment at the facility including the location and a brief description of its capabilities;

(C) Procedures for fire fighting and the operation of fire control equipment;

(D) Employee training and emergency duty assignments;

(E) Procedures for and frequency of fire drills;

(iv) The forms used to record weights and volumes; and

(v) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(7) *Waste tire storage and transportation - Ground water monitoring requirements.* There are no specific ground water monitoring requirements for waste tire storage sites; however, waste tire storage sites must meet the requirements provided under WAC 173-350-040(5).

(8) *Waste tire storage and transportation - Closure requirements.* The owner or operator of a facility that stores waste tires shall:

(a) Notify the jurisdictional health department, and where applicable the financial assurance instrument provider, one hundred eighty days in advance of closure;

(b) Commence implementation of the closure plan, in part or whole, within thirty days after receipt of the final waste tires;

(c) Provide certification that the site has been closed in accordance with the approved closure plan to the jurisdictional health department; and

(d) Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum the closure plan shall include:

(i) Projected time intervals that identify when partial closure is to be implemented, and identify closure cost estimates and projected fund withdrawal intervals for the associated closure costs, from the approved financial assurance instrument;

(ii) Methods of waste tire removal; and

(iii) Steps taken for decontamination.

(e) The jurisdictional health department shall notify the owner or operator, the department and the financial assurance instrument provider, of the date when the jurisdictional health department has verified that the facility has been closed in

accordance with the specifications of the approved closure plan.

(9) *Waste tire storage and transportation - Financial assurance requirements.*

(a) The owner or operator shall establish a financial assurance mechanism in accordance with WAC 173-350-600 for closure in accordance with the approved closure plan. The funds shall be sufficient for hiring a third party to remove the maximum number of tires permitted to be stored at the facility and deliver the tires to a facility permitted to accept the tires.

(b) Nothing in this section shall prohibit the application of funds from an existing bond as required under RCW 70.95.555, to the total amount required for financial assurance, provided the bond can be used for the activities described in (a) of this subsection.

(c) No owner or operator shall commence or continue operations at the site until a financial assurance instrument has been provided for closure activities in conformance with WAC 173-350-600.

(10) *Waste tire storage and transportation - Solid waste permit requirements.* The owner or operator shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

(a) Engineering reports/plans and specifications that address the design standards of subsection (5) of this section;

(b) A plan of operation addressing the requirements of subsection (6) of this section;

(c) A closure plan meeting the requirements of subsection (8) of this section;

(d) Documentation as needed to meet the financial assurance requirements of subsection (9) of this section; and

(e) Evidence that the owner or operator has obtained a waste tire storage site license for the facility in accordance with the requirements of subsection (11) of this section.

(11) *Waste tire storage and transportation - Storage site license requirements.*

(a) In order to obtain a waste tire storage license, the facility owner or operator shall first obtain a solid waste handling permit for the storage of waste tires from the jurisdictional health department.

(b) Application forms for a waste tire storage site owner license are available at unified business identifier service locations located throughout the state. Unified business identifier service locations include:

(i) The field offices of the department of revenue and the department of labor and industries;

(ii) The tax offices of employment security;

(iii) The Olympia office of the secretary of state; and

(iv) The business license service office of the Washington state department of licensing.

(c) An application for a waste tire storage site owner license shall include a two hundred fifty dollar application fee for each facility, fifty dollars of which shall be nonrefundable. The refundable portion of application fees may be returned to the applicant under the following conditions:

(i) The department determines that a solid waste permit would meet the substantive requirements of RCW 70.95.555 and determines that a license is not required; or

(ii) The applicant withdraws the application before the department has approved or denied the application.

(d) A waste tire storage site license shall be valid for one year from the date of approval.

NEW SECTION

WAC 173-350-360 Moderate risk waste handling. (1)

Moderate risk waste handling - Applicability.

(a) This section is applicable to:

(i) Any facility that accepts segregated solid waste categorized as moderate risk waste (MRW), as defined in WAC 173-350-100;

(ii) Persons transporting MRW using only a bill of lading (MRW that is not shipped using a hazardous waste manifest) who store MRW for more than ten days at a single location; and

(iii) Mobile systems and collection events.

(b) This section is not applicable to:

(i) Persons transporting MRW managed in accordance with the requirements for shipments of manifested hazardous waste under WAC 173-303-240; and

(ii) Universal waste regulated under chapter 173-303 WAC.

(2) *Mobile systems and collection events.* In accordance with RCW 70.95.305, the operation of mobile systems and collection events are subject solely to the requirements of (a) through (n) of this subsection and are exempt from solid waste handling permitting. An owner or operator that does not comply with the terms and conditions of this subsection is required to obtain a permit from the jurisdictional health department and shall comply with the applicable requirements for a moderate risk waste handling facility. In addition, violations of the terms and conditions of this subsection may be subject to the penalty provisions of RCW 70.95.315. Owners and operators of mobile systems and collection events shall:

(a) Notify the department and the jurisdictional health department of the intent to operate a mobile system or collection event at least thirty days prior to commencing operations. The notification shall include a description of the types and quantities of MRW to be handled;

(b) Manage mobile systems or collection events in compliance with the performance standards of WAC 173-350-040;

(c) Record the weights or gallons of each type of MRW collected, number of households and conditionally exempt small quantity generators served, and type of final disposition (e.g., reuse, recycled, treatment, energy recovery, or disposal). Records shall be maintained for a period of five years and will be made available to the department or jurisdictional health department on request;

(d) Ensure that the MRW at a mobile system or collection event is handled in a manner that:

(i) Prevents a spill or release of hazardous substances to the environment;

(ii) Prevents exposure of the public to hazardous substances; and

(iii) Results in delivery to a facility that meets the performance standards of WAC 173-350-040;

(e) Ensure that incompatible wastes are not allowed to come into contact with each other;

(f) Ensure that containers holding MRW remain closed except when adding or removing waste in order to prevent a release of MRW through evaporation or spillage if overturned;

(g) Ensure that containers holding MRW have legible labels and markings that identify the waste type;

(h) Ensure that containers holding MRW are maintained in good condition (e.g., no severe rusting or apparent structural defects);

(i) Ensure that personnel are familiar with the chemical nature of the materials and the appropriate mitigating action necessary in the event of fire, leak or spill;

(j) Control public access and prevent unauthorized entry;

(k) Prepare and submit a copy of an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report shall detail the collection activities during the previous calendar year and shall include the following information:

(i) Name of owner or operator, and locations of all collection sites;

(ii) Calendar year covered by the report;

(iii) Annual quantity and type of MRW, in pounds or gallons by waste type;

(iv) Number of households and CESQGs served;

(v) Type of final disposition (e.g., reuse, recycled, treatment, energy recovery, or disposal); and

(vi) Any additional information required by written notification of the department;

(l) Allow inspections by the department or the jurisdictional health department at reasonable times;

(m) Notify the department and the jurisdictional health department of any failure to comply with the terms and conditions of this subsection within twenty-four hours; and

(n) Mobile collection systems using truck or trailers with concealed construction, permanently attached to a chassis may require a commercial coach insignia if subject to chapter 296-150C WAC, administered by the department of labor and industries.

(3) *Limited MRW facilities.* In accordance with RCW 70.95.305, the operation of limited MRW facilities is subject solely to the requirements of (a) through (i) of this subsection and is exempt from solid waste handling permitting. Retail take-back centers are only subject to (b), (e) and (f) of this subsection. An owner or operator that does not comply with the terms and conditions of this subsection is required to obtain a permit from the jurisdictional health department and shall comply with the applicable requirements for an MRW facility. In addition, violations of the terms and conditions of this subsection may be subject to the penalty provisions of RCW 70.95.315. Owners and operators of limited MRW facilities shall:

(a) Notify the department and the jurisdictional health department within thirty days prior to operation of the intent

to operate a limited MRW facility with a description of the type and quantity of MRW to be handled;

(b) Ensure waste at a limited MRW facility is handled in a manner that:

(i) Prevents a spill or release of hazardous substances to the environment;

(ii) Prevents exposure of the public to hazardous substances; and

(iii) Results in delivery to a facility that meets the performance standards of WAC 173-350-040;

(c) Ensure that containers and tanks holding MRW are maintained in good condition (e.g., no severe rusting or apparent structural defects);

(d) Provide secondary containment for containers and tanks capable of storing fifty-five gallons or more of liquid MRW;

(e) Ensure the facility meets the performance standards of WAC 173-350-040;

(f) Notify the department and the jurisdictional health department of any failure to comply with the terms and conditions of this subsection within twenty-four hours of knowledge of an incident;

(g) Allow inspections by the department and jurisdictional health department at reasonable times;

(h) Maintain records of the amount and type of MRW received, and the final disposition of the MRW by amount and type; and

(i) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall cover the facility's activities during the previous calendar year and shall include the following information:

(A) Name and address of the facility;

(B) Calendar year covered by the report;

(C) Annual quantity and type of MRW, in pounds or gallons by waste type;

(D) Type of final disposition (e.g., reuse, recycled, treatment, energy recovery, or disposal); and

(E) Any additional information required by written notification of the department.

(4) *Moderate risk waste facilities - Location standards.* There are no specific location standards for moderate risk waste facilities subject to this chapter; however, moderate risk waste facilities must meet the requirements provided under WAC 173-350-040(5).

(5) *Moderate risk waste facilities - Design standards.*

(a) The owner or operator of a moderate risk waste facility shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the following design standards. Each MRW facility shall:

(i) Be surrounded by a fence, walls, or natural features and provided with a lockable door or gate to control public and animal access;

(ii) Be constructed of materials that are chemically compatible with the MRW handled;

(iii) Provide secondary containment to capture and contain releases and spills, and facilitate timely cleanup in areas where MRW is handled. All secondary containment shall:

(A) Have sufficient capacity to:

(I) Contain ten percent of volume of all containers or tanks holding liquid or the total volume of the largest container holding liquids in the area, whichever is greater;

(II) Provide additional capacity to hold the precipitation from a twenty-five-year storm as defined in WAC 173-350-100, in uncovered areas; and

(III) Provide additional capacity to hold twenty minutes of flow from an automatic fire suppression system, where such a suppression system exists;

(B) Be segregated for incompatible wastes; and

(C) Have a base underlying the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, accumulated precipitation, or fire suppression water until the collected material is detected and removed. The base shall be sloped or the containment system shall otherwise be designed and operated to drain and remove liquids resulting from leaks, spills, precipitation, or fire suppression unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

(iv) Be accessible by all-weather roads;

(v) Prevent run-on and control runoff from a twenty-five-year storm, as defined in WAC 173-350-100;

(vi) Provide a sign at the site entrance that identifies the facility and shows at least the name of the site, and if applicable, hours during which the site is open for public use, and acceptable materials;

(vii) Provide sufficient ventilation to remove toxic vapors and dust from the breathing zone of workers and prevent the accumulation of flammable or combustible gases or fumes that could present a risk of fire or explosion;

(viii) Be constructed with explosion-proof electrical wiring, fixtures, lights, motors, switches and other electrical components as required by local fire code or the department of labor and industries;

(ix) Provide electrical grounding in areas where flammable and combustible liquids are consolidated to allow for bonding to consolidation equipment; and

(x) Provide protection of the MRW handling areas from wind, rain or snow.

(b) The owner or operator of a tank used to store or treat MRW shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the following design standards:

(i) Tanks and ancillary equipment shall be tested for tightness using a method acceptable to the jurisdictional health department prior to being covered, enclosed or placed in use. If a tank is found not to be tight, all repairs necessary to remedy the leak(s) in the system shall be performed and verified to the satisfaction of the jurisdictional health department prior to the tank being covered or placed in use;

(ii) Below ground tanks shall be designed to resist buoyant forces in areas of high ground water and shall either be:

(A) Retested for tightness at a minimum of once every two years; or

(B) Equipped with a leak detection system capable of detecting a release from the tank;

(iii) For tanks or components in which the external shell of a metal tank or any metal component will be in contact with the soil or water, a determination shall be made by a corrosion expert of the type and degree of external corrosion

protection that is needed to ensure the integrity of the tank during its operating life. This determination shall be included with design information submitted with the permit application;

(iv) Areas used to load or unload tanks shall be designed to contain spills, drippage and accidental releases during loading and unloading of vessels;

(v) Tanks and piping shall be protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means;

(vi) Tanks shall be structurally suited for the proposed use; and

(vii) Tanks, valves, fittings and ancillary piping shall be protected from failure caused by freezing.

(c) Prefabricated structures with concealed construction shall meet the requirements of chapter 296-150F WAC, Factory-built housing and commercial structures, administered by the department of labor and industries.

(6) *Moderate risk waste facilities - Operating standards.* The owner or operator of a MRW facility shall:

(a) Manage MRW handling activities and facilities so that:

(i) Each storage area is marked with signs to clearly show the type of MRW to be stored in that area;

(ii) Incompatible MRW and materials shall not be mixed together or allowed to come into contact with each other;

(iii) MRW shall be compatible with the containment system;

(iv) Containers or tanks are closed except when adding or removing MRW in order to prevent a release of MRW through evaporation or spillage if overturned;

(v) All containers or tanks have visible and legible labels or markings that identify the MRW type and are visible for inspection;

(vi) Containers of MRW shall be stored in a manner that allows for easy access and inspection. Drums containing MRW shall have at least one side with a minimum of thirty inches clear aisle space;

(vii) Containers holding MRW are maintained in good condition including, but not limited to, no severe rusting or apparent structural defects;

(viii) Uniform hazardous waste manifests are prepared and used at the point where possession of the MRW is given to a commercial registered hazardous waste transporter for shipments of MRW destined for out-of-state locations. This shall be completed in accordance with WAC 173-303-180;

(ix) Public access is restricted to areas identified in the plan of operation and unauthorized entry is prevented;

(x) Communication capabilities are provided to summon fire, police, or emergency service personnel;

(xi) Flammable or explosive gases do not exceed ten percent of the lower explosive limit in the area where MRW is handled. An explosive gas monitoring program shall be implemented to ensure that this standard is achieved;

(xii) MRW is delivered to a facility that meets the performance standards of WAC 173-350-040;

(xiii) Personnel responsible for routine inspections and operations are familiar with the chemical nature of the mate-

rials and the appropriate mitigating action necessary in the event of fire, leak or spill; and

(xiv) The jurisdictional health department and the department are notified of any spills or discharges of MRW to the environment.

(b) Ensure that routine, annual, and five-year inspections are conducted as follows:

(i) Routine inspections shall be conducted at least weekly or once each operating day, whichever is more frequent, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. Routine inspections shall be performed for:

(A) Operating hazards;

(B) Presence of operable safety equipment;

(C) Container integrity; and

(D) General facility condition;

(ii) Annual inspections shall be conducted to determine the condition of secondary containment systems including all readily accessible below floor spaces, sumps, and tanks for deterioration and evidence of containment failure; and

(iii) Five-year inspections shall be conducted by either a professional engineer licensed in the state of Washington, or other qualified individual that has credentials that demonstrate skills or knowledge necessary to perform the inspection. Five-year inspections shall be conducted to determine the condition of:

(A) Secondary containment systems including all readily accessible below floor space, sumps, and tanks for deterioration and evidence of containment failure; and

(B) All ventilation and flammable vapor monitoring systems.

(c) Maintain operating records of the weights or gallons of each type of MRW collected and the number of households and CESQGs served. Facility inspection reports shall be maintained in the operating record, including at least the date and time of the inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or remedial action. Significant deviations from the plan of operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available for inspection at the request of the jurisdictional health department.

(d) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall detail the facility's activities during the previous calendar year and must include the following information:

(i) Name and address of the facility and locations of all collection sites;

(ii) Calendar year covered by the report;

(iii) Annual quantity and type of MRW, in pounds or gallons;

(iv) Type of final disposition (e.g., reuse, recycled, treatment, energy recovery, or disposal) by type of MRW;

(v) Applicable financial assurance reviews and audit findings in accordance with WAC 173-350-600; and

(vi) Any additional information required by the jurisdictional health department as a condition of the permit.

(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall

describe the facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval of the jurisdictional health department. Each plan of operation shall include the following:

- (i) A description of the types of solid wastes to be handled at the facility;
- (ii) A description of how MRW will be handled on-site during the active life of the facility including:
 - (A) Methods for managing and/or identifying unknown wastes;
 - (B) Procedures for managing wastes that arrive in corroded or leaking containers or when MRW is left at the gate when the facility is unattended;
 - (C) Protocol for sorting, processing and packaging MRW;
 - (D) Procedures to protect containers of MRW susceptible to damage from weather and temperature extremes;
 - (E) Maximum quantities of MRW to be safely stored in each area at any time;
 - (F) Waste acceptance protocol to preclude and redirect fully regulated dangerous waste and any unacceptable waste types, such as explosives and/or radioactives; and
 - (G) For facilities that offer material exchanges, a procedure for determining what MRW is suitable for exchange and how the materials exchange will be operated;
- (iii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;
- (iv) Safety and emergency plans including:
 - (A) A list of all on-site emergency equipment with its capability, purpose, and training requirements;
 - (B) A description of actions to take if leaks in containers, tanks, or containment structures are suspected or detected and for other releases (e.g., failure of runoff containment system, gases generated due to chemical reactions or rapid volatilization);
- (v) The forms used to record weights and volumes; and
- (vi) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(7) *Moderate risk waste facilities - Ground water monitoring requirements.* There are no specific ground water monitoring requirements for MRW facilities subject to this chapter; however, moderate risk waste facilities must meet the requirements provided under WAC 173-350-040(5).

(8) *Moderate risk waste facilities - Closure requirements.* The owner or operator of a moderate risk waste facility shall:

- (a) Notify the jurisdictional health department, and where applicable, the financial assurance instrument provider, no later than one hundred eighty days prior to the projected date of the final receipt of MRW, of the intent to implement the closure plan in part or whole. The facility shall close in a manner that:
 - (i) Minimizes the need for further maintenance;

- (ii) Removes all MRW and ensures delivery of the MRW to a facility that meets the performance standards of WAC 173-350-040;

- (iii) Decontaminates all areas where MRW has been handled, including, but not limited to, secondary containment, buildings, tanks, equipment, and property; and

- (iv) Prepares the facility for remedial measures after closure, if required.

- (b) Commence closure activities in part or whole within thirty days following the receipt of the final volume of MRW. Waste shall not be accepted for disposal or for use in closure.

- (c) At facility closure completion, in part or whole, submit the following to the jurisdictional health department:

- (i) Certification by the owner or operator, and a professional engineer licensed in the state of Washington that the site has been closed in accordance with the approved closure plan; and

- (ii) A closure report signed by the facility owner or operator and the certifying engineer that describes:

- (A) Actions taken to determine if there has been a release to the environment; and

- (B) The results of all inspections conducted as part of the closure procedure.

- (d) Keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan shall include:

- (i) A description of the activities and procedures that will be used to ensure compliance with this subsection;

- (ii) An estimate of the maximum volume of MRW on-site at any time during the active life of the facility; and

- (iii) Closure cost estimates and projected fund withdrawal intervals from the financial assurance instrument, if such an instrument is required by subsection (9) of this section.

- (e) The jurisdictional health department shall notify the owner or operator, the department and the financial assurance instrument provider, of the date when the jurisdictional health department has verified that the facility has been closed in accordance with the specifications of the approved closure plan.

(9) *Moderate risk waste facilities - Financial assurance requirements.*

- (a) The owner or operator of any fixed moderate risk waste facility that stores more than five hundred fifty gallons of MRW on-site, is required to establish financial assurance in accordance with WAC 173-350-600.

- (b) Proof of financial assurance shall be provided to the jurisdictional health department prior to the acceptance of any MRW. The financial assurance instrument shall provide sufficient funds to guarantee that all closure requirements are met. In the event that hazardous substances are released to the environment and site remediation is necessary, additional financial assurance shall be provided in order that site remediation can be accomplished.

- (c) Nothing in this section shall prevent an owner or operator from including the cost of MRW facility financial assurance in an instrument established for a colocated permitted solid waste facility so long as there are adequate funds

available for both closure activities and the instrument identifies the commitment of funds for both activities.

(10) *Moderate risk waste facilities - Permit application contents.* The owner or operator of a MRW facility shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be submitted in accordance with the requirements established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

- (a) Engineering reports/plans and specifications that address the design standards of subsection (5) of this section;
- (b) A plan of operation meeting the requirements of subsection (6) of this section;
- (c) A closure plan meeting the requirements of subsection (8) of this section; and
- (d) Documentation as needed to meet the financial assurance requirements of subsection (9) of this section.

(11) *Moderate risk waste facilities - Construction records.* The owner or operator of a moderate risk waste facility shall provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. Facilities shall not commence operation until the jurisdictional health department has approved the construction documentation in writing.

NEW SECTION

WAC 173-350-400 Limited purpose landfills. (1) *Limited purpose landfills - Applicability.* These standards apply to all landfills except:

- (a) Municipal solid waste landfills regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills;
- (b) Inert waste landfills regulated under WAC 173-350-410;
- (c) Special incinerator ash landfills regulated under chapter 173-306 WAC, Special incinerator ash management standards;
- (d) Dangerous waste landfills regulated under chapter 173-303 WAC, Dangerous waste regulations; and
- (e) Chemical waste landfills used for the disposal of polychlorinated biphenyls (PCBs) regulated under Title 40 CFR Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.

(2) *Limited purpose landfills - Location standards.* All limited purpose landfills shall be located to meet the following requirements:

- (a) No landfill shall be located over a Holocene fault, in subsidence areas, or on or adjacent to an unstable slope or other geologic features which could compromise the structural integrity of the facility.
- (b) No landfill's active area shall be located closer than one thousand feet to a down-gradient drinking water supply well, unless the owner or operator can demonstrate that a

minimum of ninety days will occur between the time that a contaminant is detected and the time the contaminant can reach the nearest down-gradient drinking water supply well. Such demonstrations shall be prepared by a licensed professional in accordance with the requirements of chapter 18.220 RCW and based on the details of the sampling and analysis plan and the hydrogeologic properties of the aquifer and included in the permit application.

(c) No landfill's active area shall be located in a channel migration zone as defined in WAC 173-350-100 or within two hundred feet measured horizontally, of a stream, lake, pond, river, or saltwater body, nor in any wetland nor any public land that is being used by a public water system for watershed control for municipal drinking water purposes in accordance with WAC 248-54-660(4). All facilities shall conform to location restrictions established in local shoreline management plans adopted pursuant to chapter 90.58 RCW.

(d) No landfill shall be located within ten thousand feet of any airport runway currently used by turbojet aircraft or five thousand feet of any airport runway currently used by only piston-type aircraft unless the federal aviation administration grants a waiver. This requirement is only applicable where such landfill is used for disposing of wastes where a bird hazard to aircraft would be created.

(e) All landfills shall comply with the location standards specified in RCW 70.95.060.

(3) *Limited purpose landfills - Design standards.*

(a) This section applies to landfills with considerable variations in waste types, site conditions, and operational controls. All landfills shall be designed to meet the performance standards of WAC 173-350-040 and shall be appropriate for and compatible with the waste, the site, and the operation. The owner or operator of a limited purpose landfill shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the design standards of this subsection. An owner or operator shall be able to demonstrate during the permitting process that the design of a proposed landfill will mitigate risks to human health and the environment. When evaluating a landfill design, the jurisdictional health department shall consider the following factors:

- (i) Waste characterization;
- (ii) Soil conditions;
- (iii) Hydrogeologic conditions;
- (iv) Hydraulic conditions;
- (v) Contaminant fate and transport;
- (vi) Topography;
- (vii) Climate;
- (viii) Seismic conditions;
- (ix) The total capacity of the facility and each landfill unit;
- (x) Anticipated leachate characteristics and quantity;
- (xi) Operational controls; and
- (xii) Environmental monitoring systems.

(b) Liner system design.

(i) Liner system performance standard. Limited purpose landfills shall be constructed in accordance with a design that:

(A) Will prevent the contamination of the hydrostratigraphic units identified in the hydrogeologic assessment of the facility at the relevant point of compliance as specified during the permitting process; and

(B) Prevent the migration of methane and other gases.

(ii) The jurisdictional health department may allow a limited purpose landfill to be designed and constructed without a liner system if the owner or operator can demonstrate during the permitting process that:

(A) The contaminant levels in the waste and leachate are unlikely to pose an adverse impact to the environment; and

(B) The ability of natural soils to provide a barrier or reduce the concentration of contaminants provides sufficient protection to meet the performance standards of WAC 173-350-040.

(iii) Liner separation from ground water. No landfill liner system shall be constructed such that the bottom of the lowest component is less than ten feet (three meters) above the seasonal high level of ground water, unless a hydraulic gradient control system has been installed which prevents ground water from contacting the liner. For the purpose of this section, ground water includes any water-bearing unit which is horizontally and vertically extensive, hydraulically recharged, and volumetrically significant as to harm or endanger the integrity of the liner at any time.

(iv) Hydraulic gradient control system performance standard. When a hydraulic gradient control system is to be incorporated into a landfill design, a demonstration shall be made during the permit process that the hydraulic gradient control system can be installed to control ground water fluctuations and maintain separation between the controlled seasonal high level of ground water in the identified water-bearing unit and the bottom of the lowest liner system component. The hydraulic gradient control system shall not have negative impacts on waters of the state or impede the capability to collect samples representative of the quality of ground water at the relevant point of compliance. The demonstration shall include:

(A) A discussion in the geologic and hydrogeologic site characterization showing the effects from subsoil settlement, changes in surrounding land uses, climatic trends or other impacts affecting ground water levels during the active life, closure and post-closure periods of the landfill;

(B) A discussion showing potential impacts of the gradient control operation to existing quality and quantity of ground water or surface waters. This discussion shall include potential impacts to water users and instream flow and levels of surface waters in direct hydrologic contact or continuity with the hydraulic gradient control system. Any currently available ground or surface water quality data for aquifers, springs, or surface waters in direct hydrologic contact or continuity with the hydraulic gradient control system shall be included;

(C) Conceptual engineering drawings of the proposed landfill and a discussion as to how the hydraulic gradient control system will protect or impact the structural integrity and performance of the liner system;

(D) Preliminary engineering drawings of the hydraulic gradient control system;

(E) Design specifications for the proposed ground and surface water monitoring systems; and

(F) A discussion of the potential impacts from the gradient control system on the capability of collecting ground water samples that will represent the quality of ground water passing the relevant point of compliance.

(v) Presumptive liner design. Limited purpose landfills designed and constructed with the following composite liner are presumed to meet the performance standard of (b)(i) of this subsection. An alternative liner system design shall be used when the nature of the waste, the disposal site, or other factors are incompatible with the presumptive liner. The presumptive liner design consists of the following two components:

(A) A lower component consisting of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec.

(B) An upper component consisting of a high-density polyethylene (HDPE) geomembrane with a minimum of 60-mil thickness. The geomembrane shall be installed in direct and uniform contact with the lower component.

(c) Leachate collection and control system design. Except as provided in (b)(ii) of this section, limited purpose landfills shall be constructed in accordance with a design that:

(i) Provides for collection and removal of leachate generated in the landfill;

(ii) Is capable of maintaining less than a one-foot head of leachate over the liner system and less than a two-foot head in leachate sump areas;

(iii) Includes a monitoring system capable of collecting representative samples of leachate generated in the landfill; and

(iv) Provides for leachate storage, treatment, or pretreatment to meet the requirements for permitted discharge under chapter 90.48 RCW, Water pollution control, and the Federal Clean Water Act.

(d) Run-on/runoff control system design. Limited purpose landfills shall be constructed in accordance with a design that:

(i) Will prevent flow onto the active portion of the landfill during the peak discharge from a twenty-five-year storm, as defined in WAC 173-350-100;

(ii) Will prevent unpermitted discharges from the active portion of the landfill resulting from a twenty-five-year storm, as defined in WAC 173-350-100; and

(iii) When located in a one hundred-year floodplain, the entrance and exit roads, and landfill practices do not restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain or result in washout of solid waste, to pose a hazard to human life, wildlife, land or water resources.

(e) Final closure system design.

(i) Final closure performance standard. Limited purpose landfills shall be closed in accordance with a design that:

(A) Prevents exposure of waste;

(B) Minimizes infiltration (at a minimum, the design will prevent the generation of significant quantities of leachate to eliminate the need for leachate removal by the end of the post-closure period);

- (C) Prevents erosion from wind and water;
- (D) Is capable of sustaining native vegetation;
- (E) Addresses anticipated settlement, with a goal of achieving no less than two to five percent slope after settlement;
- (F) Provides sufficient stability and mechanical strength and addresses potential freeze-thaw and desiccation;
- (G) Provides for the management of run-on and runoff, preventing erosion or otherwise damaging the closure cover;
- (H) Minimizes the need for post-closure maintenance;
- (I) Provides for collection and removal of methane and other gases generated in the landfill. Landfill gas shall be purified for sale, used for its energy value, or flared when the quantity and quality of landfill gases will support combustion. Landfill gases may be vented when they will not support combustion. The collection and removal system shall include a monitoring system capable of collecting representative samples of gases generated in the landfill; and
- (J) Meets the requirements of regulations, permits and policies administered by the jurisdictional air pollution control authority or the department under chapter 70.94 RCW, Washington Clean Air Act and Section 110 of the Federal Clean Air Act.

(ii) Presumptive final closure cover. Limited purpose landfills designed and constructed with the following closure cover are presumed to meet the performance standards in (e)(i)(A) through (D) of this subsection. An alternative final closure cover shall be used when the nature of the waste, the disposal site or other factors are incompatible with the presumptive final closure cover system. The presumptive final closure cover consists of the following components:

(A) An antierosion layer consisting of a minimum of two feet (60 cm) of earthen material of which at least twelve inches (30 cm) of the uppermost layer is capable of sustaining native vegetation, seeded with grass or other shallow rooted vegetation; and

(B) A geomembrane with a minimum of 30-mil (.76 mm) thickness, or a greater thickness that is commensurate with the ability to join the geomembrane material and site characteristics such as slope, overlaying a competent foundation.

(f) Water balance and ground water contaminant fate and transport modeling. Any modeling performed for evaluating a landfill design shall meet the following performance standards:

(i) All water balance analysis shall be performed using:

(A) The Hydrologic Evaluation of Landfill Performance (HELP) Model; or

(B) Alternate methods approved by the jurisdictional health department. Alternate methods shall have supporting documentation establishing its ability to accurately represent the water balance within the landfill unit.

(ii) Any ground water and contaminant fate and transport modeling shall be conducted by a licensed professional in accordance with the requirements of chapter 18.220 RCW and meet the following performance standards:

(A) The model shall have supporting documentation that establishes the ability of those methods to represent ground water flow and contaminant transport under the conditions at the site;

(B) The model shall be calibrated against site-specific field data;

(C) A sensitivity analysis shall be conducted to measure the model's response to changes in the values assigned to major parameters, specific tolerances, and numerically assigned space and time discretizations;

(D) The value of the model's parameters requiring site-specific data shall be based upon actual field or laboratory measurements; and

(E) The values of the model's parameters that do not require site-specific data shall be supported by laboratory test results or equivalent methods documenting the validity of the chosen parameter values.

(g) Seismic impact zones. Limited purpose landfills located in seismic impact zones shall be designed so that all containment structures, including liners, leachate collection systems, surface water control systems, gas management, and closure cover systems are able to resist the maximum horizontal acceleration in lithified earth materials for the site.

(h) The owner or operator of limited purpose landfills located in an unstable area shall demonstrate that engineering measures have been incorporated into the landfill's design to ensure that the integrity of the structural components of the landfill will not be disrupted. The owner or operator shall place the demonstration in the application for a permit. The owner or operator shall consider the following factors, at a minimum, when determining whether an area is unstable:

(i) On-site or local soil conditions that may result in significant differential settling;

(ii) On-site or local geologic or geomorphologic features; and

(iii) On-site or local human-made features or events (both surface and subsurface).

(i) Limited purpose landfills shall be designed to provide a setback of at least one hundred feet between the active area and the property boundary. The setback shall be increased if necessary to:

(i) Control odors, dust, and litter;

(ii) Provide a space for the placement of monitoring wells, gas probes, run-on/runoff controls, and other design elements; or

(iii) Provide sufficient area to allow proper operation of the landfill and access to environmental monitoring systems and facility structures.

(4) *Limited purpose landfills - Operating standards.* The owner or operator of a limited purpose landfill shall:

(a) Operate the facility to:

(i) Control public access and prevent unauthorized vehicular traffic, illegal dumping of wastes, and keep animals out by using artificial barriers, natural barriers, or both, as appropriate to protect human health and the environment. A lockable gate shall be required at each entry to the landfill;

(ii) Provide approach and exit roads of all-weather construction, with traffic separation and traffic control on-site, and at the site entrance;

(iii) Ensure that no liquid waste or any free liquids are placed in disposal facilities;

(iv) Weigh all incoming waste on scales or provide an equivalent method of measuring waste tonnage capable of

estimating total annual solid waste tonnage to within plus or minus five percent for landfills having a permitted capacity of greater than ten thousand cubic yards per year;

(v) Provide on-site fire protection as determined by the local and state fire control jurisdiction. Landfills disposing of wastes that can support combustion shall have a method to control subsurface fires;

(vi) Ensure that at least two landfill personnel are on-site with one person at the active face when the site is open to the public for disposal facilities with a permitted capacity of greater than fifty thousand cubic yards per year;

(vii) Provide communication between employees working at the landfill and management offices, on-site and off-site, sufficient to handle emergencies;

(viii) Control fugitive dust;

(ix) Perform no open burning unless permitted by the jurisdictional air pollution control agency or the department under chapter 70.94 RCW, Washington Clean Air Act;

(x) Collect scattered litter as necessary to prevent vector harborage, a fire hazard, an aesthetic or other nuisance, or adversely affect wildlife or its habitat;

(xi) Prohibit scavenging;

(xii) Ensure that reserve operational equipment shall be available to maintain and meet these standards; and

(xiii) Ensure that operations do not endanger any containment or monitoring structures such as liners, leachate collection systems, surface water control systems, gas management, cover systems and monitoring wells.

(b) Operate the facility in compliance with the following operating standards unless a demonstration can be made during the permitting process that due to the nature, source of the waste, or quality of the leachate generated, these standards are not necessary for the protection of human health or the environment:

(i) Implement a program at the facility for detecting and preventing the disposal of dangerous waste fully regulated under chapter 173-303 WAC, municipal solid waste and other prohibited wastes including polychlorinated biphenyls (PCB) waste. This program shall include, at a minimum:

(A) Random inspections of incoming loads unless the owner or operator takes other steps (for example, instituting source controls restricting the type of waste received) to ensure that incoming loads do not contain prohibited wastes. Random inspections shall include:

(I) Discharging a random waste load onto a suitable surface, or portion of the tipping area. A suitable surface shall be chosen to avoid interference with operations, so that sorted waste can be distinguished from other loads of uninspected waste, to avoid litter, and to contain runoff;

(II) The contents of the load shall be visually inspected prior to actual disposal of the waste. The facility owner or operator shall return prohibited waste to the hauler, arrange for disposal of prohibited wastes at a facility permitted to manage those wastes, or take other measures to prevent disposal of the prohibited waste at the facility;

(B) Maintaining records of inspections, or the results of other procedures if appropriate;

(C) Training facility personnel to recognize regulated dangerous waste, PCB wastes and other prohibited wastes; and

(D) Immediate notification of the department and the jurisdictional health department if a regulated dangerous waste or PCB waste is discovered at the facility.

(ii) Thoroughly compact the solid waste before succeeding layers are added except for the first lift over a liner.

(iii) Cover disposed waste to control disease vectors, fires, odors, blowing litter, and scavenging. Putrescible waste shall be covered at the end of each operating day, or at more frequent intervals if necessary. The jurisdictional health department may grant a temporary waiver, not to exceed three months, from the requirement of this subsection if the owner or operator demonstrates that there are extreme seasonal climatic conditions that make meeting such requirements impractical. Materials used for cover shall be:

(A) At least six inches (15 cm) of earthen material, such as soils; or

(B) Alternative materials or an alternative thickness other than at least six inches (15 cm) of earthen material as approved by the jurisdictional health department when the owner or operator demonstrates during the permit process that the alternative material or thickness will control vectors, fires, odors, blowing litter, scavenging, provide adequate access for heavy vehicles, and will not adversely affect gas or leachate composition and controls.

(iv) Prevent or control on-site populations of disease vectors using techniques appropriate for the protection of human health and the environment; and

(v) Implement a program at the facility to control and monitor explosive gases and to respond to the detection of explosive gases in a manner that ensures protection of human health. This program shall include, at a minimum:

(A) Controls to ensure that explosive gases generated by the facility do not exceed:

(I) Twenty-five percent of the lower explosive limit for the gases in facility structures (excluding the gas control or recovery system components);

(II) The lower explosive limit in soil gases or in ambient air for the gases at the property boundary or beyond; and

(III) One hundred parts per million by volume of hydrocarbons (expressed as methane) in off-site structures;

(B) A routine explosive gas-monitoring program to ensure that all standards are met. The minimum frequency for monitoring is quarterly. The type and frequency of monitoring shall be determined based on the following factors:

(I) Soil conditions;

(II) The hydrogeologic conditions surrounding the facility;

(III) The hydraulic conditions surrounding the facility; and

(IV) The location of facility structures and property boundaries;

(C) If explosive gas levels exceed those of this subsection take all necessary steps to ensure protection of human health including:

(I) Notifying the jurisdictional health department;

(II) Monitoring off-site structures;

(III) Monitoring explosive gas levels daily, unless otherwise authorized by the jurisdictional health department;

(IV) Evacuation of buildings affected by landfill gas until determined to be safe for occupancy;

(V) Within seven calendar days of the explosive gas levels detection, placing in the operating record the explosive gas levels detected and a description of the steps taken to protect human health and provide written notification to the jurisdictional health department; and

(VI) Within sixty days of the explosive gas levels detection, implementing a remediation plan for the explosive gas releases, describing the nature and extent of the problem and the remedy. This shall be sent to the jurisdictional health department for approval as an amendment to the plan of operation. A copy of the remediation plan shall be placed in the operating record;

(D) Construction and decommissioning of all gas monitoring and extraction wells in a manner that protects ground water and meets the requirements of chapter 173-160 WAC, Minimum standards for construction and maintenance of wells;

(c) Inspect and maintain the facility to prevent malfunctions and deterioration, operator errors, and discharges that may cause or lead to the release of wastes to the environment or cause a threat to human health. The inspections shall be at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

(d) Maintain daily operating records on the weights (or volumes), number of vehicles entering and the types of wastes received. Facility inspection reports shall be maintained in the operating record. Significant deviations from the plan of operation shall be noted on the operating record. Records shall be maintained for a minimum of five years and shall be available upon request by the jurisdictional health department;

(e) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st of each year. The annual report shall cover landfill activities during the previous calendar year and shall include the following information:

- (i) Name and address of the facility;
- (ii) Calendar year covered by the report;
- (iii) Annual quantity and type of waste accepted:

(A) For landfills that dispose of more than ten thousand cubic yards of waste per year, report annual type and quantities in tons.

(B) For landfills that dispose of less than ten thousand cubic yards of waste per year, annual type and quantities may be reported in cubic yards. Include an estimate of in-place density in pounds per cubic yard;

(iv) Results of ground water monitoring in accordance with WAC 173-350-500;

(v) Applicable financial assurance reviews and audit findings in accordance with WAC 173-350-600; and

(vi) Any additional information required by the jurisdictional health department as a condition of the permit;

(f) Develop, keep, and abide by a plan of operation approved as part of the permitting process. The plan shall describe the operation of the facility and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval of the

jurisdictional health department. Each plan of operation shall contain:

(i) A description of the types of solid waste to be handled at the facility;

(ii) A description of how solid wastes are to be handled on-site during its active life including:

(A) The acceptance criteria that will be applied to the waste;

(B) Procedures for ensuring only the waste described will be accepted;

(C) Procedures for handling unacceptable wastes; and

(D) Unloading and staging areas, transportation, routine filling, compaction, grading, cover or other vector controls, and housekeeping;

(iii) A description of how equipment, structures and other systems, including leachate collection, gas collection, run-on/runoff controls, and hydraulic gradient control systems, are to be inspected and maintained, including the frequency of inspection and inspection logs;

(iv) Safety and emergency plans including;

(A) Procedures for fire (including subsurface fires) prevention, a description of fire protection equipment available on-site and actions to take if there is a fire or explosion;

(B) Actions to take if leaks are detected or for other releases, such as failure of runoff containment system, if such systems are required;

(v) The forms for recording weights and volumes; and

(vi) Other such details to demonstrate that the landfill will be operated in accordance with this subsection and as required by the jurisdictional health department.

(5) *Limited purpose landfills - Ground water monitoring requirements.* Limited purpose landfills are subject to the ground water monitoring requirements of WAC 173-350-500.

(6) *Limited purpose landfills - Closure requirements.* The following closure requirements apply in full to facilities with limited purpose landfills:

(a) The owner or operator shall notify the jurisdictional health department, and where applicable, the financial assurance instrument provider, one hundred eighty days in advance of closure of the facility, or any portion thereof. The facility, or any portion thereof, shall close in a manner that:

(i) Minimizes the need for further maintenance;

(ii) Controls, minimizes, or eliminates threats to human health and the environment from post-closure escape of solid waste constituents, leachate, landfill gases, contaminated runoff, or waste decomposition products to the ground, ground water, surface water, and the atmosphere; and

(iii) Prepares the facility, or any portion thereof, for the post-closure period.

(b) The owner or operator shall commence implementation of the closure plan in part or whole within thirty days after receipt of the final volume of waste and/or attaining the final landfill elevation at part of or at the entire landfill as identified in the approved facility closure plan unless otherwise specified in the closure plan.

(c) The owner or operator shall not accept waste, including inert wastes, for disposal or for use in closure except as

identified in the closure plan approved by the jurisdictional health department.

(d) The owner or operator shall develop, keep, and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan shall include the following information:

(i) A description of the final closure cover, designed in accordance with subsection (3)(e) of this section, the methods and procedures to be used to install the closure cover, sources of borrow materials for the closure cover, and a schedule or description of the time required for completing closure activities;

(ii) Projected time intervals at which sequential partial closure and final closure are to be implemented;

(iii) A description of the activities and procedures that will be used to ensure compliance with (a) through (g) of this subsection; and

(iv) Identify closure cost estimates and projected fund withdrawal intervals for the associated closure costs, from the approved financial assurance instrument.

(e) The owner or operator shall submit final engineering closure plans, in accordance with the approved closure plan and all approved amendments, for review, comment, and approval by the jurisdictional health department.

(f) When landfill closure is completed in part or whole, the owner or operator shall submit the following to the jurisdictional health department:

(i) Landfill closure plan sheets signed by a professional engineer registered in the state of Washington and modified as necessary to represent as-built changes to final closure construction for the landfill, or a portion thereof, as approved in the closure plan; and

(ii) Certification by the owner or operator, and a professional engineer registered in the state of Washington, that the landfill, or a portion thereof has been closed in accordance with the approved closure plan.

(g) The owner or operator shall record maps and a statement of fact concerning the location of the disposal site as part of the deed with the county auditor not later than three months after closure.

(h) The jurisdictional health department shall notify the owner or operator, the department, and the financial assurance instrument provider, of the date when the jurisdictional health department has verified that the facility, or a portion thereof, has been closed in accordance with the specifications of the approved closure plan and the closure requirements of this section, at which time the post-closure period shall commence.

(7) *Limited purpose landfills - Post-closure requirements.* The following post-closure requirements apply in full to facilities with limited purpose landfills:

(a) The owner or operator shall provide post-closure activities to allow for continued facility maintenance and monitoring of air, land, and water for a period of twenty years, or as long as necessary for the landfill to stabilize and to protect human health and the environment. For disposal facilities, post-closure care includes at least the following:

(i) Maintaining the integrity and effectiveness of any final closure cover, including making repairs to the closure

cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, maintaining the vegetative cover, and preventing run-on and runoff from eroding or otherwise damaging the final closure cover;

(ii) General maintenance of the facility and facility structures for their intended use;

(iii) Monitoring ground water, surface water, leachate, or other waters in accordance with the requirements of WAC 173-350-500 and the approved monitoring plan, including remedial measures if applicable, and maintaining all monitoring systems;

(iv) Monitoring landfill gas and maintaining and operating the gas collection and control systems;

(v) Maintaining, operating, and monitoring hydraulic gradient controls systems if applicable;

(vi) Monitoring settlement; and

(vii) Any other activities deemed appropriate by the jurisdictional health department.

(b) The owner or operator shall commence post-closure activities for the facility, or portion thereof, after completion of closure activities outlined in subsection (6) of this section. The jurisdictional health department may direct that post-closure activities cease until the owner or operator receives a notice to proceed with post-closure activities.

(c) The owner or operator shall develop, keep, and abide by a post-closure plan approved by the jurisdictional health department as a part of the permitting process. The post-closure plan shall:

(i) Address facility maintenance and monitoring activities for at least a twenty-year period or until the landfill becomes stabilized (i.e., little or no settlement, gas production or leachate generation), and monitoring of ground water, surface water, gases and settlement can be safely discontinued; and

(ii) Project time intervals at which post-closure activities are to be implemented, and identify post-closure cost estimates and projected fund withdrawal intervals from the selected financial assurance instrument, where applicable, for the associated post-closure costs.

(d) The owner or operator shall complete post-closure activities for the facility, or portion thereof, in accordance with the approved post-closure plan and schedule, or the plan shall be so amended with the approval of the jurisdictional health department. The jurisdictional health department may direct facility post-closure activities, in part or completely, to cease until the post-closure plan has been amended and has received written approval by the health department.

(e) When post-closure activities are complete, the owner or operator shall submit a certification to the jurisdictional health department, signed by the owner or operator, and a professional engineer registered in the state of Washington stating why post-closure activities are no longer necessary.

(f) If the jurisdictional health department finds that post-closure monitoring has established that the landfill is stabilized, the health department may authorize the owner or operator to discontinue post-closure maintenance and monitoring activities.

(g) The jurisdictional health department shall notify the owner or operator, the department, and the financial assurance instrument provider, of the date when the jurisdictional

health department has verified that the facility has completed post-closure activities in accordance with the specifications of the approved post-closure plan.

(8) *Limited purpose landfills - Financial assurance requirements.*

(a) Financial assurance is required for all limited purpose landfills.

(b) Each owner or operator shall establish a financial assurance mechanism in accordance with WAC 173-350-600 that will accumulate funds equal to the closure and post-closure cost estimates over the life of the landfill, or over the life of each landfill unit if closed discretely.

(c) No owner or operator shall commence or continue disposal operations in any part of a facility subject to this section until a financial assurance instrument has been provided for closure and post-closure activities in conformance with WAC 173-350-600.

(9) *Limited purpose landfills - Permit application contents.* The owner or operator shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

(a) Demonstrations that the facility meets the location standards of subsection (2) of this section;

(b) Documentation that all owners of property located within one thousand feet of the facility property boundary have been notified that the proposed facility may impact their ability to construct water supply wells, in accordance with chapter 173-160 WAC, Minimum standards for construction and maintenance of wells;

(c) Engineering reports/plans and specifications that address the design standards of subsection (3) of this section;

(d) A plan of operation meeting the requirements of subsection (4) of this section;

(e) Hydrogeologic reports and plans that address the requirements of subsection (5) of this section;

(f) A closure plan meeting the requirements of subsection (6) of this section;

(g) A post-closure plan meeting the requirements of subsection (7) of this section; and

(h) Documentation as needed to meet the financial assurance requirements of subsection (8) of this section.

(10) *Limited purpose landfills - Construction records.* The owner or operator of a limited purpose landfill shall provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. Facilities shall not commence operation until the jurisdictional health department has approved the construction documentation in writing.

NEW SECTION

WAC 173-350-410 Inert waste landfills. (1) *Inert waste landfills - Applicability.* These standards apply to land-

fills that receive only inert wastes, as identified pursuant to WAC 173-350-990, including facilities that use inert wastes as a component of fill. In accordance with RCW 70.95.305, facilities with a total capacity of two hundred fifty cubic yards or less of inert wastes are categorically exempt from solid waste handling permitting and other requirements of this section, provided that the inert waste landfill is operated in compliance with the performance standards of WAC 173-350-040. An owner or operator that does not comply with the performance standards of WAC 173-350-040 is required to obtain a permit from the jurisdictional health department, and may be subject to the penalty provisions of RCW 70.95.315.

(2) *Inert waste landfills - Location standards.* All inert waste landfills shall be located to meet the following requirements. No inert waste landfill's active area shall be located:

(a) On an unstable slope;

(b) Closer than ten feet from the facility property line;

(c) Closer than fifty feet to a drinking water supply well;

or

(d) In a channel migration zone as defined in WAC 173-350-100, or within one hundred feet measured horizontally, of a stream, lake, pond, river, or saltwater body, nor in any wetland nor any public land that is being used by a public water system for watershed control for municipal drinking water purposes in accordance with WAC 248-54-660(4).

(3) *Inert waste landfills - Design standards.* The owner or operator of an inert waste landfill shall prepare engineering reports/plans and specifications to address the design standards of this subsection. The existing site topography, including the location and approximate thickness and nature of any existing waste, the vertical and horizontal limits of excavation and waste placement, final closure elevation and grades, and the design capacity of each landfill unit, total design capacity, and future use of the facility after closure, shall be included. Inert waste landfills shall be designed and constructed to:

(a) Ensure that all waste is above the seasonal high level of ground water. For the purpose of this section, ground water includes any water-bearing unit which is horizontally and vertically extensive, hydraulically recharged, and volumetrically significant;

(b) Maintain a stable site; and

(c) Manage surface water, including run-on prevention and runoff conveyance, storage, and treatment, to protect the waters of the state;

(4) *Inert waste landfills - Operating standards.* The owner or operator of an inert waste landfill shall:

(a) Operate the facility to:

(i) Control public access and prevent unauthorized vehicular traffic and illegal dumping of wastes;

(ii) Implement a program at the facility capable of detecting and preventing noninert wastes from being accepted or mixed with inert waste;

(iii) Handle all inert waste in a manner that is in compliance with the performance standards of WAC 173-350-040;

(iv) Handle all inert waste in a manner that controls fugitive dust and is protective of waters of the state; and

(v) Prevent unstable conditions resulting from their activities;

(b) Inspect and maintain the facility to prevent malfunctions and deterioration, operator errors and discharges that may cause a threat to human health. Inspections shall be as needed, but at least weekly, to ensure meeting operational standards, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

(c) Maintain daily operating records of the weights of inert waste disposed. Methods for measuring waste shall be capable of estimating total annual weight to within plus or minus twenty percent. In addition, record and retain information that documents that all wastes landfilled meet the criteria for inert waste. Facility inspection reports shall be maintained in the operating record. Significant deviations from the plan of operation shall be noted in the operating record. Records shall be maintained for minimum of five years and shall be available upon request by the jurisdictional health department;

(d) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall detail the facility's activities during the previous calendar year and shall include the following information:

- (i) Name and address of the facility;
- (ii) Calendar year covered by the report;
- (iii) Annual quantity and type of waste disposed in tons; and
- (iv) Any additional information required by the jurisdictional health department as a condition of the permit;

(e) Develop, keep, and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval of the jurisdictional health department. Each plan of operation shall include:

- (i) A description of the types of solid waste to be handled at the facility;
- (ii) A description of how solid wastes are to be handled on-site during its active life including:
 - (A) Acceptance criteria that will be applied to the waste;
 - (B) Procedures for ensuring only the waste described will be accepted;
 - (C) Procedures for handling unacceptable wastes; and
 - (D) Procedures for transporting and routine filling and grading;
- (iii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;
- (iv) Safety and emergency plans;
- (v) The forms used to record weights and volumes; and
- (vi) Other such details to demonstrate that the facility will meet the requirements of this subsection and as required by the jurisdictional health department.

(5) *Inert waste landfills - Ground water monitoring standards.* There are no specific ground water monitoring requirements for inert waste landfills subject to this chapter;

however, inert waste landfills must meet the requirements provided under WAC 173-350-040(5).

(6) *Inert waste landfills - Closure requirements.* The owner or operator of an inert waste landfill shall:

(a) Notify the jurisdictional health department sixty days in advance of closure of the facility;

(b) Close the inert waste landfill unit by leveling the wastes to the extent practicable, or as appropriate for the proposed future use, and fill all voids which could pose a physical threat for persons, or which provide disease vector harborage. The inert waste landfills shall be closed in a manner to control fugitive dust and protect the waters of the state; and

(c) Record maps and a statement of fact concerning the location of the disposal site as part of the deed with the county auditor not later than three months after closure.

(7) *Inert waste landfills - Financial assurance requirements.* There are no specific financial assurance requirements for inert waste landfills subject to this chapter; however, inert waste landfills must meet the requirements provided under WAC 173-350-040(5).

(8) *Inert waste landfills - Permit application contents.* The owner or operator shall obtain a solid waste permit from the jurisdictional health department. All applications for permits shall be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit shall contain:

(a) Engineering reports/plans and specifications that address the design standards of subsection (3) of this section;

(b) A plan of operation that meets the requirements of subsection (4) of this section; and

(c) Documentation that all owners of property located within one thousand feet of the facility property boundary have been notified that the proposed facility may impact their ability to construct water supply wells, in accordance with chapter 173-160 WAC, Minimum standards for construction and maintenance of wells.

NEW SECTION

WAC 173-350-490 Other methods of solid waste handling. (1) *Other methods of solid waste handling - Applicability.* This section applies to other methods of solid waste handling not specifically identified elsewhere in this regulation, nor excluded from this regulation.

(2) *Other methods of solid waste handling - Requirements.* Owners and operators of solid waste handling facilities subject to this section shall:

(a) Comply with the requirements in WAC 173-350-040; and

(b) Obtain a permit in accordance with the provisions of WAC 173-350-700 from the jurisdictional health department. Permit applications shall be submitted in accordance with the provisions of WAC 173-350-710 and shall include information required in WAC 173-350-715, and any other information as may be required by the jurisdictional health department.

NEW SECTION

WAC 173-350-500 Ground water monitoring. (1) *Ground water monitoring - Professional qualifications.* All reports, plans, procedures, and design specifications required by this section shall be prepared by a licensed professional in accordance with the requirements of chapter 18.220 RCW.

(2) *Ground water monitoring - Site characterization.* A site proposed for solid waste activities shall be characterized for its geologic and hydrogeologic properties and suitability for constructing, operating, and monitoring a solid waste facility in accordance with all applicable requirements of this chapter. The site characterization report shall be submitted with the permit application and shall include at a minimum the following:

(a) A summary of local and regional geology and hydrology, including:

- (i) Faults;
- (ii) Zones of joint concentrations;
- (iii) Unstable slopes and subsidence areas on-site;
- (iv) Areas of ground water recharge and discharge;
- (v) Stratigraphy; and
- (vi) Erosional and depositional environments and facies interpretation(s);

(b) A site-specific borehole program including description of lithology, soil/bedrock types and properties, preferential ground water flow paths or zones of higher hydraulic conductivity, the presence of confining unit(s) and geologic features such as fault zones, cross-cutting structures, etc., and the target hydrostratigraphic unit(s) to be monitored. Requirements of the borehole program include:

(i) Each boring will be of sufficient depth below the proposed grade of the bottom liner to identify soil, bedrock, and hydrostratigraphic unit(s);

(ii) Boring samples shall be collected from five-foot intervals at a minimum and at changes in lithology. Samples shall be described using the unified soil classification system following ASTM D2487-85 and tested for the following:

(A) Particle size distribution by sieve and hydrometer analyses in accordance with approved ASTM methods (D422 and D1120); and

(B) Atterburg limits following approved ASTM method D4318;

(iii) Each lithologic unit on-site will be analyzed for:

(A) Moisture content sufficient to characterize the unit using ASTM method D2216; and

(B) Hydraulic conductivity by an in situ field method or laboratory method. All samples collected for the determination of permeability shall be collected by standard ASTM procedures;

(iv) All boring logs shall be submitted with the following information:

- (A) Soil and rock descriptions and classifications;
- (B) Method of sampling;
- (C) Sample depth, interval and recovery;
- (D) Date of boring;
- (E) Water level measurements;
- (F) Standard penetration number following approved ASTM method D1586-67;
- (G) Boring location; and

(H) Soil test data;

(v) All borings not converted to monitoring wells or piezometers shall be carefully backfilled, plugged, and recorded in accordance with WAC 173-160-420;

(vi) During the borehole drilling program, any on-site drilling and lithologic unit identification shall be performed by a licensed professional in accordance with the requirements of chapter 18.220 RCW who is trained to sample and identify soils and bedrock lithology;

(vii) An on-site horizontal and vertical reference datum shall be established during the site characterization. The standards for land boundary surveys and geodetic control surveys and guidelines for the preparation of land descriptions shall be used to establish borehole and monitoring well coordinates and casing elevations from the reference datum;

(viii) Other methods, including geophysical techniques, may be used to supplement the borehole program to ensure that a sufficient hydrogeologic site characterization is accomplished;

(c) A site-specific flow path analysis that includes:

(i) The depths to ground water and hydrostratigraphic unit(s) including transmissive and confining units; and

(ii) Potentiometric surface elevations and contour maps, direction and rate of horizontal and vertical ground water flow;

(d) Identification of the quantity, location, and construction (where available) of private and public wells within a two thousand-foot radius, measured from the site boundaries;

(e) Tabulation of all water rights for ground water and surface water within a two thousand-foot (610 m) radius, measured from site boundaries;

(f) Identification and description of all surface waters within a one-mile (1.6 km) radius, measured from site boundaries;

(g) A summary of all previously collected site ground water and surface water analytical data, and for expanded facilities, identification of impacts of the existing facility upon ground and surface waters from landfill leachate discharges to date;

(h) Calculation of a site water balance;

(i) Conceptual design of ground water and surface water monitoring systems, and where applicable a vadose monitoring system, including proposed construction and installation methods for these systems;

(j) Description of land use in the area, including nearby residences;

(k) A topographic map of the site and drainage patterns, including an outline of the waste management area, property boundary, the proposed location of ground water monitoring wells, and township and range designations; and

(l) Geologic cross sections.

(3) *Ground water monitoring - System design.*

(a) The ground water monitoring system design and report shall be submitted with the permit application and shall meet the following criteria:

(i) A sufficient number of monitoring wells shall be installed at appropriate locations and depths to yield representative ground water samples from those hydrostrati-

graphic units which have been identified in the site characterization as the earliest potential contaminant flowpaths;

(ii) Represent the quality of ground water at the point of compliance, and include at a minimum:

(A) A ground water flow path analysis which supports why the chosen hydrostratigraphic unit is capable of providing an early warning detection of any ground water contamination.

(B) Documentation and calculations of all of the following information:

(I) Hydrostratigraphic unit thickness including confining units and transmissive units;

(II) Vertical and horizontal ground water flow directions including seasonal, man-made, or other short-term fluctuations in ground water flow;

(III) Stratigraphy and lithology;

(IV) Hydraulic conductivity; and

(V) Porosity and effective porosity.

(b) Upgradient monitoring wells (background wells) shall meet the following performance criteria:

(i) Shall be installed in ground water that has not been affected by leakage from a landfill unit; or

(ii) If hydrogeologic conditions do not allow for the determination of an upgradient monitoring well, then sampling at other monitoring wells which provide representative background ground water quality may be allowed.

(c) Downgradient monitoring wells (compliance wells) shall meet the following performance criteria:

(i) Represent the quality of ground water at the point of compliance;

(ii) Be installed as close as practical to the point of compliance;

(iii) When physical obstacles preclude installation of ground water monitoring wells at the relevant point of compliance at the landfill unit or solid waste facility, the downgradient monitoring system may be installed at the closest practical distance hydraulically downgradient from the relevant point of compliance that ensures detection of ground water contamination in the chosen hydrostratigraphic unit.

(d) All monitoring wells shall be constructed in accordance with chapter 173-160 WAC, Minimum standards for construction and maintenance of wells, and chapter 173-162 WAC, Regulation and licensing of well contractors and operators.

(e) The owner or operator shall notify the jurisdictional health department and the department of any proposed changes to the design, installation, development, and decommission of any monitoring wells, piezometers, and other measurement, sampling, and analytical devices. Proposed changes shall not be implemented prior to the jurisdictional health department's written approval. Upon completing changes, all documentation, including date of change, new monitoring well location maps, boring logs, and monitoring well diagrams, shall be submitted to the jurisdictional health department and shall be placed in the operating record.

(f) All monitoring wells, piezometers, and other measurement, sampling, and analytical devices shall be operated and maintained so that they perform to design specifications throughout the life of the monitoring program.

(4) *Ground water monitoring - Sampling and analysis plan.*

(a) The ground water monitoring program shall include consistent sampling and analysis procedures that are designed to provide monitoring results that are representative of ground water quality at the upgradient and downgradient monitoring wells. In addition to monitoring wells, facilities with hydraulic gradient control and/or leak detection systems will provide representative ground water samples from those systems. The owner or operator shall submit a compliance sampling and analysis plan as part of the permit application. The plan shall include procedures and techniques for:

(i) Sample collection and handling;

(ii) Sample preservation and shipment;

(iii) Analytical procedures;

(iv) Chain-of-custody control;

(v) Quality assurance and quality control;

(vi) Decontamination of drilling and sampling equipment;

(vii) Procedures to ensure employee health and safety during well installation and monitoring; and

(viii) Well operation and maintenance procedures.

(b) Facilities collecting leachate shall include leachate sampling and analysis as part of compliance monitoring.

(c) The ground water monitoring program shall include sampling and analytical methods that are appropriate for ground water samples. The sampling and analytical methods shall provide sufficient sensitivity, precision, selectivity and limited bias such that changes in ground water quality can be detected and quantified. All samples shall be sent to an accredited laboratory for analyses in accordance with chapter 173-50 WAC, Accreditation of environmental laboratories.

(d) Ground water elevations shall be measured in each monitoring well immediately prior to purging, each time ground water is sampled. The owner or operator shall determine the rate and direction of ground water flow each time ground water is sampled. All ground water elevations shall be determined by a method that ensures measurement to the one hundredth of a foot (3 mm) relative to the top of the well casing.

(e) Ground water elevations in wells that monitor the same landfill unit shall be measured within a period of time short enough to avoid any ground water fluctuations which could preclude the accurate determination of ground water flow rate and direction.

(f) The owner or operator shall establish background ground water quality in each upgradient and downgradient monitoring well. Background ground water quality shall be based upon a minimum of eight independent samples. Samples shall be collected for each monitoring well and shall be analyzed for parameters required in the permit for the first year of ground water monitoring. Each independent sampling event shall be no less than one month after the previous sampling event.

(g) Ground water quality shall be determined at each monitoring well at least quarterly during the active life of the solid waste facility, including closure and the post-closure period. More frequent monitoring may be required to protect downgradient water supply wells. Ground water monitoring

shall begin after background ground water quality has been established. The owner or operator may propose an alternate ground water monitoring frequency. Ground water monitoring frequency must be no less than semiannually. The owner or operator must apply for a permit modification or must apply during the renewal process for changes in ground water monitoring frequency making a demonstration based on the following information:

(i) A characterization of the hydrostratigraphic unit(s) including the unsaturated zone, transmissive and confining units and include the following:

- (A) Hydraulic conductivity; and
- (B) Ground water flow rates;

(ii) Minimum distance between upgradient edge of the solid waste handling unit and downgradient monitoring wells (minimum distance of travel); and

(iii) Contaminant fate and transport characteristics.

(h) All facilities shall test for the following parameters:

(i) Field parameters:

- (A) pH;
- (B) Specific conductance;
- (C) Temperature;
- (D) Static water level;

(ii) Geochemical indicator parameters:

- (A) Alkalinity (as Ca CO₃);
- (B) Bicarbonate (HCO₃);
- (C) Calcium (Ca);
- (D) Chloride (Cl);
- (E) Iron (Fe);
- (F) Magnesium (Mg);
- (G) Manganese (Mn);
- (H) Nitrate(NO₃);
- (I) Sodium (Na);
- (J) Sulfate (SO₄);

(iii) Leachate indicators:

- (A) Ammonia (NH₃-N);
- (B) Total organic carbon (TOC);
- (C) Total dissolved solids (TDS).

(i) Based upon the site specific waste profile and also the leachate characteristics for lined facilities, the owner or operator shall propose additional constituents to include in the monitoring program. The jurisdictional health department shall specify the additional constituents in the solid waste permit.

(j) Testing shall be performed in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," U.S. EPA Publication SW-846, or other testing methods approved by the jurisdictional health department.

(k) Maximum contaminant levels (MCL) for ground water are those specified in chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington.

(5) *Ground water monitoring - Data analysis, notification and reporting.*

(a) The results of monitoring well sample analyses as required by subsection (4)(h) and (i) of this section shall be evaluated using an appropriate statistical procedure(s), as approved by the jurisdictional health department during the permitting process, to determine if a significant increase over

background has occurred. The statistical procedure(s) used shall be proposed in the sampling and analysis plan and be designed specifically for the intended site, or prescriptive statistical procedures from appropriate state and federal guidance may be used.

(b) If statistical analyses determine a significant increase over background:

(i) The owner or operator shall:

(A) Notify the jurisdictional health department and the department of this finding within thirty days of receipt of the sampling data. The notification shall indicate what parameters or constituents have shown statistically significant increases;

(B) Immediately resample the ground water in the monitoring well(s) where the statistically significant increase has occurred;

(C) Establish a ground water protection standard using the ground water quality criteria of chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington. Constituents for which the background concentration level is higher than the protection standard, the owner or operator shall use background concentration for constituents established in the facility's monitoring record.

(ii) The owner or operator may demonstrate that a source other than a landfill unit or solid waste facility caused the contamination, or the statistically significant increase resulted from error in sampling, analyses, statistical evaluation, or natural variation in ground water quality. If such a demonstration cannot be made and the concentrations or levels of the constituents:

(A) Meet the criteria established by chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington, the owner or operator shall:

(I) Assess and evaluate sources of contamination; and
(II) Implement remedial measures in consultation with the jurisdictional health department and the department.

(B) Exceed the criteria established by chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington, the owner or operator shall:

(I) Characterize the chemical composition of the release and the contaminant fate and transport characteristics by installing additional monitoring wells;

(II) Assess and, if necessary, implement appropriate intermediate measures to remedy the release. The measures shall be approved by the jurisdictional health department and the department; and

(III) Evaluate, select, and implement remedial measures as required by chapter 173-340 WAC, the Model Toxics Control Act cleanup regulation, where applicable. The roles of the jurisdictional health department and the department in remedial action are further defined by WAC 173-350-900.

(c) The owner or operator shall submit a copy of an annual report to the jurisdictional health department and the department by April 1st of each year. The jurisdictional health department may require more frequent reporting based on the results of ground water monitoring. The annual report shall summarize and interpret the following information:

(i) All ground water monitoring data, including laboratory and field data for the sampling periods;

(ii) Statistical results and/or any statistical trends including any findings of any statistical increases for the year and time/concentration series plots;

(iii) A summary of concentrations above the maximum contaminant levels of chapter 173-200 WAC;

(iv) Static water level readings for each monitoring well for each sampling event;

(v) Potentiometric surface elevation maps depicting ground water flow rate and direction for each sampling event, noting any trends or changes during the year;

(vi) Geochemical evaluation including cation-anion balancing and trilinear and/or stiff diagramming for each sampling event noting any changes or trends in water chemistry for each well during the year; and

(vii) Leachate analyses where appropriate for each sampling event.

NEW SECTION

WAC 173-350-600 Financial assurance requirements. (1) *Financial assurance requirements - Applicability.* This section is applicable to:

(a) Waste tires storage facilities regulated under WAC 173-350-350;

(b) Moderate risk waste facilities regulated under WAC 173-350-360; and

(c) Limited purpose landfills regulated under WAC 173-350-400.

(2) *Financial assurance requirements - Definitions.* For the purposes of this section, the following definitions apply:

(a) Public facility means a publicly or privately owned facility that accepts solid waste generated by other persons.

(b) Private facility means a privately owned facility that accepts or disposes of only its own generated solid waste.

(3) *Financial assurance requirements - Instrument options.* Financial assurance options are available, based on facility type as defined in WAC 173-350-600(2), ownership and permittee. Contents of all instruments must be acceptable to the jurisdictional health department. The following instrument options exist:

(a) Reserve accounts that are managed as either:

(i) Cash and investments accumulated and restricted for activities identified in the closure or post-closure plans, with the equivalent amount of fund balance reserved in the fund; or

(ii) Cash and investments held in a nonexpendable trust fund.

(b) Trust funds to receive, manage and disburse funds for activities identified in the approved closure and post-closure plans. Trust funds shall be established with an entity that has authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(c) Surety bond(s) issued by a surety company listed as acceptable in Circular 570 of the United States Treasury Department. A standby trust fund for closure or post-closure shall also be established by the owner or operator to receive any funds that may be paid by the operator or surety company. The surety shall become liable for the bond obligation if the owner or operator fails to perform as guaranteed by the

bond. The surety may not cancel the bond until at least one hundred twenty days after the owner or operator, the jurisdictional health department and the department have received notice of cancellation. If the owner or operator has not provided alternate financial assurance acceptable under this section within ninety days of the cancellation notice, the surety shall pay the amount of the bond into the standby closure or post-closure trust account. The following types of surety bonds are options:

(i) Surety bond; or

(ii) Surety bond guaranteeing that the owner or operator will perform final closure or post-closure activities.

(d) Irrevocable letter of credit issued by an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency. Standby trust funds for closure and post-closure shall also be established by the owner or operator to receive any funds deposited by the issuing institution resulting from a draw on the letter of credit. The letter of credit shall be irrevocable and issued for a period of at least one year, and renewed annually, unless the issuing institution notifies the owner or operator, the jurisdictional health department and the department at least one hundred twenty days before the current expiration date. If the owner or operator fails to perform activities according to the closure or post-closure plan and permit requirements, or if the owner or operator fails to provide alternate financial assurance acceptable to the jurisdictional health department within ninety days after notification that the letter of credit will not be extended, the jurisdictional health department may require that the financial institution provide the funds from the letter of credit to the jurisdictional health department to be used to complete the required closure and post-closure activities;

(e) Insurance policies issued by an insurer who is licensed to transact the business of insurance or is eligible as an excess or surplus line insurer in one or more states, the content of which:

(i) Guarantees that the funds will be available to complete those activities identified in the approved closure or post-closure plans;

(ii) Guarantees that the insurer will be responsible for paying out funds for those activities;

(iii) Provides that the insurance is automatically renewable and that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium;

(iv) Provides that if there is a failure to pay the premium, the insurer may not terminate the policy until at least one hundred twenty days after the notice of cancellation has been received by the owner or operator, the jurisdictional health department and the department;

(v) Provides that termination of the policy may not occur and the policy shall remain in full force and effect if:

(A) The jurisdictional health department determines the facility has been abandoned;

(B) Closure has been ordered by the jurisdictional health department or a court of competent jurisdiction;

(C) The owner or operator has been named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C., Bankruptcy; or

(D) The premium due is paid;

(vi) The owner or operator is required to maintain the policy in full force and until an alternative financial assurance guarantee is provided or when the jurisdictional health department has verified that closure, and/or post-closure, as appropriate, have been completed in accordance with the approved closure or post-closure plan;

(vii) For purposes of this rule, "captive" insurance companies as defined in WAC 173-350-100, are not an acceptable insurance company.

(f) Financial Test/corporate guarantee allows for a private corporation meeting the financial test to provide a corporate guarantee those activities identified in the closure and post-closure plans will be completed.

(i) To qualify, a private corporation owner or operator shall meet the criteria of either option A or B:

(A) Option A - to pass the financial test under this option the private corporation shall have:

(I) Two of the following three ratios: A ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; or a ratio of current assets to current liabilities greater than 1.5;

(II) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates;

(III) Tangible net worth of at least ten million dollars; and

(IV) Assets in the United States amounting to at least ninety percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates.

(B) Option B - to pass this alternative financial test, the private corporation shall have:

(I) A current rating of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's;

(II) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates;

(III) Tangible net worth of at least ten million dollars; and

(IV) Assets in the United States amounting to at least ninety percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates.

(ii) The owner or operator's chief financial officer shall provide a corporate guarantee that the corporation passes the financial test at the time the closure plan is filed. This corporate guarantee shall be reconfirmed annually ninety days after the end of the corporation's fiscal year by submitting to the jurisdictional health department a letter signed by the chief financial officer that:

(A) Provides the information necessary to document that the owner or operator passes the financial test;

(B) Guarantees that the funds to finance closure and post-closure activities according to the closure or post-closure plan and permit requirements are available;

(C) Guarantees that closure and post-closure activities will be completed according to the closure or post-closure plan and permit requirements;

(D) Guarantees that within thirty days if written notification is received from the jurisdictional health department that the owner or operator no longer meets the criteria of the

financial test, the owner or operator shall provide an alternative form of financial assurance consistent with the requirements of this section;

(E) Guarantees that the owner or operator's chief financial officer will notify in writing the jurisdictional health department and the department within fifteen days any time that the owner or operator no longer meets the criteria of the financial test or is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C., Bankruptcy;

(F) Acknowledges that the corporate guarantee is a binding obligation on the corporation and that the chief financial officer has the authority to bind the corporation to the guarantee;

(G) Attaches a copy of the independent certified public accountant's report on examination of the owner or operator's financial statements for the latest completed fiscal year; and

(H) Attaches a special report from the owner or operator's independent certified public accountant (CPA) stating that the CPA has reviewed the information in the letter from the owner or operator's chief financial officer and has determined that the information is true and accurate.

(iii) The jurisdictional health department may, based on a reasonable belief that the owner or operator no longer meets the criteria of the financial test, require reports of the financial condition at any time in addition to the annual report. The jurisdictional health department will specify the information required in the report. If the jurisdictional health department finds, on the basis of such reports or other information, that the owner or operator no longer meets the criteria of the financial test, the owner or operator shall provide an alternative form of financial assurance consistent with the requirements of this section, within thirty days after notification by the jurisdictional health department.

(iv) If the owner or operator fails to perform final closure and, where required, provide post-closure care of a facility covered by the guarantee in accordance with the approved closure and post-closure plans, the guarantor will be required to complete the appropriate activities.

(v) The guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator, the jurisdictional health department and the department. Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by the owner or operator, the jurisdictional health department and the department.

(vi) If the owner or operator fails to provide alternate financial assurance as specified in this section and obtain the written approval of such alternate assurance from the jurisdictional health department within ninety days after receipt of a notice of cancellation of the guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the owner or operator.

(4) *Financial assurance requirements - Eligible financial assurance instruments.* The financial assurance instruments identified in subsection (3) of this section are available for use based on facility category and whether the permittee is a public or private entity as follows:

(a) For a public facility, as defined in subsection (2) of this section, when the permittee is a public entity, the following options are available:

- (i) Reserve account;
- (ii) Trust account;
- (iii) Surety bond (payment or performance); or
- (iv) Insurance;

(b) For a public facility as defined in subsection (2) of this section, where the permittee is a private entity, the following options are available:

- (i) Trust account;
- (ii) Surety bond (payment or performance);
- (iii) Letter of credit; or
- (iv) Insurance;

(c) For private facilities as defined in subsection (2) of this section, the following options are available:

- (i) Trust account;
- (ii) Surety bond (payment or performance);
- (iii) Letter of credit;
- (iv) Insurance; or
- (v) Financial test/corporate guarantee.

(5) *Financial assurance requirements - Cost estimate for closure.* The owner or operator shall:

(a) Prepare a written closure cost estimate as part of the facility closure plan. The closure cost estimate shall:

(i) Be in current dollars and represent the cost of closing the facility;

(ii) Provide a detailed written estimate, in current dollars, of the cost of hiring a third party to close the facility at any time during the active life when the extent and manner of its operation would make closure the most expensive in accordance with the approved closure plan;

(iii) Project intervals for withdrawal of closure funds from the closure financial assurance instrument to complete the activities identified in the approved closure plan;

(iv) Not reduce by allowance for salvage value of equipment, solid waste, or the resale value of property or land;

(b) Prepare a new closure cost estimate in accordance with (a) of this subsection whenever:

(i) Changes in operating plans or facility design affect the closure plan; or

(ii) There is a change in the expected year of closure that affects the closure plan;

(c) Review the closure cost estimate by March 1st of each calendar year. The review shall be submitted to the jurisdictional health department, with a copy to the department, by April 1st of each calendar year stating that the review was completed and the findings of the review. The review will examine all factors, including inflation, involved in estimating the closure cost. Any cost changes shall be factored into a revised closure cost estimate and submit the revised cost estimate to the jurisdictional health department for review and approval. The jurisdictional health department shall evaluate each cost estimate for completeness, and may accept, or require a revision of the cost estimate in accordance with its evaluation.

(6) *Financial assurance requirements - Cost estimate for post-closure.* The owner or operator shall:

(a) Prepare a written post-closure cost estimate as part of the facility post-closure plan. The post-closure cost estimate shall:

(i) Be in current dollars and represent the total cost of completing post-closure activities for the facility for a twenty-year post-closure period or a time frame determined by the jurisdictional health department;

(ii) Provide a detailed written estimate, in current dollars, of the cost of hiring a third party to conduct post-closure care for the facility in compliance with the post-closure plan;

(iii) Project intervals for withdrawal of post-closure funds from the post-closure financial assurance instrument to complete the activities identified in the approved post-closure plan; and

(iv) Not reduce by allowance for salvage, value of equipment, or resale value of property or land.

(b) Prepare a new post-closure cost estimate for the remainder of the post-closure care period in accordance with (a) of this subsection, whenever a change in the post-closure plan increases or decreases the cost of post-closure care.

(c) During the operating life of the facility, the owner or operator must review the post-closure cost estimate by March 1st of each calendar year. The review will be submitted to the jurisdictional health department, with a copy to the department by April 1st of each calendar year stating that the review was completed and the finding of the review. The review shall examine all factors, including inflation, involved in estimating the post-closure cost estimate. Any changes in costs shall be factored into a revised post-closure cost estimate. The new estimate shall be submitted to the jurisdictional health department for approval. The jurisdictional health department shall evaluate each cost estimate for completeness, and may accept, or require a revision of the cost estimate in accordance with its evaluation.

(7) *Financial assurance requirements - Closure/post-closure financial assurance account establishment and reporting.*

(a) Closure and post-closure financial assurance funds generated shall be provided to the selected financial assurance instrument at the schedule specified in the closure and post-closure plans, such that adequate closure and post-closure funds will be generated to ensure full implementation of the approved closure and post-closure plans.

(b) The facility owner or operator with systematic deposits shall establish a procedure with the financial assurance instruments trustee for notification of nonpayment of funds to be sent to the jurisdictional health department and the department.

(c) The owner or operator shall file with the jurisdictional health department, no later than April 1st of each year, an annual audit of the financial assurance accounts established for closure and post-closure activities, and a statement of the percentage of user fees, as applicable, diverted to the financial assurance instruments, for the previous calendar year:

(i) For facilities owned and operated by municipal corporations, the financial assurance accounts shall be audited according to the audit schedule of the office of state auditor. A certification of audit completion and summary findings

shall be filed with the jurisdictional health department and the department, including during each of the post-closure care years.

(ii) For facilities not owned or operated by municipal corporations:

(A) Annual audits shall be conducted by a certified public accountant licensed in the state of Washington. A certification of audit completion and summary findings shall be filed with the jurisdictional health department and the department, including during each of the post-closure care years.

(B) The audit shall also include, as applicable, calculations demonstrating the proportion of closure or post-closure, completed during the preceding year as specified in the closure and post-closure plans.

(d) Established financial assurance accounts shall not constitute an asset of the facility owner or operator.

(e) Any income accruing to the established financial assurance account(s) will be used at the owner's discretion upon approval of the jurisdictional health department.

(8) *Financial assurance requirements - Fund withdrawal for closure and post-closure activities.*

(a) The owner or operator will withdraw funds from the closure and/or post-closure financial assurance instrument as specified in the approved closure/post-closure plans;

(b) If the withdrawal of funds from the financial assurance instrument exceeds by more than five percent the withdrawal schedule stated in the approved closure and/or post-closure plan over the life of the permit, the closure and/or post-closure plan shall be amended.

(c) After verification by the jurisdictional health department of facility closure, excess funds remaining for closure in a financial assurance account shall be released to the facility owner or operator.

(d) After verification by the jurisdictional health department of facility post-closure, excess funds remaining for post-closure in a financial assurance account shall be released to the facility owner or operator.

NEW SECTION

WAC 173-350-700 Permits and local ordinances. (1) *Permit required.*

(a) No solid waste storage, treatment, processing, handling or disposal site shall be maintained, established, substantially altered, expanded or improved until the person operating or owning such site has obtained a permit or permit deferral from the jurisdictional health department or a beneficial use exemption from the department pursuant to the provisions of this chapter. Facilities operating under categorical exemptions established by this chapter shall meet all the conditions of such exemptions or will be required to obtain a permit under this chapter.

(b) Permits issued under this chapter are not required for remedial actions performed by the state and/or in conjunction with the United States Environmental Protection Agency to implement the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), or remedial actions taken by others to comply with a state and/or federal cleanup order or consent decree provided that:

(i) The action results in an overall improvement of the environmental impact of the site;

(ii) The action does not require or result in additional waste being delivered to the site or increase the amount of waste or contamination present at the site; and

(iii) The jurisdictional health department is informed of the actions to be taken and is given the opportunity to review and comment upon the proposed remedial action plans.

(c) Any jurisdictional health department and the department may enter into an agreement providing for the exercise by the department of any power that is specified in the contract and that is granted to the jurisdictional health department under chapter 70.95 RCW, Solid waste management—Reduction and recycling. However, the jurisdictional health department shall have the approval of the legislative authority or authorities it serves before entering into any such agreement with the department.

(2) *Local ordinances.* Each jurisdictional health department shall adopt local ordinances implementing this chapter not later than one year after the effective date of this chapter, and shall file the ordinances with the department within ninety days following local adoption. Local ordinances shall not be less stringent than this chapter, but may include additional requirements.

NEW SECTION

WAC 173-350-710 Permit application and issuance.

(1) *Permit application process.*

(a) Any owner or operator required to obtain a permit shall apply for a permit from the jurisdictional health department. All permit application filings shall include two copies of the application. An application shall not be considered complete by the jurisdictional health department until the information required under WAC 173-350-715 has been submitted.

(b) The jurisdictional health department may establish reasonable fees for permits, permit modifications, and renewal of permits. All permit fees collected by the health department shall be deposited in the account from which the health department's operating expenses are paid.

(c) Once the jurisdictional health department determines that an application for a permit is complete, it shall:

(i) Refer one copy to the appropriate regional office of the department for review and comment;

(ii) Investigate every application to determine whether the facilities meet all applicable laws and regulations, conform to the approved comprehensive solid waste management plan and/or the approved hazardous waste management plan, and comply with all zoning requirements; and

(d) Once the department has received a complete application for review, it shall:

(i) Ensure that the proposed site or facility conforms with all applicable laws and regulations including the minimum functional standards for solid waste handling;

(ii) Ensure that the proposed site or facility conforms to the approved comprehensive solid waste management plan and/or the approved hazardous waste management plan; and

PROPOSED

(iii) Recommend for or against the issuance of each permit by the jurisdictional health department within forty-five days of receipt of a complete application.

(e) Application procedures for statewide beneficial use exemptions and permit deferrals are contained in WAC 173-350-200 and 173-350-710(8), respectively.

(2) *Permit issuance.*

(a) When the jurisdictional health department has evaluated all pertinent information, it may issue or deny a permit. Every completed solid waste permit application shall be approved or disapproved within ninety days after its receipt by the jurisdictional health department. Every permit issued by a jurisdictional health department shall contain specific requirements necessary for the proper operation of the permitted site or facility.

(b) Every permit issued shall be valid for a period not to exceed five years at the discretion of the jurisdictional health department.

(c) Jurisdictional health departments shall file all issued permits with the appropriate regional office of the department no more than seven days after the date of issuance.

(d) The department shall review the permit in accordance with RCW 70.95.185 and report its findings to the jurisdictional health department in writing within thirty days of permit issuance.

(e) The jurisdictional health department is authorized to issue one permit for a location where multiple solid waste handling activities occur, provided all activities meet the applicable requirements of this chapter.

(3) *Permit renewals.*

(a) Prior to renewing a permit, the health department shall conduct a review as it deems necessary to ensure that the solid waste handling facility or facilities located on the site continue to:

(i) Meet minimum functional standards of the department;

(ii) Comply with applicable local regulations; and

(iii) Conform to the approved solid waste management plan and/or the approved hazardous waste management plan.

(b) A jurisdictional health department shall approve or deny a permit renewal within forty-five days of conducting its review.

(c) Every permit renewal shall be valid for a period not to exceed five years at the discretion of the jurisdictional health department.

(d) The department shall review the renewal in accordance with RCW 70.95.190 and report its findings to the jurisdictional health department in writing.

(e) The jurisdictional board of health may establish reasonable fees for permits reviewed under this section. All permit fees collected by the health department shall be deposited in the treasury and to the account from which the health department's operating expenses are paid.

(4) *Permit modifications.* Any significant change to the operation, design, capacity, performance or monitoring of a permitted facility may require a modification to the permit. The following procedures shall be followed by an owner or operator prior to making any change in facility operation, design, performance or monitoring:

(a) The facility owner or operator shall consult with the jurisdictional health department regarding the need for a permit modification;

(b) The jurisdictional health department shall determine whether the proposed modification is significant. Upon such a determination, the owner or operator shall make application for a permit modification, using the process outlined in subsections (1) through (3) of this section; and

(c) If a proposed change is determined to not be significant and not require a modification to the permit, the department shall be notified.

(5) *Inspections.*

(a) At a minimum, annual inspections of all permitted solid waste facilities shall be performed by the jurisdictional health department, unless otherwise specified in this chapter.

(b) All facilities and sites shall be physically inspected prior to issuing a permit, permit renewal or permit modification.

(c) Any duly authorized representative of the jurisdictional health department may enter and inspect any property, premises or place at any reasonable time for the purpose of determining compliance with this chapter, and relevant laws and regulations. Findings shall be noted and kept on file. A copy of the inspection report or annual summary shall be furnished to the site operator.

(6) *Permit suspension and appeals.*

(a) Any permit for a solid waste handling facility shall be subject to suspension at any time the jurisdictional health department determines that the site or the solid waste handling facility is being operated in violation of this chapter.

(b) Whenever the jurisdictional health department denies a permit or suspends a permit for a solid waste handling facility, it shall:

(i) Upon request of the applicant or holder of the permit, grant a hearing on such denial or suspension within thirty days after the request;

(ii) Provide notice of the hearing to all interested parties including the county or city having jurisdiction over the site and the department; and

(iii) Within thirty days after the hearing, notify the applicant or the holder of the permit in writing of the determination and the reasons therefore. Any party aggrieved by such determination may appeal to the pollution control hearings board by filing with the board a notice of appeal within thirty days after receipt of notice of the determination of the health officer.

(c) If the jurisdictional health department denies a permit renewal or suspends a permit for an operating waste recycling facility that receives waste from more than one city or county, and the applicant or holder of the permit requests a hearing or files an appeal under this section, the permit denial or suspension shall not be effective until the completion of the appeal process under this section, unless the jurisdictional health department declares that continued operation of the waste recycling facility poses a very probable threat to human health and the environment.

(d) Procedures for appealing beneficial use exemption determinations are contained in WAC 173-350-200 (5)(g).

(7) *Variations.*

(a) Any person who owns or operates a solid waste handling facility subject to a solid waste permit under WAC 173-350-700, may apply to the jurisdictional health department for a variance from any section of this chapter. No variance shall be granted for requirements specific to chapter 70.95 RCW, Solid waste management—Reduction and recycling. The application shall be accompanied by such information as the jurisdictional health department may require. The jurisdictional health department may grant such variance, but only after due notice or a public hearing if requested, if it finds that:

(i) The solid waste handling practices or location do not endanger public health, safety or the environment; and

(ii) Compliance with the section from which variance is sought would produce hardship without equal or greater benefits to the public.

(b) No variance shall be granted pursuant to this section until the jurisdictional health department has considered the relative interests of the applicant, other owners of property likely to be affected by the handling practices and the general public.

(c) Any variance or renewal shall be granted within the requirements of subsections (1) through (3) of this section and for time period and conditions consistent with the reasons therefore, and within the following limitations:

(i) If the variance is granted on the grounds that there is no practicable means known or available for the adequate prevention, abatement, or control of pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternative measures that the jurisdictional health department may prescribe;

(ii) The jurisdictional health department may grant a variance conditioned by a timetable if:

(A) Compliance with this chapter will require spreading of costs over a considerable time period; and

(B) The timetable is for a period that is needed to comply with the chapter.

(d) An application for a variance, or for the renewal thereof, submitted to the jurisdictional health department shall be approved or disapproved by the jurisdictional health department within ninety days of receipt unless the applicant and the jurisdictional health department agree to a continuance.

(e) No variance shall be granted by a jurisdictional health department except with the approval and written concurrence of the department prior to action on the variance by the jurisdictional health department.

(8) *Permit deferral.*

(a) A jurisdictional health department may, at its discretion and with the concurrence of the department, waive the requirement that a solid waste permit be issued for a facility under this chapter by deferring to other air, water or environmental permits issued for the facility which provide an equivalent or superior level of environmental protection.

(b) The requirement to obtain a solid waste permit from the jurisdictional health department shall not be waived for any transfer station, landfill, or incinerator that receives municipal solid waste destined for final disposal.

(c) Any deferral of permitting or regulation of a solid waste facility granted by the department or a jurisdictional health department prior to June 11, 1998, shall remain valid and shall not be affected by this subsection.

(d) Any person who owns or operates an applicable solid waste handling facility subject to obtaining a solid waste permit may apply to the jurisdictional health department for permit deferral. Two copies of an application for permit deferral shall be signed by the owner or operator and submitted to the jurisdictional health department. Each application for permit deferral shall include:

(i) A description of the solid waste handling units for which the facility is requesting deferral;

(ii) A list of the other environmental permits issued for the facility;

(iii) A demonstration that identifies each requirement of this chapter and a detailed description of how the other environmental permits will provide an equivalent or superior level of environmental protection;

(iv) Evidence that the facility is in conformance with the approved comprehensive solid waste management plan and/or the approved hazardous waste management plan;

(v) Evidence of compliance with chapter 197-11 WAC, SEPA rules; and

(vi) Other information that the jurisdictional health department or the department may require.

(e) The jurisdictional health department shall notify the applicant if it elects not to waive the requirement that a solid waste permit be issued for a facility under this chapter. If the jurisdictional health department elects to proceed with permit deferral, it shall:

(i) Forward one copy of the complete application to the department for review;

(ii) Notify the permit issuing authority for the other environmental permits described in (d)(ii) of this subsection and allow an opportunity for comment; and

(iii) Determine if the proposed permit deferral provides an equivalent or superior level of environmental protection.

(f) The department shall provide a written report of its findings to the jurisdictional health department and recommend for or against the permit deferral. The department shall provide its findings within forty-five days of receipt of a complete permit deferral application or inform the jurisdictional health department as to the status with a schedule for its determination.

(g) No solid waste permit deferral shall be effective unless the department has provided written concurrence. All requirements for solid waste permitting shall remain in effect until the department has provided written concurrence.

(h) When the jurisdictional health department has evaluated all information, it shall provide written notification to the applicant and the department whether or not it elects to waive the requirement that a solid waste permit be issued for a facility under this chapter by deferring to other environmental permits issued for the facility. Every complete permit deferral application shall be approved or denied within ninety days after its receipt by the jurisdictional health department or the owner or operator shall be informed as to the status of the application with a schedule for final determination.

(i) The jurisdictional health department shall revoke any permit deferral if it or the department determines that the other environmental permits are providing a lower level of environmental protection than a solid waste permit. Jurisdictional health departments shall notify the facility's owner or operator of intent to revoke the permit deferral and direct the owner or operator to take measures necessary to protect human health and the environment and to comply with the permit requirements of this chapter.

(j) Facilities which are operating under the deferral of solid waste permitting to other environmental permits shall:

(i) Allow the jurisdictional health department, at any reasonable time, to inspect the solid waste handling units which have been granted a permit deferral;

(ii) Notify the jurisdictional health department and the department whenever changes are made to the other environmental permits identified in (d)(ii) of this subsection. This notification shall include a detailed description of how the changes will affect the facility's operation and a demonstration, as described in (d)(iii) of this subsection, that the amended permits continue to provide an equivalent or superior level of environmental protection to the deferred solid waste permits. If the amended permits no longer provide an equivalent or superior level of environmental protection, the facility owner or operator shall close the solid waste handling unit or apply for a permit from the jurisdictional health department;

(iii) Notify the jurisdictional health department and the department within seven days of discovery of any violation of, or failure to comply with, the conditions of the other environmental permits identified in (d)(ii) of this subsection;

(iv) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st as required under the appropriate annual reporting section of this chapter;

(v) Operate in accordance with any other written conditions that the jurisdictional health department deems appropriate; and

(vi) Shall take any measures deemed necessary by the jurisdictional health department when the permit deferral has been revoked.

NEW SECTION

WAC 173-350-715 General permit application requirements. (1) Every permit application shall be on a format supplied by the department and shall contain the following information:

(a) Contact information for the facility owner, and the facility operator and property owner if different, including contact name, company name, mailing address, phone fax, and e-mail;

(b) Identification of the type of facility that is to be permitted;

(c) Identification of any other permit (local, state or federal) in effect at the site;

(d) A vicinity plan or map (having a minimum scale of 1:24,000) that shall show the area within one mile (1.6 km) of the property boundaries of the facility in terms of the existing and proposed zoning and land uses within that area, resi-

dences, and access roads, and other existing and proposed man-made or natural features that may impact the operation of the facility;

(e) Evidence of compliance with chapter 197-11 WAC, SEPA rules;

(f) Information as required under the appropriate facility permit application subsection of this chapter; and

(g) Any additional information as requested by the jurisdictional health department or the department.

(2) Engineering plans, reports, specifications, programs, and manuals submitted to the jurisdictional health department or the department shall be prepared and certified by an individual licensed to practice engineering in the state of Washington, in an engineering discipline appropriate for the solid waste facility type or activity.

(3) Signature and verification of applicants:

(a) All applications for permits shall be accompanied by evidence of authority to sign the application and shall be signed by the owner or operator as follows:

(i) In the case of corporations, by a duly authorized principal executive officer of at least the level of vice-president; in the case of a partnership or limited partnership, by:

(A) A general partner;

(B) Proprietor; or

(C) In case of sole proprietorship, by the proprietor;

(ii) In the case of a municipal, state, or other government entity, by a duly authorized principal executive officer or elected official.

(b) Applications shall be signed or attested to by, or on behalf of, the owner or operator, in respect to the veracity of all statements therein; or shall bear an executed statement by, or on behalf of, the owner or operator to the effect that false statements made therein are made under penalty of perjury.

(c) The signature of the applicant shall be notarized on the permit application form.

NEW SECTION

WAC 173-350-900 Remedial action. When the owner or operator of a solid waste facility is subject to remedial measures in compliance with chapter 173-340 WAC, the Model Toxics Control Act, the roles of the jurisdictional health department and the department shall be as follows:

(1) The jurisdictional health department:

(a) May participate in all negotiations, meetings, and correspondence between the owner and operator and the department in implementing the model toxics control action;

(b) May comment upon and participate in all decisions made by the department in assessing, choosing, and implementing a remedial action program;

(c) Shall require the owner or operator to continue closure and post-closure activities as appropriate under this chapter, after remedial action measures are completed; and

(d) Shall continue to regulate all solid waste facilities during construction, operation, closure and post-closure, that are not directly impacted by chapter 173-340 WAC.

(2) The department shall carry out all the responsibilities assigned to it by chapter 70.105D RCW, Hazardous waste cleanup—Model Toxics Control Act.

NEW SECTION

WAC 173-350-990 Criteria for inert waste. (1) *Criteria for inert waste - Applicability.* This section provides the criteria for determining if a solid waste is an inert waste. Dangerous wastes regulated under chapter 173-303 WAC, Dangerous waste regulation, PCB wastes regulated under 40 CFR Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions, and asbestos-containing waste regulated under federal 40 CFR Part 61 rules are not inert waste. For the purposes of determining if a solid waste meets the criteria for an inert waste a person shall:

(a) Apply knowledge of the waste in light of the materials or process used and potential chemical, physical, biological, or radiological substances that may be present; or

(b) Test the waste for those potential substances that may exceed the applicable criteria. A jurisdictional health department may require a person to test a waste to determine if it meets the applicable criteria. Such testing may be required if the jurisdictional health department has reason to believe that a waste does not meet the applicable criteria or has not been adequately characterized. Testing shall be performed in accordance with:

(i) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," U.S. EPA Publication SW-846; or

(ii) Other testing methods approved by the jurisdictional health department.

(2) *Criteria for inert waste - Listed inert wastes.* For the purpose of this chapter, the following solid wastes are inert wastes, provided that the waste has not been tainted, through exposure from chemical, physical, biological, or radiological substances, such that it presents a threat to human health or the environment greater than that inherent to the material:

(a) Cured concrete that has been used for structural and construction purposes, including imbedded steel reinforcing, that was produced from mixtures of Portland cement and sand, gravel or other similar materials;

(b) Asphaltic materials that have been used for structural and construction purposes (e.g., roads, dikes, paving) that were produced from mixtures of petroleum asphalt and sand, gravel or other similar materials. Waste roofing materials are not presumed to be inert;

(c) Brick and masonry that have been used for structural and construction purposes;

(d) Ceramic materials produced from fired clay or porcelain; and

(e) Glass, composed primarily of sodium, calcium, silica, boric oxide, magnesium oxide, lithium oxide or aluminum oxide. Glass presumed to be inert includes, but is not limited to, window glass, glass containers, glass fiber, glasses resistant to thermal shock, and glass-ceramics. Glass containing significant concentrations of lead, mercury, or other toxic substance is not presumed to be inert.

(3) *Criteria for inert waste - Inert waste characteristics.* This subsection provides the criteria for determining if a solid waste not listed in subsection (2) of this section is an inert waste.

(a) Inert waste shall have physical characteristics that meet the following criteria. Inert waste shall:

(i) Not be capable of catching fire and burning from contact with flames;

(ii) Maintain its physical and chemical structure under expected conditions of storage or disposal including resistance to biological and chemical degradation; and

(iii) Have sufficient structural integrity and strength to prevent settling and unstable situations under expected conditions of storage or disposal.

(b) Inert waste shall not contain chemical, physical, biological, or radiological substances at concentrations that exceed the following criteria. Inert waste shall not:

(i) Be capable of producing leachate or emissions that have the potential to negatively impact soil, ground water, surface water, or air quality;

(ii) Pose a health threat to humans or other living organisms through direct or indirect exposure; or

(iii) Result in applicable air quality standards to be exceeded, or pose a risk to human health or the environment under potential conditions during handling, storage, or disposal.

WSR 02-14-062
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
[Filed June 27, 2002, 3:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-09-047.

Title of Rule: WAC 388-78A-265 Limited nursing services.

Purpose: The Department of Health proposed legislation during the 2000 legislative session designed to improve nurse delegation in the community setting. Passage of SHB 1218 (chapter 95, Laws of 2000) resulted in changes to chapter 18.79 RCW, Registered nurse—Activities allowed—Delegation of tasks. In the boarding home WAC 388-78A-265 there is reference to nursing activities that needs to be amended in order to be in compliance with the revisions made by the Department of Health to chapter 18.79 RCW and chapter 246-840 WAC.

Statutory Authority for Adoption: RCW 18.20.090.

Statute Being Implemented: Chapter 18.79 RCW; chapter 95, Laws of 2000.

Summary: To clarify that general delegation by unlicensed staff may still occur in community settings, but only for nursing tasks that do not require substantial skill. The tasks listed in current WAC 388-78A-265(3) require "substantial skill" and should not be delegated to unlicensed staff. Deleting this subsection and providing reference to nursing/delegation statutes and regulations is appropriate and gives providers clear information on the subject.

Reasons Supporting Proposal: To be in compliance with other existing statute and regulations.

Name of Agency Personnel Responsible for Drafting: Sherri Wills, PPDT Program Manager, P.O. Box 45600,

PROPOSED

Lacey, WA 98504, (360) 725-2348; Implementation: BH Quality Assurance, P.O. Box 45600, Lacey, WA 98504; and Enforcement: Department of Health.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule change has been proposed to bring WAC 388-78A-265 Limited nursing services, into compliance with recently revised RCW 18.79.260 Registered nurse—Allowed activities—Delegation of tasks, as well as update the outdated references to RCW.

Proposal Changes the Following Existing Rules: The rule change has been proposed to bring WAC 388-78A-265 Limited nursing services, into compliance with recently revised RCW 18.79.260.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is being amended solely to conform with existing statute and is exempt from filing a small business economic impact statement according to RCW 19.85.025(3), which exempts rules described in RCW 34.05.310(4). The proposed rule adopts and incorporates by reference and without material change Washington state statutes and rules of another Washington state agency. See RCW 34.05.310 (4)(c).

RCW 34.05.328 applies to this rule adoption. Under RCW 34.05.328, this rule is determined a "significant legislative rule" however; the amendment incorporates by reference without material change the applicable state statute (chapter 18.79 RCW), and the rules of the Department of Health (chapter 246-840 WAC). Therefore, a cost benefit analysis is not required per RCW 34.05.328 (5)(b)(iii).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on August 6, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by August 2, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernax@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, e-mail fernax@dshs.wa.gov, by 5:00 p.m., August 6, 2002.

Date of Intended Adoption: No sooner than August 7, 2002.

June 19, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-15-067, filed 7/19/99, effective 8/19/99)

WAC 388-78A-265 Limited nursing services. This section applies only to licensees who choose to provide limited nursing services. This section does not apply when residents care for themselves or arrange for independent nursing or health care services pursuant to WAC 388-78A-268.

(1) The licensee shall employ or contract directly or indirectly with a RN or physician to:

(a) Provide or supervise limited nursing services;

(b) Assess, or supervise a LPN's assessment of each resident needing limited nursing services upon admittance, and develop the nursing component of the individual's resident plan;

(c) Reassess, or supervise a LPN's reassessment of the resident's nursing needs when staff notice a change in the resident's functional ability or health status, and amend the nursing component of the individual's resident plan accordingly; and

(d) Be available in person, by pager, or by telephone during hours of limited nursing services.

(2) A licensee shall ensure the following services are only provided by a RN, or a LPN under the supervision of a RN:

(a) Insertion of urethral catheters, including indwelling;

(b) Any other nursing service requested by the licensee and approved in writing by the department.

(3) The licensee may ~~((allow unlicensed staff to provide the following services under the delegation and supervision of a RN:~~

~~(a) Routine ostomy care that is well established, with no breakdown or maintenance care;~~

~~(b) Enema;~~

~~(c) Uncomplicated routine colostomy and urethral care when the resident is unable to supervise these activities;~~

~~(d) Care of wounds that are superficial without drainage or infection; and~~

~~(e) Assistance with glucometer testing if the resident can perform the finger stick)) provide delegated nursing services pursuant to chapter 18.79 RCW and chapter 246-840 WAC.~~

(4) The licensee shall not provide the following nursing services on the premises:

(a) Respiratory ventilation;

(b) Intravenous procedures;

(c) Suctioning;

(d) Feeding tube insertion or site maintenance; and

(e) Care of residents who are bed-bound for more than fourteen consecutive days as a result of a medical condition.

(5) A licensee providing limited nursing services shall assure that employed or contracted nursing services are consistent with chapters ~~((18.78 and 18.88))~~ 18.79 and 18.88A RCW.

(6) A licensee providing limited nursing services shall provide for safe and sanitary:

(a) Storage and handling of clean and sterile nursing equipment and supplies;

(b) Storage and handling of soiled laundry and linens;

(c) Cleaning and disinfecting soiled equipment; and

(d) Refuse and infectious waste disposal.

(7) In new construction designed for limited nursing services, or upon starting a limited nursing services program within an existing boarding home, the licensee shall provide the following, accessible only by staff:

(a) A clean utility area for the purposes of storing and preparing clean and sterile nursing supplies, equipped with:

(i) A work counter or table; and

(ii) Adjacent handwashing sink, with soap and paper towels or other approved hand-drying device; and

(b) A soiled utility area for the purposes of storing soiled linen, cleaning and disinfecting soiled nursing care equipment, and disposing of refuse and infectious waste, equipped with:

(i) A work counter or table;

(ii) Sinks for handwashing and cleaning/sanitizing, with soap and paper towels or other approved hand-drying device.

WSR 02-14-092

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed July 1, 2002, 2:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-06-021.

Title of Rule: Rules related to wood destroying organisms (WDO), WAC 16-228-2005 through 16-228-2060.

Purpose: The current rules are somewhat vague and difficult for structural pest inspectors, real estate agents, and consumers to comprehend. Clarification of existing rules will help inspectors to better understand what is required of them during a structural pest inspection. Additionally, consumers will have a greater understanding of the service to which they are entitled during an inspection. If these WDO rules are not revised, it will remain difficult for the Washington State Department of Agriculture compliance investigators to provide technical assistance or, in some situations, enforcement actions. Consumers will not be afforded adequate protection from false or fraudulent structural pest inspections.

Statutory Authority for Adoption: RCW 15.58.040 and chapter 34.05 RCW.

Statute Being Implemented: RCW 15.58.040 (2)(k).

Summary: These proposed rules clarify existing rules. The rules will define terms associated with WDO inspections, identify the types of and specify the uses for WDO inspections and reports, and establish minimum rules under which WDO inspections must be conducted and reports written in the state of Washington.

Reasons Supporting Proposal: All individuals and businesses that conduct structural pest inspections in Washington state will be positively impacted by the new rules. By using these rules as enforceable guidelines, structural pest inspectors will be less likely to overlook or fail to report WDOs, damage, or conducive conditions resulting in an increased level of consumer protection.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cliff Weed, (360) 902-2036 and Dan Suomi, (360) 902-2044, 1111 Washington Street, Olympia, WA 98504.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules will define terms associated with WDO inspections, identify the types of and specify the uses for WDO inspections and reports, and establish minimum rules under which WDO inspections must be conducted and reports written in the state of Washington. The current rules are somewhat vague and difficult for structural pest inspectors, real estate agents, and consumers to comprehend. Clarification of the current rules will help inspectors to better understand what is required of them during a structural pest inspection. Additionally, consumers will have a greater understanding of the service to which they are entitled during an inspection. Unless the current rules are revised, consumers will not be afforded adequate protection from false or fraudulent structural pest inspections.

All individuals and businesses that conduct structural pest inspections in Washington state will be positively impacted by the new rules. By using these rules as enforceable guidelines, structural pest inspectors will be less likely to overlook or fail to report WDOs, damage, or conducive conditions resulting in an increased level of consumer protection.

Proposal Changes the Following Existing Rules: A clarified and expanded definition section. Examples of new definitions include wood, frass and structure.

Clarified wood destroying organisms reporting and determination of their presence. Examples include carpenter ants, dampwood termites and wood decay fungi.

Clarified information on what constitutes a conducive condition. Situation dependent language was added to clarify when a conducive condition is present. Examples include earth to wood contact, standing water, moisture from plumbing leaks.

Clarify exactly when a WDO inspection must be conducted and the limits of an inspection.

Clarified what information is required for a complete wood destroying inspection. Examples of information which must be included as part of the report are a diagram, inspection control number, inspector name and license number, damage and/or infestations of WDO.

Clarify the situation and reporting requirements for specific WDO inspections.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The only new requirement in the proposed rules that may impose a new cost on those individuals and businesses who conduct structural pest inspections in Washington state is the requirement that a copy of the inspection diagram is a part of the inspection report and must be given to the customer along with the report. The department believes that the cost of providing a customer with a copy of an inspection diagram, which an inspector is already required to prepare under current rules, does not constitute a "more than minor cost" under RCW 19.85.030 (1)(a), therefore a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: Five DIS Interactive Technology sites simultaneously via videoconference: 710 Sleater Kinney Road S.E., Suite Q, Lacey, WA; 1107 S.W. Grady Way,

Suite 112, Renton, WA; 1101 North Argonne, Suite 109, Spokane, WA; 2500 N.E. 65th Avenue, Vancouver, WA; and 15 West Yakima Avenue, Suite 220, Yakima, WA, on August 6, 2002, at 6:00 p.m.

Assistance for Persons with Disabilities: Contact Laurie Mauerman by July 30, 2002, TDD (360) 902-1996.

Submit Written Comments to: Laurie Mauerman, Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, e-mail lmauerman@agr.wa.gov, by August 7, 2002.

Date of Intended Adoption: August 23, 2002.

June 27, 2002

Bob Arrington

Assistant Director

NEW SECTION

WAC 16-228-2005 Wood destroying organism inspections and reporting criteria. All persons required to be licensed to conduct wood destroying organism (WDO) inspections as provided for in the Revised Code of Washington (RCW) 15.58.210 must comply with the rules set forth in this section.

(1) **Purpose:** This section will define terms associated with WDO inspections, identify the types of and specify the uses for WDO inspections and reports, and establish minimum rules under which WDO inspections must be conducted and reports written in the state of Washington.

(2) **Definitions:** The definitions set forth in this section must apply throughout unless the context otherwise requires. Definitions contained in this section are nonexclusive to other uses in expanded or contracted form found elsewhere in the RCW or the Washington Administrative Code (WAC).

(a) **Accessible areas:** Areas typically and routinely visible by normal access.

(b) **Conductive debris:** Cellulose or noncellulose material that provides no structural support but can be a source of food or provide a habitat for WDOs. This definition includes, but is not limited to, tree roots, stumps, formboards, scrap wood, paper, wood product, paper product, or other natural or manufactured product.

(c) **Complete wood destroying organism inspection:** Inspection for the purpose of determining evidence of infestation, damage, or conducive conditions as part of the transfer, exchange, or refinancing of any structure in Washington state. Complete WDO inspections must also include any WDO inspection that is conducted as the result of telephone solicitation by an inspection, pest control, or other business, even if the inspection would fall within the definition of a specific WDO inspection.

(d) **Conductive conditions:** Conditions that may lead to or enhance an infestation of WDOs.

(e) **Detached structure:** Separate structure that is not physically connected to the subject structure by a foundation or roof system.

(f) **Earth:** Includes, but is not limited to, soil, decorative bark, gravel, rock, or other landscape materials.

(g) **Excluded area:** Area not inspected and therefore, not included in a WDO inspection.

(h) **Frass:** Specifically, solid larval insect excrement, but can include by-products of insect feeding or tunneling activity in wood or insulation materials.

(i) **Inaccessible areas:** Parts of a structure that cannot be inspected without excavation or the physical removal of objects are inaccessible and may be subject to infestation by WDOs. Such areas include, but are not limited to, wall voids, spaces between floors, areas concealed by insulation, substructures with clearances less than eighteen inches between unimproved ground and wood joists or the bottom of wood structural floors without joists or, less than twelve inches between unimproved ground and wood girders, substructures with insufficient clearance between structural members and/or ducts and piping and the finished grade to permit passage by an inspector for the purposes of a WDO inspection, floors beneath coverings, sleeper floors, areas concealed by furniture, appliances, and/or personal possessions, exterior wood decks with less than a five-foot clearance, locked rooms, or areas that imperil the health or safety of the inspector. These rules will not require inspectors to make extraordinary efforts to gain access to areas deemed inaccessible by the inspector. Inaccessible areas are, by their nature, excluded from the inspection.

(j) **Inadequate ventilation:** Condition promoting the retention of excessive moisture in substructures or other confined spaces and identified by, but not limited to, the presence of metal rust, condensation, mold, mildew, or fungal growth.

(k) **Specific wood destroying organism inspection:** Inspection of a structure for purposes of identifying or verifying evidence of an infestation of WDOs prior to pest management activities.

(l) **Person** is defined as any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(m) **Structure:** A single building that includes any exterior attached decks, walks, stairways, or porches. For the purposes of this definition, entry and exit decks to manufactured homes are considered to be a part of the structure.

(n) **Wood:** Any material used in a structure that can be damaged by WDOs.

(o) **Wood destroying organism:** Insects or fungi that will consume, excavate, develop in, or otherwise modify the integrity of wood or wood products. For the purposes of this section, WDOs include, but are not limited to, carpenter ants, moisture ants, subterranean termites, dampwood termites, beetles in the family Anobiidae, and wood decay fungi (wood rot).

(p) **Wood destroying organism inspection:** The service of inspecting a building for the presence of WDOs, their damage, or conducive conditions leading to their development. For purposes of these rules, a WDO inspection must be defined as either a "complete WDO inspection" or a "specific WDO inspection."

(q) **Wood destroying organism inspection report:** The written opinion of an inspector licensed by the WSDA and based upon what was visible and evident at the time of an inspection.

(r) **WSDA:** Washington state department of agriculture.

NEW SECTION**WAC 16-228-2015 Wood destroying organisms.** (1)

Evidence of WDOs found during an inspection must be described in all complete and specific WDO inspection reports. Report terminology must include, but is not limited to, the following:

(a) Carpenter ants: Carpenter ants must be reported as carpenter ants or carpenter ant activity when one or more of the following are found on or in any accessible area of the inspected structure. The report must identify approximate location and type of evidence found. Evidence indicating the presence of carpenter ants includes, but is not limited to:

- (i) Live carpenter ants or carpenter ant carcasses.
- (ii) An accumulation of frass unique to carpenter ants.
- (iii) Excavation or tunneling unique to carpenter ants.

(b) Moisture ants: Moisture ants must be reported as moisture ants or moisture ant activity when one or more of the following are found on or in any accessible area of the inspected structure. The report must identify approximate location and type of evidence found. Evidence indicating the presence of moisture ants includes, but is not limited to:

- (i) Live moisture ants or moisture ant carcasses.
- (ii) An accumulation of frass unique to moisture ants.
- (iii) Excavation or tunneling unique to moisture ants.

(c) Subterranean termites: Subterranean termites must be reported as subterranean termites or subterranean termite activity when one or more of the following are found on or in any accessible area of the inspected structure or, within three feet of the structure. The report must identify approximate location and type of evidence found. Evidence indicating the presence of subterranean termites includes, but is not limited to:

- (i) Live subterranean termites, including winged reproductive forms.
- (ii) Galleries or fecal material, unique to subterranean termites, in structural members.
- (iii) Mud tubes, unique to subterranean termites, on or in the structure.

(iv) Evidence of subterranean termite activity found on or in form wood, other nonstructural materials, or wood products in landscape materials.

(d) Dampwood termites: Dampwood termites must be reported as dampwood termites or dampwood termite activity when one or more of the following are found on or in any accessible area of the inspected structure. The report must identify approximate location and type of evidence found. Evidence indicating the presence of dampwood termites includes, but is not limited to:

- (i) Live dampwood termites, including winged reproductive forms.
- (ii) Galleries or fecal material unique to dampwood termites.
- (iii) Evidence of dampwood termite activity found on or in form wood, cellulose debris, other nonstructural materials, or wood products.

(e) Anobiid beetles: Anobiid beetles must be reported as anobiid beetles or anobiid beetle activity when one or more of the following are found on or in any accessible area of the inspected structure. The report must identify approximate

location and type of evidence found. Evidence indicating the presence of anobiid beetles includes, but is not limited to:

(i) Circular, 1/16th to 1/8th inch (1.5 to 3 mm) emergence holes made by adult beetles in structural timbers.

(ii) An accumulation of frass, unique to anobiid beetles, in and around adult beetle emergence holes or beneath the wood where emergence holes are present.

(iii) Wood displaying the characteristic tunnels formed by anobiid beetle larvae.

(f) Wood decay fungi: Wood decay fungi must be reported as wood decay fungi or wood rot. The report must identify approximate location and type of evidence found. Conditions indicating that wood decay fungi, or damage attributable to these fungi, must be reported when one or more of the following are found on or in any accessible area of the structure subject to inspection. Evidence indicating the presence of wood decay fungi includes, but is not limited to:

(i) Wood or wood products containing visible damage unique to wood decay fungi.

(ii) Wood or wood products in which fungal bodies are developing.

(2) Adult beetle emergence holes, unique to wood infesting species in the families Buprestidae, Cerambycidae, and Lyctidae, may be reported for clarification purposes at the discretion of the inspector.

(3) Signs of wood decay fungi, such as brown pocket rot, and the marine mollusk (*Teredo*, shipworm) that may have occurred prior to the manufacturing or processing of lumber must, when observed, be reported as a noninfesting species or condition.

NEW SECTION

WAC 16-228-2025 Conductive conditions. (1) Conducive conditions found during a complete WDO inspection must be noted in the complete WDO inspection report.

(2) Conducive conditions include, but are not limited to, the following:

(a) Earth in direct contact with wood or inadequate clearance between earth and any wood or material subject to damage from moisture.

(b) Vegetation, in direct contact with the exterior of a structure, which may contribute to moisture or damage by WDOs.

(c) Restricted or nonfunctioning gutter systems.

(d) Conducive debris in substructures.

(e) Bare or unimproved ground in substructures.

(f) Standing water or evidence of seasonal standing water in a substructure.

(g) Failed or missing caulk or grout at water splash areas.

(h) Moisture from plumbing leaks, lack of ventilation, or other sources that may contribute to damage by WDOs.

NEW SECTION

WAC 16-228-2035 Complete wood destroying organism inspections. (1) Any WDO inspection conducted by any person pursuant to the sale, exchange, or refinancing of real property or, as a result of telephone solicitation by an inspection, pest control, or other business, must be a complete

WDO inspection. Complete WDO inspections must be performed by individuals required to be licensed in accordance with the provisions of RCW 15.58.210. Such inspections will be conducted in accordance with the rules established by this section.

(2) Inspectors must make a thorough inspection of accessible areas that are not specifically excluded in the report. Inspectors will not be required to place themselves into a position or gain access to any portion of a structure that may cause physical injury or otherwise imperil their health and safety. Access to structures should be restricted to the use of accepted methods and practices.

(3) Substructure crawl areas must be inspected when accessible. Inaccessibility of substructure crawl areas due to inadequate clearance, the presence of ducting or piping, foundation walls, partitions or other such conditions that block access must be explained in the inspection report and annotated on the report diagram. The report findings must state that inaccessible substructure crawl areas may be vulnerable to infestation by WDOs and should be made accessible for inspection.

(4) Limits of inspections: Complete WDO inspections will identify conditions present at a subject property at the time of an inspection. Inspectors are not required to report on any WDO infestation or other condition that might be subject to seasonal constraints or environmental conditions if evidence of those constraints or conditions is not visible at the time of the inspection.

NEW SECTION

WAC 16-228-2045 Complete wood destroying organism inspection reports. (1) Any report that identifies damage or infestation by WDOs or, conditions conducive to damage or infestation by WDOs pursuant to the sale, exchange, or refinancing of any structure or, as a result of telephone solicitation by an inspection, pest control, or other business, must be a complete WDO inspection report and must comply with this section. The terms "Report" or "report" as used in this section will mean a complete WDO inspection report.

(2) Report form: A written report may take any form in presentation, provided that all elements of this section are included and identifiable.

(3) A complete WDO inspection report must be issued to the person paying for and/or otherwise requesting the inspection.

(4) Report contents: Reports must contain the information identified in this section, when and where applicable.

(a) Washington state department of agriculture inspection control number (WSDA ICN): A WSDA ICN must be obtained in accordance with the provisions of RCW 15.58.-450 and be prominently displayed in the upper third of the front page of each report. This number must be unique to the structure(s) subject to the report. The assigned WSDA ICN must follow the original report and supplemental reports (if any) pertaining to the sale, exchange, or refinancing activity on a property for a specific client. A new WSDA ICN must be issued for any subsequent sale, exchange, or refinancing activity.

(b) Date: The date the inspection was conducted must be provided on the first page of the report.

(c) Parties involved in the real estate transaction: The name of the property owner, their designated representative, or purchaser of the inspection report must be identified on the first page of the report.

(d) Address of structure inspected: The complete address will include, but is not limited to, building number, street name, city, and state and must be identified on the first page of the report. Where multiple structures at a property may have the same basic address, a building letter, unit number, or other recognizable method must be used to identify the specific building inspected.

(e) Inspector: The name of the inspector and WSDA license number must be provided on the first page of the report.

(5) Report of findings: A complete WDO inspection report must detail the findings of the inspector. The following minimum conditions, where applicable, must be in the body of the report.

(a) Damage and/or infestation by WDOs: The report must identify any damage or infestation by WDOs on or in the structure.

(b) Conditions conducive to damage and/or infestation by WDOs must be explained in narrative form in accordance with the provisions of WAC 16-228-2025. When evidence of moisture ants, dampwood termites, wood infesting anobiids, or wood decay fungi is detected during a complete WDO inspection, the inspector must identify and report the condition(s) conducive to such infestations. It must be stated in the report that such infestations may be eliminated by removal of all infested wood and correction of any contributing conducive conditions.

(c) When reporting conducive conditions, the inspector must describe the condition and annotate the diagram with an approximate location of that condition. Provided that; if conducive conditions within the interior of the structure can be clearly described in the report findings, diagrammed representation of such conditions is not required.

(d) Inaccessible areas will be fully identified in narrative form where such areas are annotated on the report diagram.

(e) Excluded areas: The report must list all excluded areas not already defined in WAC 16-228-2005 (2)(i) as inaccessible.

(6) Diagrams: A diagram must be prepared for each inspection report and must accompany the report.

(a) A diagram is not required when there are no findings as described in WAC 16-228-2015 and 16-228-2025.

(b) Scaled diagrams are not required; however, diagrams must reasonably resemble the perimeter or footprint of the building being inspected and legibly convey any information that is a required part of the diagram.

(c) Diagrams must identify the approximate location of inaccessible areas.

(d) Diagrams must identify the approximate location of WDOs, damage, and/or conducive conditions leading to an infestation of WDOs.

(e) Where abbreviations are used on a diagram, a legend must be provided to explain the abbreviations.

(7) Excluded areas must be annotated on the diagram.

(8) A record of all complete WDO inspection reports prepared for real estate transactions or resulting from telephone solicitation must be maintained on file by the inspecting firm for a period of four years. Upon written request, these records must be made available to the WSDA.

NEW SECTION

WAC 16-228-2050 Specific wood destroying organism inspections. (1) Specific WDO inspections must only be conducted by individuals in the category E (pest control operator structural) or PI (structural pest inspector). Such inspections will be conducted in accordance with the rules established by this section.

(2) A specific WDO inspection must be conducted in conjunction with any proposal or estimate for prevention or control of WDOs.

(3) When no evidence of infestation is observed and any proposed treatment is for preventative purposes only, a statement explaining such a situation must stand out by having larger print than the main body of the report, be highlighted, underlined, or be in bold print and be signed by the property owner or their designated representative.

NEW SECTION

WAC 16-228-2060 Specific wood destroying organism inspection reports. (1) A specific WDO inspection report must be completed in conjunction with any proposal or estimate for prevention or control of WDOs. Pest management activities performed under an existing warranty will not require the preparation of a specific WDO inspection report.

(2) A specific WDO inspection report must not be construed as a complete WDO inspection report or, in any case, be used in lieu of a complete WDO inspection report for the sale, exchange, or refinancing of real property. A statement explaining the restriction against use in real estate transactions must stand out by having larger print than the main body of the report, be highlighted, underlined, or be in bold print on all specific WDO inspection reports.

(3) Report form: A specific WDO inspection report may take any written form in presentation, provided that all elements of this section are identifiable.

(4) A specific WDO inspection report must be issued to the person requesting the inspection.

(5) Report contents: Specific WDO inspection reports will contain the information identified in this section, when and where applicable.

(a) The name of the owner (or their representative) requesting the inspection or estimate for pest management of WDOs must be provided on the first page of the report.

(b) Date: The date the inspection was conducted must be provided on the first page of the report.

(c) Address of structure inspected: The complete address will include, but is not limited to, building number, street name, city, and state and must be identified on the first page of the report. Where multiple buildings at a property may have the same basic address, a building letter, unit number, or other recognizable method must be used to identify the specific building inspected.

(d) Inspector: The name of the inspector and WSDA license number must be provided on the first page of the report.

(6) Report of findings: A specific WDO inspection report must detail the findings of the inspector. The following minimum conditions, where applicable, must be in the body of the report.

(a) The report must include a statement describing the presence of, or signs of, infestation by WDOs that were identified and resulted in the proposal or estimate. Approximate location(s) of the WDOs or signs of infestation(s) reported on or in the structure must be clearly identified on a diagram. If the proposed treatment is for preventative purposes only, the report must so state. All WDOs must be identified by their proper name as described in WAC 16-228-2010.

(b) When a proposal or estimate is prepared for the treatment of moisture ants, dampwood termites, wood infesting beetles, or wood decay fungi the inspector must, where possible, identify and report the condition(s) conducive to such infestations. It must be stated in the report that infestations of such WDOs may be eliminated by removal of all infested wood and correction of any contributing conducive conditions.

(7) Diagrams: A diagram must be prepared for each inspection report and must accompany that report.

(a) A diagram is not required when there are no findings as described in WAC 16-228-2015 and 16-228-2025.

(b) Scaled diagrams are not required however, diagrams must reasonably resemble the perimeter or footprint of the building being inspected and legibly convey any information that is a required part of the diagram.

(c) A diagram must identify the approximate location of WDOs and/or signs of infestation(s) by WDOs.

(d) Where abbreviations are used on a diagram, a legend must be provided to explain the abbreviations.

(8) A record of all specific WDO inspection reports must be maintained on file by the inspecting firm for a period of one year. Upon request, these records must be made available to the WSDA.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-228-2000	Inspection and reporting criteria for complete wood destroying organism inspections.
WAC 16-228-2020	Inspection and report prerequisite to wood destroying organism treatment.
WAC 16-228-2030	Limited wood destroying organism inspections.
WAC 16-228-2040	Reporting criteria for limited wood destroying organism inspections.

WSR 02-14-098
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed July 1, 2002, 4:41 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-11-062.

Title of Rule: WAC 388-450-0230 Treatment of income in the month of application for destitute food assistance households.

Purpose: The Division of Employment and Assistance Programs is amending the rule to comply with federal requirements on how to treat income of a destitute migrant or seasonal farmworker in the month of application.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 7 C.F.R. 273.10.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.04.510, 7 C.F.R. 273.10.

Summary: WAC 388-450-0230, explains what income can be excluded for a destitute migrant or seasonal farmworker in the month they apply for food assistance.

Reasons Supporting Proposal: In certain situations, the United States Department of Agriculture, Food and Nutrition Service (FNS) requires the department to disregard a portion of a migrant or seasonal farm worker's income during the month they apply for benefits if they are considered destitute based on FNS definitions. This rule change will implement the federal requirements.

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. 273.10.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-450-0230, explains what income can be excluded for a destitute migrant or seasonal farmworker in the month they apply for food assistance.

Proposal Changes the Following Existing Rules: The change adopts the federal requirements to count only certain income during the month of application for destitute migrant or seasonal farmworkers.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes affect only client eligibility for services and as a result of these rules do not affect small businesses and is exempt from requirements of chapter 19.85 RCW.

RCW 34.05.328 does not apply to this rule adoption. This proposed rule is a "rule of the department of social and health services relating only to client medical or financial eligibility," and is exempt 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 August 6, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by August 2, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernAX@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, e-mail fernax@dshs.wa.gov by 5:00 p.m., August 6, 2002.

Date of Intended Adoption: No earlier than August 7, 2002.

June 28, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-24-008, filed 11/19/99, effective 1/1/00)

WAC 388-450-0230 (~~Treatment of income in the month of application for destitute~~) What income does the department count in the month I apply for food assistance (~~households~~) when my assistance unit is destitute? (1) (~~When a migrant or seasonal farm worker is determined~~) If your assistance unit (AU) includes a migrant or seasonal farmworker and your AU is destitute under WAC 388-406-0021, ((eligibility and benefit amount for the month of application is determined by)) we may exclude some of your income in the month you apply for food assistance.

(2) In the month of application, we:

(a) (~~Counting the household's income that is received from~~) Count only income received between the first of the month (~~through the date of application~~) and the date you apply for food assistance; and

(b) (~~Excluding~~) Disregard any income from a new source that (~~the household expects~~) you expect to receive (~~during the ten days~~) after the date (~~of application~~) you apply for food assistance.

(~~(2) A household member changing jobs but continuing to work for the same employer is considered to be receiving income from the same source.~~)

WSR 02-14-103

WITHDRAWAL OF PROPOSED RULES

GAMBLING COMMISSION

(By the Code Reviser's Office)

[Filed July 2, 2002, 8:50 a.m.]

WAC 230-40-120, proposed by the Gambling Commission in WSR 02-01-095 appearing in issue 02-01 of the State Register, which was distributed on January 2, 2002, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 02-14-106
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 2, 2002, 1:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-048.

Title of Rule: WAC 180-77-041 Requirements for candidates seeking career and technical education certification on the basis of business and industry work experience.

Purpose: This amendment clarifies that, because two programs have now been approved through which candidates can seek certification based on business and industry work experience, candidates must complete an approved program in order to obtain certification.

Statutory Authority for Adoption: RCW 28A.410.010.

Statute Being Implemented: None.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

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

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

Hearing Location: Enumclaw School District, 2929 McDougall Avenue, Enumclaw, WA 98022-7499, on August 21, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by August 7, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by August 7, 2002.

Date of Intended Adoption: August 23, 2002.

July 2, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 02-04-018, filed 1/24/02, effective 2/24/02)

WAC 180-77-041 Requirements for candidates seeking career and technical education certification on the basis of business and industry work experience. Candidates for certification who have not completed approved programs set forth in WAC 180-82-322 shall complete the following requirements in addition to those set forth in WAC 180-79A-150 (1) and (2) and 180-79A-155 (1) and (2).

(1) Initial.

(a) Candidates for the initial certificate shall provide documentation of three years (six thousand hours) of paid occupational experience in the specific career and technical education subcategory for which certification is sought. One year (two thousand hours) must be within the past six years. If all or part of the two thousand hours is more than six years old, candidates must complete an additional three hundred hours of recent (occurring in the last two years) occupational experience.

(b) Candidates for the initial certificate shall complete a state board of education approved program under WAC 180-77A-029 in which they demonstrate competence in the general standards for all career and technical education teacher certificate candidates pursuant to WAC 180-77A-165, which include but are not limited to knowledge and skills in the following areas:

- (i) General and specific safety;
- (ii) Career and technical education teaching methods;
- (iii) Occupational analysis;
- (iv) Course organization and curriculum design;
- (v) Philosophy of vocational education;
- (vi) Personal student development and leadership techniques.

~~(c) ((Provided, until such time as two or more programs are approved by the SBE under WAC 180-77A-029, candidates shall complete a minimum of twenty five quarter hours or two hundred fifty hours of career and technical education educator training and/or technical education/upgrading of which a minimum of ten quarter hours or one hundred clock hours of competency-based course work must be in the above areas.~~

~~(d))~~ Candidates for the initial certificate shall also demonstrate knowledge and skills in the following areas:

- (i) School law;
- (ii) Issues related to abuse as specified in WAC 180-77A-165(7).

~~((e))~~ (d) In addition, candidates for initial certification in diversified occupations or coordinator of work based learning shall demonstrate competency in knowledge and skills described in WAC 180-77A-180.

(2) Initial renewal. Candidates for renewal of the initial certificate must complete three quarter hours of credit or thirty clock hours of career and technical education educator training in the subject matter certified to teach since the initial certificate was issued or renewed.

(3) Continuing.

(a) Candidates for the continuing certificate shall have in addition to the requirements for the initial certificate at least nine quarter hours or ninety clock hours of career and technical education educator training in the career and technical education subject matter to be certified completed subsequent to the issuance of the initial certificate.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing certificate documentation of two years of teaching/coordination in the career and technical education subject matter certified to teach with an authorized employer—i.e., school district(s) or skills center(s).

(4) Continuing certificate renewal.

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(a) Candidates for renewal of the continuing certificate shall complete since the previous continuing certificate was issued one of the following:

- (i) Six quarter hours or sixty clock hours of career and technical education educator training;
- (ii) Three quarter hours or thirty clock hours of career and technical education educator training and three quarter hours or thirty clock hours of technical education/upgrading;
- (iii) Three quarter hours or thirty clock hours of career and technical education educator training and three hundred hours of occupational experience.

WSR 02-14-107
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 2, 2002, 1:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-046.

Title of Rule: WAC 180-85-025 Continuing education—Definition and 180-85-033 Continuing education credit hour—Definition—Professional growth team consultation and collaboration.

Purpose: The purpose of the amendment and new section is to expand the definition of continuing education credit hours to include service on a professional growth team.

Statutory Authority for Adoption: RCW 28A.410.010.

Statute Being Implemented: None.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: 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. Not applicable.

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

Hearing Location: Enumclaw School District, 2929 McDougall Avenue, Enumclaw, WA 98022-7499, on August 21, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by August 7, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by August 7, 2002.

Date of Intended Adoption: August 23, 2002.

July 2, 2002
Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 97-04-086, filed 2/5/97, effective 3/8/97)

WAC 180-85-025 Continuing education—Definition. As used in this chapter, the term "continuing education" shall mean:

(1) All college and/or university credit, normally 100 level or higher, awarded by a regionally accredited institution of higher education, pursuant to WAC 180-78-010(6).

(2) All continuing education credit hours awarded by a vocational-technical college pursuant to WAC 180-85-030(3) and all continuing education credit hours awarded in conformance with the in-service education procedures and standards specified in this chapter by an approved in-service education agency.

(3) All continuing education credit hours awarded through a business, industry, or government internship that meets the requirements of chapter 180-83 WAC.

(4) All continuing education credit hours awarded through membership on a professional growth team in conformance with WAC 180-85-033.

NEW SECTION

WAC 180-85-033 Continuing education credit hour—Definition—Professional growth team consultation and collaboration. Notwithstanding any provisions of this chapter to the contrary, for consultation and collaboration as a member of an approved professional growth team, as defined by WAC 180-78A-010 and 180-78A-505, members of a professional growth team, excluding the candidate, shall receive the equivalent of ten continuing education credit hours. The team member may not receive more than the equivalent of twenty continuing education credit hours, as defined by this section, during a calendar year period.

WSR 02-14-108
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 2, 2002, 1:41 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-045.

Title of Rule: WAC 180-82-105 Assignment of classroom teachers within districts.

Purpose: Editorial amendment.

Statutory Authority for Adoption: RCW 28A.410.010.

Statute Being Implemented: None.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

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

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

Hearing Location: Enumclaw School District, 2929 McDougall Avenue, Enumclaw, WA 98022-7499, on August 21, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by August 7, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by August 7, 2002.

Date of Intended Adoption: August 23, 2002.

July 2, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 02-04-018, filed 1/24/02, effective 2/24/02)

WAC 180-82-105 Assignment of classroom teachers within districts. In addition to holding teaching permits or certificates as required by WAC 180-16-220(2), the assignment of classroom teachers in the basic program of education shall comply with the following:

(1) Classroom teachers with standard or unendorsed continuing teacher certificates may be assigned to any grade or subject areas for which certification is required.

(2) Classroom teachers with initial, residency, endorsed continuing, or professional teacher certificates may be assigned only to the specified grades and specified subject areas stated as endorsements upon their respective certificates or permits.

(3) Classroom teachers with initial, residency, endorsed continuing, or professional teacher certificates who have an elementary education endorsement may be assigned to teach any subject in grades K-8.

(4) Any certificated teacher who has completed twenty-four quarter hours (sixteen semester hours) of academic study in a content area that will be offered in grades four through nine may be assigned to that course even if the teacher does not hold an endorsement in that area.

(5) Any certificated teacher may be assigned to a middle school or junior high school block program, which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students, if the teacher has an endorsement in one of the subject areas and has completed or will complete within one year nine quarter hours in each of the other subject areas.

(6) Upon determination by school districts that teachers have the competencies to be effective teachers in alternative settings, individuals with initial, residency, endorsed continuing, or professional teacher certificates who have completed

provisional status with a school district under RCW 28A.405.220 may be assigned to teach in alternative schools.

(7) Any certificated teacher may be assigned to courses offered in basic education subject areas not included with the list of endorsements specified in WAC ((180-79A-302)) 180-82-202.

(8) Any certificated teacher may be assigned to serve as a substitute classroom teacher at any grade level or in any subject area for a period not to exceed thirty consecutive school days in any one assignment.

(9) Any certificated person holding a limited certificate as specified in WAC 180-79A-230 or a career and technical education certificate as specified in chapter 180-77 WAC may be assigned as per the provisions of such section or chapter.

(10) If a teacher is assigned to provide special education, then the district must also comply with WAC 392-172-200 and 392-172-202.

(11) For the purpose of this section, the term "specified subject areas" shall mean courses or classes with the same subject area title as specified by the classroom teachers endorsement and courses or classes which the board of directors of the district determines to substantially include the same subject area as the endorsement—e.g., a classroom teacher with a health endorsement may be assigned to any course, regardless of course title, which substantially includes health as the subject area.

(12) Exceptions to the assignment requirements of subsection (1) of this section must comply with WAC 180-82-110.

(13) School district compliance with this section shall be subject to the state staff review process specified in WAC 180-16-195(2).

WSR 02-14-109

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed July 2, 2002, 1:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-047 and 02-05-060.

Title of Rule: Various sections of chapter 180-78A WAC, Approval standards for performance-based preparation programs for teachers, administrators, and educational staff associates; chapter 180-79A WAC, Standards for teacher, administrator, and educational staff associate certification; and chapter 180-82 WAC, Certificate endorsements and assignment of certificated personnel.

Purpose: To amend rules regarding principal preparation and certification and make a number of editorial/clarity amendments.

Statutory Authority for Adoption: RCW 28A.305.130 and 28A.410.010.

Statute Being Implemented: None.

Summary: The proposed amendments will establish performance-based leadership standards for principal preparation and certification, thus providing a framework to imple-

PROPOSED

ment a continuum of principal development. The amendments also include a number of clarifying amendments, including clarification of the time period for renewal credits for the professional certificate.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

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

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

Hearing Location: Enumclaw School District, 2929 McDougall Avenue, Enumclaw, WA 98022-7499, on August 21, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by August 7, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by August 7, 2002.

Date of Intended Adoption: August 23, 2002.

July 2, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 01-19-080, filed 9/19/01, effective 10/20/01)

WAC 180-78A-010 Definition of terms. The following definitions shall be used in this chapter:

(1) "College or university" means any regionally accredited baccalaureate degree granting Washington institution of higher learning or cooperative group of such institutions which has or develops programs of preparation in education which are submitted to the state board of education for approval.

(2) "Endorsement" means a specification placed on a certificate to indicate the subject area, grade level, and/or specialization for which the individual is prepared to teach.

(3) "Interstate compact" means the contractual agreement among several states authorized by RCW 28A.690.010 and 28A.690.020 which facilitates interstate reciprocity.

(4) "Program approval" means the approval by the state board of education of an educator preparation program within Washington state.

(5) "Field experience" means a sequence of learning experiences which occur in actual school settings or clinical or laboratory settings. Such learning experiences are related to specific program outcomes and are designed to integrate

educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

(6) "Regionally accredited institution of higher education" means a community college, college, or university which is a candidate for accreditation or is accredited by one of the following regional accrediting bodies:

- (a) Middle States, Association of Colleges and Schools;
- (b) New England Association of Schools and Colleges;
- (c) North Central Association of Colleges and Schools;
- (d) Northwest Association of Schools and of Colleges and Universities;

(e) Southern Association of Colleges and Schools;

(f) Western Association of Schools and Colleges: Accrediting Commission for Junior and Senior Colleges.

(7) "An approved performance-based educator preparation program" means a program that requires the candidate to demonstrate in multiple ways, over time, specific state board of education required standards, criteria, knowledge and skills, including, where appropriate, evidence related to positive impact on student learning.

(8) "A positive impact on student learning" means that a teacher through instruction and assessment has been able to document students' increased knowledge and/or demonstration of a skill or skills related to the state goals and/or essential academic learning requirements: Provided, That teachers employed by private schools who are candidates for the professional teaching certificate shall document students' increased knowledge and/or demonstration of a skill or skills related to either:

(a) The state goals or essential academic learning requirements; or

(b) Such alternative learning goals as the private school has established.

(9) "Collaboration" (as used in WAC 180-78A-500 through 180-78A-540) means ongoing communication among the professional growth team members using a variety of formats (e.g., conferences, electronic mail, conference calls, etc.) to reach consensus regarding the content - course work, experiences, competencies, knowledges and skills - of the candidate's professional growth plan.

(10) "Professional growth team."

(a) Teacher "professional growth team" means a team (~~of persons~~) comprised of the candidate for professional certification, a colleague specified by the candidate, a college or university advisor appointed by the college or university, and a representative from the school district in which the candidate teaches.

(b) Principal/program administrator "professional growth team," for the purpose of professional certification, means a team comprised of the candidate for the professional certificate, a district representative or designee, a professional association representative, and a college or university advisor. "Professional growth team," for the purpose of renewal of the professional certificate, means a team comprised of the individual renewing the certificate and the superintendent, or superintendent designee or appointed representative.

(11) "Individual professional growth plan" means the document which identifies the specific competencies, knowledges, skills and experiences needed to meet the standards set

forth in WAC 180-78A-540. The individual professional growth plan shall meet requirements set forth in WAC 180-78A-535 (4)(a).

(12) "Preassessment seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate, in collaboration with members of his/her professional growth team, identifies specific competencies, knowledges, skills and/or experiences needed to meet standards for the certificate as required by WAC 180-78A-540. The preassessment seminar shall meet requirements set forth in WAC 180-78A-535 (4)(a).

(13) "Culminating seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance, and positive impact on student learning. The culminating seminar shall meet requirements set forth in WAC 180-78A-535 (4)(e).

AMENDATORY SECTION (Amending WSR 00-09-049, filed 4/14/00, effective 5/15/00)

WAC 180-78A-100 Existing approved programs. Chapter 180-78A WAC rules shall govern all policies related to programs upon adoption by the state board of education, which shall provide assistance to colleges and universities in the revision of their existing programs.

(1) All professional education programs shall be reviewed for approval under the 1997 program approval standards of chapter 180-78A WAC by August 31, 2000. Colleges and universities may permit individuals accepted into preparation programs on or before August 31, 2000, to obtain certification by meeting requirements of programs approved under approval standards described in chapter 180-78 WAC if the individuals complete the program on or before August 31, 2003, and the college or university verifies program completion to the superintendent of public instruction on or before December 31, 2003: Provided, That the state board of education or its designee may waive this deadline on a case-by-case basis.

(2) All principal/program administrator programs shall be reviewed for approval under the 2002 program approval standards of chapter 180-78A WAC by August 31, 2004. Colleges and universities may permit individuals accepted into principal/program administrator programs on or before August 31, 2004, to obtain certification by meeting requirements of programs approved under 1997 approval standards described in chapter 180-78A WAC if the individuals complete the program on or before August 31, 2006, and the college or university verifies program completion to the superintendent of public instruction on or before December 31, 2006. Provided, That the state board of education or its designee may waive this deadline on a case-by-case basis.

(3) Institutions shall be given at least one year notification prior to a state board of education review for compliance with these standards: Provided, That if an institution requests a visit with less than a year's notice, the state board of education shall consider that request.

((3)) (4) The state board of education shall determine the schedule for such approval reviews and whether an on-

site visit or other forms of documentation and validation shall be used for the purposes of granting approval under the 1997 program approval standards.

((4)) (5) Each institution shall submit its program for review when requested by the state board of education to ensure that the program meets the state's program approval standards and to provide assessment data relative to the performance standards to the state board of education for the year prior to the site visit.

((5)) (6) Institutions seeking National Council for the Accreditation of Teacher Education, Council for Accreditation of Counseling and Related Education Programs, and National Association of School Psychologist accreditation may request from the state board of education approval for concurrent site visits which would utilize the same documentation with the exception of material submitted by the institution to the state for the professional education advisory boards and the accountability standards.

((6)) (7) In submitting a request for approval under these standards, the approved program shall provide a description of the criteria that the program will use to assess, in multiple ways, over time, its certification candidates' knowledge and skills, including, where appropriate, evidence related to positive impact on student learning. Based on the documentation submitted and/or an on-site visit, the state board of education shall grant approval or request specific revisions that need to be made in order to obtain state board of education approval.

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

WAC 180-78A-200 ((Candidate admission policies.))
Basic skills. ((Admission requirements to residency preparation programs shall include, but not be limited to, evidence that the candidate is competent in the basic skills required for oral and written communication, reading, and computation; demonstrated by one of the following options:

(1) Successful completion of an examination in the basic skills required for oral and written communication, reading, and computation; or

(2) Completion of a baccalaureate degree program; or

(3) Completion of a graduate degree program; or

(4) Completion of two or more years of college level course work and demonstrated basic skills competency through college level work and a written essay; or

(5) A combined score of more than the statewide median score for the prior school year scored by all persons taking the Scholastic Assessment Test I: Reasoning Test or the American College Test (ACT).) See RCW 28A.410.220.

AMENDATORY SECTION (Amending WSR 01-13-106, filed 6/20/01, effective 7/21/01)

WAC 180-78A-250 Approval standard—Professional education advisory board. Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compli-

PROPOSED

ance with the program approval standards of WAC 180-78A-220(1):

(1) The professional education advisory board has been established in accordance with WAC 180-78A-209.

(2) The professional education advisory board has adopted operating procedures and has met at least four times a year.

(3) The professional education advisory board has reviewed all program approval standards at least once every five years.

(4) The professional education advisory board annually has reviewed follow-up studies and placement records.

(5) The professional education advisory board has made recommendations when appropriate for program changes to the institution which must in turn consider and respond to the recommendations in writing in a timely fashion.

(6) The professional education advisory board annually has seen, reviewed and approved an executive summary of the activities of the professional education advisory board. The college or university has submitted the approved executive summary to the state board of education.

(7) The professional education advisory board for administrator preparation programs participated in the candidate selection process for principal preparation programs.

AMENDATORY SECTION (Amending WSR 02-04-018, filed 1/24/02, effective 2/24/02)

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

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

Foundational knowledge

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

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

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

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

(e) Theories of human development and learning.

(f) Inquiry and research.

(g) School law and educational policy.

(h) Professional ethics.

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

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

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

Effective teaching

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

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

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

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

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

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

(r) Classroom management and discipline, including:

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

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

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

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

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

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

Professional development

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

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

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

(2) PRINCIPAL AND PROGRAM ADMINISTRATOR.

(a) Effective August 31, 1997, through August 31, 2004, principal and program administrator candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in an approved preparation program which shall include:

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

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

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

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

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

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

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

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

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

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

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

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

((#)) (L) **Measurement and evaluation:** Determining what diagnostic information is needed about students, staff, and the school environment; examining the extent to which outcomes meet or exceed previously defined standards, goals, or priorities for individuals or groups; drawing inferences for program revisions; interpreting measurements or evaluations for others; relating programs to desired outcomes; developing equivalent measures of competence.

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

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

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

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

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

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

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

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

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

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

(b) Effective September 1, 2004, principal and program administrator candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete formalized learning opportunities, including an internship, in an approved program that includes:

(i) Successful demonstration of standards. A school administrator is an educational leader who promotes the success of all students by:

(A) Facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community;

(B) Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth;

(C) Ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment;

(D) Collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources;

(E) Acting with integrity, fairness, and in an ethical manner; and

(F) Understanding, responding to, and influencing the larger political, social, economic, legal and cultural context.

(ii) Performance assessment. An approved preparation program for principals shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the state board of education and published by the office of the superintendent of public instruction. The benchmarks may not be changed without prior state board approval. All candidates shall exit the residency certificate program with a draft professional growth plan.

(3) SUPERINTENDENT. Superintendent candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experi-

ences in an approved preparation program for superintendents which shall include specific performance domains for superintendents. An approved preparation program for superintendents shall require the candidate to demonstrate in course work and the internship the following:

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

(i) Professional and ethical leadership.

(ii) Information management and evaluation.

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

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

(ii) Professional development and human resources.

(iii) Student personnel services.

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

(i) Organizational management.

(ii) Interpersonal relationships.

(iii) Financial management and resource allocation.

(iv) Technology and information system.

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

(i) Community and media relations.

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

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

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

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

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

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

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

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

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

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

(i) Foundations of school counseling including:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) Use of appropriate technology and information systems.

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

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

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

(C) Approaches to peer helper programs;

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

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

(F) Crisis intervention and referral; and

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

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

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

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

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

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

(i) Learning theory.

(ii) Personality theory and development.

(iii) Individual and group testing and assessment.

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

(v) Basic statistics.

(vi) Child development.

(vii) Exceptional children.

(viii) Social and cultural factors.

(ix) Deviant personality.

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

(xi) Research design.

(xii) Physiological and biological factors.

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

(i) Intellectual and cognitive assessment.

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

(iii) Personality assessment.

(iv) Assessment of perceptual skills.

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

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

(i) Data taking.

(ii) Frequency measures.

(iii) Qualitative and quantitative analysis of classroom behavior.

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

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

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

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

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

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

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

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

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

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

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

(i) Evaluate and perform research.

(ii) Apply school-oriented research.

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

(A) Retention in grade.

(B) Acceleration and early entrance.

(C) Early entrance.

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

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

(i) Values.

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

(B) National Association of Social Workers (NASW) Code of Ethics and school social work guidelines for practice.

(ii) Human behavior and the social environment.

(A) Community theory and community change (e.g., community organization and development, social planning, networking, and case management);

(B) Systems and organizational theory (e.g., school as a bureaucracy);

(C) Social disorganization (e.g., poverty, family and community violence, unemployment, addictions, multiple losses), and context of family in a changing society;

(D) Family dynamics and theories of family therapy;

(E) Human/child growth and development;

(F) Diverse populations of: Race, culture, social class, life style, age, gender and the disabled;

(G) Theories of personality; and

(H) Use of computer technology for social work practice.

(b) Service delivery and program development. The candidate will have knowledge and skills in the following activities:

(i) Direct practice.

(A) Referring, developing, and coordinating resources and services in the local education agency and community;

(B) Knowledge and skills related to families;

(C) Case management;

(D) Working with vulnerable and "hard to reach" individuals and families, including those from diverse populations;

(E) Crisis intervention, conflict resolution, stress management and decision-making skills;

(F) Individual and group counseling to improve students' self-knowledge and interactional skills for personal empowerment;

(G) Interviewing and counseling students in relation to social-personal problems adjudged to be impairing student's ability to learn;

(H) Family interventions including parent education; referral to resources; family counseling;

(I) Teaching children communication and interpersonal relationship skills through individual/group/classroom interventions;

(J) Collaborating and consulting with parents and community to assure readiness to learn for all students;

(K) Multidimensional assessment of student's social-emotional adjustment, adaptive behaviors, individual strengths, and environmental assets;

(L) Intervention case planning processes; and

(M) Career and academic guidance to students in their school to work transitions.

(ii) Indirect practice.

(A) Liaison and facilitator between and among home, school and community;

(B) Collaborate and consult with other educational staff to assure student progress;

(C) Use computer technology for practice and efficiency;

(D) Develop strategies for increased parental and community involvement with the school;

(E) Develop programs of remediation for students and their families;

(F) Design, coordinate and facilitate programs such as suicide prevention, truancy and drop-out prevention, and prevention of teenage pregnancy;

(G) Provide staff development programs;

(H) Work collaboratively with educational staff to develop programs to address school-community identified needs; and

(I) Function as change agents.

(c) Research and evaluation. The candidate will have necessary skills and knowledge to:

(i) Collect and interpret data in order to evaluate student, school, and community needs;

(ii) Evaluate own practice;

(iii) Become consumer of research findings;

(iv) Understand use of program evaluation methods; and

(v) Utilize computer technology for research and evaluation.

(d) Context for educational system. The candidate will have necessary knowledge and skills to apply the following:

(i) State learning goals and essential academic learning requirements;

(ii) Theories of learning;

(iii) School law and professional ethics;

(iv) Computer technology in the workplace; and

(v) Understanding of policies, laws, and procedures.

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

WAC 180-78A-325 Program approval requirement—Field experience for all administrators. The internship shall take place in an education setting serving under the general supervision of a certificated practitioner who is performing in the role for which certification is sought. Components of the required internship shall include demonstration by the candidate that he or she has the appropriate, specific relevant skills pursuant to WAC 180-78A-270. An approved preparation program for administrators and, prior to August 31, 1998, for principals, shall require an internship of at least three hundred sixty hours: Provided, That an approved preparation program for principals shall require for those persons entering the program August 31, 1998, and after, an internship which requires practice as an intern during a full school year. A "full school year" shall mean seven hundred twenty hours of which at least one-half shall be during school hours, when students and/or staff are present and include the principal performance domains as stated in WAC 180-78A-270 (2)(a) or (b): Provided further, That ~~((for a candidate seeking the P-12 principal certificate, the internship shall include P-12 administrative experience. The internship shall take place in an education setting serving under the general supervision of a certificated practitioner who is performing in the role for which the endorsement is sought. Components of the required internship shall include demonstration by the candidate that he or she has the appropriate, specific skills pursuant to WAC 180-78A-270))~~ an approved preparation program for principals shall require for those individuals entering the program on or after September 1, 2004, an internship that shall

include demonstration by the candidate that she or he has the appropriate, specific skills pursuant to the standards identified in WAC 180-78A-270 (2)(b) and meets, at minimum, the standards-based benchmarks approved by the state board of education and published by the office of the superintendent of public instruction. The benchmarks may not be changed without prior state board approval.

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

WAC 180-78A-400 Internship standards—State-funded administrator interns. (1) Principal, superintendent, and program administrator interns participating in the state-funded administrator internship program shall meet the following standards:

(a) Enrollment in a principal, superintendent or program administrator preparation program approved by the state board of education, pursuant to WAC 180-78A-105.

(b) Completion of all administrator field experience, knowledge and skill certification requirements, pursuant to chapters 180-78A and 180-79A WAC.

(c) Completion of up to forty-five internship days for school employees selected for a principal, superintendent or program administrator certification internship when K-12 students and/or staff are present; provided the internship shall meet the following criteria:

(i) The intern, mentor administrator and college/university intern supervisor shall cooperatively plan the internship, provided that the school district is encouraged to include teachers and other individuals in the internship planning process.

~~(ii) ((Principal and program administrator interns shall demonstrate competency in the performance domains identified as needing development by the mentor administrator, college/university supervisor, and the intern, pursuant to WAC 180-78A-270(2).))~~ Superintendent interns shall demonstrate competency in the standards identified as needing development by the mentor administrator, college/university supervisor, and the intern, pursuant to WAC 180-78A-270(3). Principal and program administrator interns admitted to programs before September 1, 2004, shall demonstrate competency in the performance domains identified as needing development by the mentor administrator, college/university, and the intern, pursuant to either WAC 180-78A-270 (2)(a) or (b) pursuant to WAC 180-78A-100. Principal and program administrator interns admitted to programs on or after September 1, 2004, shall demonstrate competency in the standards identified as needing development by the mentor administrator, college/university supervisor, and the intern, pursuant to WAC 180-78A-270 (2)(b).

(iii) The activities to be undertaken to implement the internship shall be outlined in writing.

(d) The intern, college/university supervisor and mentor administrator shall determine whether the intern days and the selected performance domains or competencies were demonstrated.

(2) Participating colleges/universities, and school districts may establish additional internship standards and shall report such standards to the state board of education.

(3) Each college/university shall submit a summary report of the internships to the state board of education.

AMENDATORY SECTION (Amending WSR 00-13-064, filed 6/16/00, effective 7/17/00)

WAC 180-78A-500 Professional certificate program approval. All professional certificate programs for teachers and principals/program administrators shall be approved pursuant to the requirements in WAC 180-78A-520 through 180-78A-540. Only colleges/universities with state board of education approved residency certificate teacher and principals/program administrator preparation programs are eligible to apply for approval to offer professional certificate programs.

AMENDATORY SECTION (Amending WSR 00-03-049, filed 1/14/00, effective 2/14/00)

WAC 180-78A-505 Overview—Teacher professional certificate program. By September 1, 2001, all colleges and universities offering a professional certificate program must be in compliance with the new program standards. To obtain a professional certificate, the residency teacher will need to complete provisional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school and will need to complete a state board of education approved professional certificate program collaboratively developed by a college/university and the professional educational advisory board (PEAB).

The professional certificate requires successful demonstration of three standards (effective teaching, professional development, and leadership) and 18 criteria, pursuant to WAC 180-78A-540, related to these standards. Wherever appropriate, the residency teacher will need to provide evidence that his/her teaching has had a positive impact on student learning as defined in WAC 180-78A-010(8).

The candidate and college or university shall develop an individual professional growth plan to be reviewed and agreed upon after input from and consultation and collaboration (WAC 180-78A-010(9)) with his/her professional growth team.

The individual professional growth plan will be based on an analysis of the student/learning context in that teacher's assignment and a preassessment of that teacher's ability to demonstrate the standards and criteria set forth in WAC 180-78A-540.

The individual professional growth plan shall include instruction and assistance components for each residency teacher. The instruction and assistance components will be designed to give the residency teacher the necessary knowledge and skills needed to demonstrate successfully the standards and criteria set forth in WAC 180-78A-540.

The final component of the program will be a culminating assessment seminar in which the residency teacher's ability to demonstrate the standards and criteria cited above will be evaluated. These assessments shall include multiple forms of data collected over time, including evidence of positive impact on student learning, where appropriate.

As part of the program development, the college/university and the PEAB shall establish criteria and procedures for determining when the residency teacher has successfully completed the program. When the program administrator has verified to the superintendent of public instruction that the candidate has completed the approved program, the state will issue the residency teacher a professional certificate.

~~((Between 1997 and 2000, the state board of education shall approve a number of field tests of the professional certificate programs pursuant to WAC 180-78A-545 through 180-78A-565.))~~

NEW SECTION

WAC 180-78A-507 Overview—Principal/program administrator professional certificate program. By September 1, 2004, all colleges and universities offering a professional certificate program for principals/program administrators must be in compliance with the new program standards. To obtain a professional certificate, the residency principal/program administrator will need to complete a state board of education approved professional certificate program, have satisfactory district evaluations for an administrator role, and document three contracted school years of employment as a principal or assistant principal.

The professional certificate requires successful demonstration of six standards at the professional certification benchmark levels, or above, and the candidate will need to provide evidence that he/she has had a positive impact on student learning.

The candidate and college or university shall develop an individual professional growth plan to be reviewed and agreed upon after input from and consultation and collaboration with his/her professional growth team. The individual growth plan shall address the six knowledge and skills standards, focus on activities that enhance student learning, and be informed by the performance evaluation process, and an analysis of the administrative context and assignment.

AMENDATORY SECTION (Amending WSR 01-09-004, filed 4/5/01, effective 5/6/01)

WAC 180-78A-535 Approval standard—Program design. The following requirements shall govern the design of the professional certificate program:

(1) **Teacher.**

(a) To be eligible to apply for admission to a professional certificate program, a candidate shall hold a contract as a teacher in a public or a state board of education approved private school and shall have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school: Provided, That a candidate for the professional teacher's certificate may enroll in and complete the preassessment seminar described in subsection (4)(a) of this section prior to admission to a professional certificate program.

~~((2))~~ (b) The professional certificate program must be available to all qualified candidates.

~~((3))~~ (c) Using the set of common performance indicators as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without prior state board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

~~((4))~~ (d) Each program shall consist of:

~~((a))~~ (i) A preassessment seminar which considers input from the candidate's "professional growth team" (WAC 180-78A-505), the candidate's past experience, the context in which he/she teaches, information from past annual evaluations if the individual chooses, the candidate's personal and professional goals, his/her self-evaluation, and evidences of the candidate's impact on student learning.

The seminar will culminate in preparation and approval of the candidate's individual professional growth plan designed to provide the candidate with the knowledge and skills needed to demonstrate successfully the standards and criteria required by WAC 180-78A-540.

A representative of the college/university and the candidate shall develop the professional growth plan to be reviewed and agreed upon after input from and consultation and "collaboration" (WAC 180-78A-010(9)) with his/her "professional growth team" (WAC 180-78A-010(10)).

The individual professional growth plan shall be based on:

~~((i))~~ (A) An analysis of the instructional context and teaching assignment(s) to determine strategies which the teacher should use to achieve a positive impact on student learning.

~~((ii))~~ (B) An assessment of the candidate's ability to demonstrate successfully the professional certificate standards and criteria.

~~((iii))~~ (C) Specifications of assistance and instructional components needed and any required course work.

~~((b))~~ (ii) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "effective teaching" as defined in WAC 180-78A-540(1).

~~((c))~~ (iii) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "professional development" as defined in WAC 180-78A-540(2).

~~((d))~~ (iv) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "leadership" as defined in WAC 180-78A-540(3).

~~((e))~~ (v) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; identification of future

goals and professional/career interests; and specification of areas for continuing education and development. The candidate must provide multiple forms of evidence which shall include, but are not limited to, the set of common performance indicators as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without prior state board approval.

~~((5))~~ (vi) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for appropriate assistance and instruction.

~~((6))~~ (vii) No limits shall be placed on the number of times a candidate with a valid residency certificate may participate in the culminating seminar.

(2) Principal/program administrator.

(a) To be eligible to apply for admission to a professional certificate program, a candidate shall hold a contract as an administrator for which the credential is required in a public school or state board of education approved private school.

(b) The professional certificate program must be available to all qualified candidates.

(c) Using the six knowledge and skills standards, and the standards-based benchmarks as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without state board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar during which the professional growth plan shall be developed. The plan will be agreed upon after input from and consultation with his/her professional growth team (WAC 180-78A-010(10)(b)). The individual professional growth plan shall be based on an assessment of the candidate's ability to demonstrate six standards at the professional certificate benchmark level (WAC 180-78A-270 (2)(b)), performance evaluation data, and an analysis of the administrative context and assignment.

(ii) Formalized learning opportunities, past and current experience, professional development opportunities, and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill, and performance at the professional certificate benchmark level, or above, on all standards as defined in WAC 180-78A-270 (2)(b).

(iii) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; development of a professional growth plan that includes the identification of future goals and professional/career interests as well as a five-year plan for professional development designed to meet the requirements for certificate renewal.

(e) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for assistance.

(f) No limit shall be placed on the number of times a candidate with a valid residency certificate may enroll in the culminating seminar.

AMENDATORY SECTION (Amending WSR 00-03-049, filed 1/14/00, effective 2/14/00)

WAC 180-78A-540 Approval standard—Knowledge and skills. ~~((The following standards and criteria must be demonstrated successfully by the candidate in order to obtain a professional certificate:))~~

(1) **Teacher.** A successful candidate for the teacher professional certificate shall demonstrate:

(a) The knowledge and skills for effective teaching which ensure student learning by:

~~((a))~~ (i) Using effective teaching practices, including classroom management;

~~((b))~~ (ii) Using assessment to monitor and improve instruction;

~~((c))~~ (iii) Establishing and maintaining a positive, student-focused, learning environment;

~~((d))~~ (iv) Designing and/or adapting challenging curriculum that is developmentally appropriate;

~~((e))~~ (v) Demonstrating cultural sensitivity in teaching and in relationships with students, parents, and community members;

~~((f))~~ (vi) Using information about student achievement and performance to advise and involve students and families;

~~((g))~~ (vii) Integrating technology into instruction and assessment;

~~((h))~~ (viii) Informing, involving, and collaborating with parents and families as partners in the educational process instrumental to student success; and

~~((i))~~ (ix) Employing democratic principles in instruction.

~~((2))~~ (b) A successful candidate for the professional certificate shall demonstrate the knowledge and skills for professional development by:

~~((a))~~ (i) Evaluating the effects of his/her teaching through feedback and reflection;

~~((b))~~ (ii) Designing and implementing professional growth programs, including new directions in career development and goals; and

~~((c))~~ (iii) Remaining current in subject area(s), theories, practice, research and ethical practice.

~~((3))~~ (c) A successful candidate for the professional certificate shall demonstrate leadership that contributes to the improvement of the school, community, and the profession by:

~~((a))~~ (i) Participating in activities within the school community to improve curriculum and instructional practices;

~~((b))~~ (ii) Participating in professional and/or community organizations;

~~((e))~~ (iii) Advocating for curriculum, instruction, and learning environments which meet the diverse needs of students;

~~((d))~~ (iv) Demonstrating communication skills and/or strategies that facilitate group decision making; and

~~((e))~~ (v) Participating collaboratively in school improvement activities.

(2) Principal/program administrator. A successful candidate for the principal/program administrator professional certificate shall demonstrate the knowledge and skills at the professional certificate benchmark levels for the six standards pursuant to WAC 180-78A-270 (2)(b).

AMENDATORY SECTION (Amending WSR 97-04-088, filed 2/5/97, effective 3/8/97)

WAC 180-79A-131 Use of fee for certification. (1) Certification fees will be used solely for precertification preparation, professional in-service training programs, teachers' institutes and/or workshops, and evaluations thereof in accordance with this chapter.

(2) Precertification preparation:

(a) ~~((A subcommittee of the state professional education advisory committee as established in WAC 180-78-015 and 180-78A-015 shall assist the superintendent of public instruction in administration of precertification program funds by annually establishing priorities and procedures for distribution of funds available for precertification activities.))~~ The primary utilization shall be to support collaborative efforts essential to program development, program evaluation, and assessment of candidates' entry and exit competency.

(b) Funds set aside for precertification shall not supplant funds already available to any participating agency.

(c) A single educational service district shall be designated to administer the funds allocated for precertification programs. The designated educational service district shall be permitted to retain a percentage of the precertification fees at a rate to be negotiated by the superintendent of public instruction and the educational service district for costs related to administering these funds.

(d) Each quarter every educational service district shall forward the moneys designated for precertification programs to the educational service district designated to administer such programs.

(3) Professional in-service training programs and teachers' institutes and/or workshops:

(a) Each educational service district, or cooperative thereof as specified in (d) of this subsection, shall establish an in-service committee composed of an educational service district representative; at least one district superintendent; one principal; one educational staff associate; one elementary, one junior high and one senior high teacher; one representative from the elementary or secondary level of private schools within the educational service district; and one representative selected by the chief administrative officer responsible for professional education from a college/university having a state board of education approved teacher education program. Teacher representatives shall be selected by agreement among the presidents of the local education associations

within the respective educational service district or cooperative thereof.

(b) The educational service district representative shall serve as chairperson of the in-service committee and provide liaison with the superintendent of public instruction and the state board of education.

(c) The in-service committee will be responsible for coordinating in-service/staff development model programs within the educational service district and shall submit to the superintendent of public instruction and the state board of education a plan for soliciting and selecting model programs which shall include procedures for conducting needs assessments, determining priorities and carrying out program evaluation.

(d) Cooperative agreements may be made among educational service districts to provide quality in-service education programs.

(e) Funds designated for in-service programs shall not supplant funds already available for such programs.

(4) Allowable expenditures. Funds may be used to support costs related to training, such as the payment of professional contractual services, per diem, travel costs, materials, printing, or released time. Nonallowable costs are college/university tuition and fees.

(5) Annual reporting. The superintendent of public instruction shall prepare and present to the state board of education an annual report concerning the use of certification fees for precertification and in-service activities.

AMENDATORY SECTION (Amending WSR 01-09-004, filed 4/5/01, effective 5/6/01)

WAC 180-79A-145 Levels of certificates, initial/residency and continuing/professional. Two levels of certification may be issued.

(1) Through August 31, 2000, for teachers, and through August 31, 2004, for administrators and educational staff associates, the following levels of certificates will be issued: Provided, That after August 31, 2000, initial and continuing teachers' certificates and after August 31, 2004, initial and continuing principal and program administrator certificates will be issued only to previous Washington certificate holders, pursuant to WAC 180-79A-123:

(a) Initial certificate. The initial teacher certificate is valid for four years and the initial administrator and educational staff associate certificates are valid for seven years. Initial teacher certificates shall be subject to renewal pursuant to WAC 180-79A-250 and 180-79A-123. Initial administrator and educational staff associate certificates shall not be subject to renewal.

(b) Continuing certificate. The continuing certificate is valid on a continuing basis as specified in WAC 180-79A-250(3).

(2) The following levels of certificates will be issued to teachers, administrators, and educational staff associates commencing with the dates indicated below:

(a) Residency certificate. The residency certificate will be issued beginning September 1, 2000, to teachers and beginning no later than September 1, 2004, to administrators and educational staff associates. The residency certificate is

valid for five years and shall be subject to renewal pursuant to WAC 180-79A-250.

(b) Professional certificate. The professional certificate will be issued beginning September 1, 2001, to teachers and beginning no later than September 1, 2004, to administrators and educational staff associates. The professional certificate is valid for five years and shall be subject to renewal pursuant to WAC 180-79A-250. Provided, That a professional teacher's certificate based on the possession of a valid teacher's certificate issued by the National Board for Professional Teaching Standards National Board Certification pursuant to WAC 180-79A-257 (3)(b) or 180-79A-206 (3)(a) shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(3) Notwithstanding anything in subsections (1) and (2) of this section to the contrary, a professional teachers' certificate may be issued prior to August 31, 2000, pursuant to WAC 180-78A-555.

AMENDATORY SECTION (Amending WSR 02-04-018, filed 1/24/02, effective 2/24/02)

WAC 180-79A-150 General requirements—Teachers, administrators, educational staff associates. The following requirements are to be met by candidates for certification as teachers including career and technical education teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state who are not holders of a valid Washington state teacher's, administrator's, educational staff associate's, or career and technical education certificate must give evidence of good moral character and personal fitness as specified in WAC 180-79A-155 and must complete a record check through the Washington state patrol criminal identification system and through the Federal Bureau of Investigation at the applicant's expense as required by RCW 28A.410.010; such record check shall include a fingerprint check using a Washington state patrol approved fingerprint card: Provided, That the superintendent of public instruction may waive the record check for an applicant who has had a record check within the two years prior to application.

(3) Degrees and course work. A candidate for certification shall hold appropriate degrees, licenses, and additional course work as prescribed in chapters 180-79A and 180-77 WAC or have qualified under WAC 180-79A-257.

(4) Approved preparation program. Applicants for certification as teachers, administrators, school counselors, school psychologists and school social workers, except as otherwise provided in WAC 180-79A-257, and 180-79A-231, and in chapter 180-77 WAC, in order to be certified within the state of Washington shall have completed a state approved college/university preparation program in the professional field for which certification is to be issued.

~~((In addition,))~~ **(5) Certificates.**

(a) Candidates for principal's certificates must hold or have held:

(i) A valid teacher's certificate, excluding certificates issued under WAC 180-79A-231, or comparable out-of-state certificates; or

(ii) A valid educational staff associate certificate and have demonstrated successful school-based experience in an instructional role with students. Persons whose teacher or educational staff associate certificates were revoked, suspended, or surrendered are not eligible for principal's certificates.

(b) Candidates for superintendent's certificates must hold a valid teacher, educational staff associate, program administrator, or principal certificate; excluding certificates issued under WAC 180-79A-231, or comparable out-of-state certificates.

(6) Assessments. See RCW 28A.410.220.

AMENDATORY SECTION (Amending WSR 02-04-018, filed 1/24/02, effective 2/24/02)

WAC 180-79A-211 Academic and experience requirements for certification—Administrators. Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC 180-79A-150 and 180-79A-213.

(1) Superintendent.

(a) Initial.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least forty-five quarter credit hours (thirty semester credit hours) of graduate level course work in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79A-150(4).

(b) Continuing.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least sixty quarter credit hours (forty semester credit hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79A-150(4).

(iii) Candidates applying for continuing superintendent's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(2) Principal.

(a) Initial.

(i) The candidate shall hold an approved master's degree and have completed an approved program for the preparation of principals.

(ii) ~~((Candidates applying for initial principal's certificates who were admitted to a principal preparation program prior to August 31, 1998, shall present documentation of one hundred eighty days or full-time equivalent or more teaching experience with an authorized employer—i.e., school district, state agency, college or university, private school system—and at least thirty days of such employment with the same employer. Candidates applying for the initial princi-~~

~~pal's certificate who were admitted to a principal preparation program on or after August 31, 1998, shall present documentation of five hundred forty days (three school years) of full-time or more P-12 teaching in a public or private school system. No more than sixty days substitute or equivalent teaching experience may be included for this requirement.)) The candidate shall have documented successful school-based experience in an instructional role with students.~~

(b) Residency.

(i) The candidate shall hold an approved master's degree and have completed an approved program for the preparation of principals.

(ii) The candidate shall have documented successful school-based experience in an instructional role with students.

(c) Continuing.

(i) The candidate who applies prior to August 31, 1998, shall hold an approved master's degree and completed subsequent to the baccalaureate degree at least forty-five hours (thirty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate who applies on or after August 31, 1998, shall hold an approved master's degree and shall have completed at least fifteen quarter (ten semester) credit hours of graduate course work offered by a college or university with a state approved principal program or one hundred fifty clock hours of study, which meet the state continuing education clock hour criteria pursuant to chapter 180-85 WAC, or a combination of credits and clock hours equivalent to the above. Such study shall:

(A) Be based on the principal performance domains included in WAC 180-78A-270 (2)(a) or (b);

(B) Be taken subsequent to the issuance of the initial principal's certificate; and

(C) Be determined in consultation with and approved by the candidate's employer or the administrator of a state approved principal preparation program.

(iii) Provided, That a candidate who held a valid initial principal's certificate on August 31, 1998, may meet the academic requirement for the continuing certificate described in WAC 180-79A-211 (2)((b))(c)(i), if the candidate meets requirements for and applies for the continuing certificate by the expiration date on that initial certificate.

(iv) The candidate must meet requirements for a principal's certificate pursuant to WAC 180-79A-150(4).

(v) Candidates applying for continuing principal's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer. Candidates applying for the continuing principal's certificate on or after August 31, 1998, shall provide documentation of three contracted school years of full-time employment as a principal or assistant principal.

(vi) Provided, That a candidate who held a valid initial principal's certificate on August 31, 1998, may meet the one hundred-eighty day experience requirement described in WAC 180-79A-211 (2)((b))(c)(v), if that candidate meets

requirements and applies for the continuing certificate by the expiration date on that initial certificate.

(d) Professional certificate.

(i) The candidate shall have completed an approved professional certificate program.

(ii) The candidate shall have satisfactory evaluations while serving in the principal or assistant principal role as verified by a school district or a state board of education approved private school.

(iii) The candidate shall have documentation of three contracted school years of employment as a principal or assistant principal.

(3) Program administrator.

(a) Initial.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least twenty-four quarter credit hours (sixteen semester credit hours) of graduate level course work in education.

(b) Residency certificate.

(i) The candidate shall hold an approved master's degree and have completed an approved program for the preparation of principals.

(ii) The candidate shall have documented successful school-based experience in an instructional role with students.

(c) Continuing.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least thirty quarter credit hours (twenty semester credit hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) Candidates applying for continuing program administrator's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(d) Professional certificate.

(i) The candidate shall have completed an approved professional certificate program.

(ii) The candidate shall have satisfactory evaluations while serving in a program administrator role as verified by a school district or a state board of education approved private school.

AMENDATORY SECTION (Amending WSR 01-13-111, filed 6/20/01, effective 7/21/01)

WAC 180-79A-250 Initial/residency and continuing/professional certificates—Renewal, reinstatement, and continuing education requirements. The following shall apply to initial/residency and continuing/professional certificates issued pursuant to this chapter:

(1) Initial certificate.

An initial teacher certificate may be renewed for an additional three-year period on application and verification that the individual has completed all course work requirements

from a regionally accredited institution of higher education as defined in WAC 180-78A-010(6) for continuing certification or has completed at least fifteen quarter credit hours (ten semester credit hours) since the certificate was issued or renewed. After August 31, 2000, provisions of WAC 180-79A-123 will apply.

(2) Residency certificate. Residency certificates shall be renewed under one of the following options:

(a) Teachers.

(i) Individuals who hold, or have held, a residency certificate and who qualify for admission to a professional certificate program pursuant to WAC 180-78A-535 (1)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate administrator that the candidate is enrolled in and is making satisfactory progress in a state approved professional certificate program.

~~((b))~~ (ii) Individuals who hold, or have held, residency certificates who do not qualify for admission to a professional certificate program pursuant to WAC 180-78A-535 (1)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work (normally one hundred level or higher) from a regionally accredited institution of higher education taken since the issuance of the residency certificate.

(b) Principals/program administrators.

(i) Individuals who hold, or have held, a residency certificate and who qualify for admission to a professional certificate program pursuant to WAC 180-78A-535 (2)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator in which the candidate is enrolled, that the candidate is making satisfactory progress.

(ii) Individuals who hold, or have held, residency certificates who do not qualify for admission to a professional certificate program under WAC 180-78A-535 (2)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based leadership standards as defined in WAC 180-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 180-78A-270 (2)(b) plus an internship approved by a college or university with a state board approved residency certificate program and taken since the issuance of the last residency certificate.

~~(c) ((All other individuals who hold, or have held, residency certificates))~~ Renewals based on conditions other than those described in WAC 180-79A-250 (2)(a) and (b) may ((have their certificates renewed only by appeal)) be appealed to the state board of education, or its designated appeals committee. The following conditions apply to such appeals:

~~(i) ((Teachers))~~ Individuals who appeal shall present a rationale and evidence to support their request to have their residency certificates renewed.

(ii) The state board of education, or its designated appeals committee, in making its decision shall determine the length of the renewal and may establish specific conditions (such as course work requirements) as prerequisites for the reissuance of the residency certificate.

(3) Continuing certificate.

(a) The continuing certificates of holders who were eligible for such certificates prior to August 31, 1987, and who applied for such certificates prior to July 1, 1988, or who would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and who complete such requirement and apply for such certificate prior to August 31, 1988, will be valid for life. Holders of valid continuing certificates affected by this subsection shall be entitled to have such certificate reissued and subject to the terms and conditions applicable to certification at the time of reissuance including the continuing education requirements of chapter 180-85 WAC.

(b) All continuing certificates not affected by the exception stated in (a) of this subsection shall lapse if the holder does not complete the continuing education requirement, to include the filing requirement specified in chapter 180-85 WAC. To reinstate such a lapsed continuing certificate the individual must complete the requirements for reinstatement stated within chapter 180-85 WAC and must meet the conditions stated in WAC 180-79A-253.

(4) Professional certificate.

(a) Teachers.

(i) A valid professional certificate may be renewed for additional five year periods by the completion of one hundred fifty continuing education credit hours as defined in chapter 180-85 WAC since the certificate was issued. An expired professional certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour requirement within the five years prior to the date of the renewal application. All continuing education credit hours shall relate to either (a)(i)(A) or ((b)) (B) of this subsection: Provided, That both categories (a)(i)(A) and ((b)) (B) of this subsection must be represented in the one hundred fifty continuing education credit hours required for renewal:

(A) One or more of the following three standards outlined in WAC 180-78A-540:

((+)) (I) Effective instruction.

((+)) (II) Leadership.

((+)) (III) Professional development.

((b)) (B) One of the salary criteria specified in RCW 28A.415.023.

((+)) (I) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.-320.205, the annual school performance report, for the school in which the individual is assigned;

((+)) (II) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

((+)) (III) Is necessary to obtain an endorsement as prescribed by the state board of education;

((+)) (IV) Is specifically required to obtain advanced levels of certification; or

((+)) (V) Is included in a college or university degree program that pertains to the individual's current assignment,

or potential future assignment, as a certified instructional staff.

((5)) (ii) Provided, That a professional certificate may be renewed based on the possession of a valid teaching certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(b) Principals/program administrators.

(i) A professional certificate may be renewed for additional five year periods for individuals employed as a principal, assistant principal or program administrator in a public school or state board approved private school by:

(A) Completion of a professional growth plan that is developed and approved with the superintendent, superintendent designee, or appointed representative (e.g., educational service district personnel, professional association or organization staff, or peer from another district), and that documents formalized learning opportunities and professional development activities that:

(I) Emphasize continuous learning;

(II) Positively impact student learning;

(III) Relate to the six standards and "career level" benchmarks defined in WAC 180-78A-270 (2)(b);

(IV) Explicitly connect to the evaluation process;

(V) Reflect contributions to the school, district, and greater professional community; and

(VI) Identify areas in which knowledge and skills need to be enhanced.

(B) Verification of satisfactory performance evaluations for the five year periods; and

(C) Documented evidence of results of the professional growth plan on student learning.

(ii) Individuals not employed as a principal, assistant principal, or program administrator in a public school or state board approved private school may have their professional certificate renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based leadership standards as defined in WAC 180-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the professional certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 180-78A-270 (2)(b) plus an internship approved by a college or university with a state board approved professional certificate program, and taken since the issuance of the last professional certificate.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-79A-015

Washington advisory council for professional certification standards—Purpose and selection.

- WAC 180-79A-020 Washington advisory council for professional teaching standards—Duties.
- WAC 180-79A-022 Washington advisory councils for professional administrator standards and professional educational staff associates standards—Duties.

AMENDATORY SECTION (Amending WSR 02-13-027, filed 6/12/02, effective 7/13/02)

WAC 180-79A-140 Types of certificates. ~~((Six))~~ Five types of certificates shall be issued:

(1) Teacher. The teacher certificate, including teacher exchange permits as provided in WAC 180-79A-220, authorizes service as a classroom teacher.

(2) Vocational. The career and technical education certificate authorizes service in career and technical education programs in accordance with the provisions of chapter 180-77 WAC.

(3) Administrator.

(a) The administrator certificate for principal authorizes services as a building administrator or ~~((vice principal. The initial principal certificate shall indicate one of the following grade levels, preschool 9, 4-12, or preschool 12, based on recommendations from the college or university in which the candidate completed an approved preparation program))~~ assistant principal.

(b) The administrator certificates for superintendent or program administrator will be issued to persons who meet state board of education certification standards for service in the roles of superintendent or program administrator.

(4) Educational staff associate. The educational staff associate certificate authorizes service in the roles of school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physical therapists, school psychologists, and school social workers: Provided, That nothing within chapter 180-79A WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

(5) Limited certificates. The following limited certificates are issued to individuals under specific circumstances set forth in WAC 180-79A-231:

- (a) Conditional certificate.
 (b) Substitute certificate.
 (c) Emergency certificate.
 (d) Emergency substitute certificate.
 (e) Nonimmigrant alien exchange teacher.
 (f) Intern substitute teacher certificate.
~~((f))~~ (g) Transitional certificate.

AMENDATORY SECTION (Amending WSR 99-04-008, filed 1/21/99, effective 2/21/99)

WAC 180-82-120 Assignment of principals and ~~((vice principals))~~ assistant principals within districts.

~~((In addition to holding principal permits or certificates as required by WAC 180-16-220(2), the assignment of principals and vice principals in the basic program of education shall comply with the following:~~

~~(1) Building administrators holding initial or provisional principals' certificates may serve only as principals or vice principals for the grade levels stated in their endorsements with the following exceptions:~~

~~(a) Building administrators with grades K through 8 or preschool through 8 endorsements may serve as principals or vice principals for grade levels preschool through 9.~~

~~(b) Building administrators with grades 7 through 12 endorsements may serve as principals or vice principals for grade levels 4 through 12.~~

~~(c) Building administrators with initial or provisional certificates may be assigned to serve as substitute principals or vice principals at any grade level for a period not to exceed thirty consecutive school days in any one assignment.~~

~~(2) Building administrators holding continuing or standard principals' certificates may be assigned to serve as a principal or vice principal at any grade level.)~~ No person shall be assigned within the basic program of education to serve as principal or assistant principal unless such person holds a certificate or permit pursuant to WAC 180-79A-140(3).

WSR 02-14-110

WITHDRAWAL OF PROPOSED RULES STATE BOARD OF EDUCATION

[Filed July 2, 2002, 1:46 p.m.]

Please withdraw WSR 02-10-088 filed on April 29, 2002, regarding chapter 180-90 WAC, Private education.

If you have any questions or need further information, feel free to contact Marcia Riggers at (360) 725-6175.

Marcia L. Riggers
Assistant Superintendent
Operations and Support

WSR 02-14-115

PROPOSED RULES STATE BOARD OF EDUCATION

[Filed July 2, 2002, 1:57 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-041.

Title of Rule: Chapter 180-08 WAC, Practice and procedures and chapter 180-10 WAC, Access to public records.

Purpose: Merge chapters and make technical changes as a result of review by the State Board of Education Mandate Review Committee.

Other Identifying Information: Repeals and adds new sections to language.

Statutory Authority for Adoption: RCW 34.05.220, 28A.04.120, [42.17.010, 42.17.250 - 42.17.340].

Summary: Language merge will enhance understanding of rule language.

Reasons Supporting Proposal: Reduces number of rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The State Board of Education is in its second cycle of reviewing all board rules and the related authorizing statutes. The cycle is created [repeated] every three years by board rule. The Mandate Review Committee of the board recommends combining chapters 180-08 and 180-10 WAC and making technical editing changes therein. Proposed disposition of the chapters and sections is shown below.

Proposal Changes the Following Existing Rules: Merges, adds language, and repeals sections.

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

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

Hearing Location: Enumclaw School District Board Room, 2929 McDougall Avenue, Enumclaw, WA 98022-7499, on August 21, 2002, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by August 13, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, Patty Martin, Associate Director, fax (360) 586-2357, by August 13, 2002.

Date of Intended Adoption: August 23, 2002.

July 2, 2002

Larry Davis

Executive Director

Chapter 180-08 WAC

PRACTICE ((AND)), PROCEDURE, AND ACCESS TO PUBLIC RECORDS

NEW SECTION

WAC 180-08-001 Purpose and authority. (1) The purpose of this chapter is to establish the formal and informal procedures of the state board of education relating to rules adoption, protection of public records, and access to public records.

(2) The authority for this chapter is RCW 34.05.220 and 42.17.250 through 42.17.348.

NEW SECTION

WAC 180-08-002 General description of organization. (1) The state board of education is created by law in chapter 28A.305 RCW. The board consists of one voting

member from each congressional district in the state elected by the members of school district boards of directors in the congressional district, who serve staggered four-year terms; the superintendent of public instruction, who serves as an ex officio member and chief executive officer of the board and votes only to break ties; and one member elected at large by members of the boards of directors of approved private schools, who serves a four-year term. A secretary (executive director) is appointed by the board.

(2) General policy powers of the board relate to educator preparation and certification requirements, school construction, high school graduation requirements, school district approval for basic education funding purposes, waivers from basic education requirements, school accreditation, school district boundaries, approval of private schools, and other matters.

(3) The state board typically meets six times a year and publishes a schedule of its meetings and notices of proposed rule-making actions in the *Washington State Register*. The meetings may be scheduled in various locations across the state. The secretary (executive director) to the state board of education maintains a complete record of all board proceedings and supporting materials.

NEW SECTION

WAC 180-08-004 Definitions. (1) As used in this chapter, "public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the state board of education, regardless of physical form or characteristics. Personal and other records cited in RCW 42.17.310 are exempt from the definition of public record.

(2) As used in this chapter, "writing" means handwriting, typewriting, printing, photostating, photographing, use of facsimile and electronic communication, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, disks, drums, diskettes, sound recordings, and other documents including existing data compilations from which data may be obtained or translated.

(3) The state board of education shall hereafter be referred to as the "board" or "state board."

NEW SECTION

WAC 180-08-006 Public records officer—Access to public records—Requests for public records—Determination regarding exempt records—Review of denials of public record requests—Protection of public records—Copying—Office hours. (1) The state board's public records officer shall be the board's secretary (executive director) located in the administrative office of the board located in the Old Capitol Building, 600 South Washington, Olympia, Washington 98504-7206. The secretary (executive director)

shall be responsible for implementation of the board's rules and regulations regarding release of public records and generally ensuring compliance by staff with the public records disclosure requirements in chapter 42.17 RCW.

(2) Access to public records in the state board of education shall be provided in compliance with the provisions of RCW 42.17.260.

(3) Requests for public records must comply with the following procedures:

(a) A request shall be made in writing to the secretary (executive director) or designee of the board. The request may be brought to the administrative office of the board during customary office hours or may be mailed, delivered by facsimile, or by electronic mail. The request shall include the following information:

- (i) The name of the person requesting the record;
- (ii) The time of day and calendar date on which the request was made;
- (iii) The nature of the request;
- (iv) If the matter requested is referenced within the current index maintained by the secretary (executive director), a reference to the requested information as it is described in such current index;

(v) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested shall be provided.

(b) In all cases in which a member of the public is making a request, it shall be the obligation of the secretary (executive director), or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

(4)(a) The board reserves the right to determine that a public record requested in accordance with subsection (3) of this section is exempt under the provisions of RCW 42.17.310 and 42.17.315. Such determination may be made in consultation with the secretary (executive director) or an assistant attorney general assigned to the board.

(b) Pursuant to RCW 42.17.260, the board reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy: Provided, however, In each case, the justification for the deletion shall be explained fully in writing.

(c) Response to requests for a public record must be made promptly. Within five business days of receiving a public record request, the board shall respond by either:

- (i) Providing the record;
- (ii) Acknowledging that the board has received the request and providing a reasonable estimate of the time the board will require to respond to the request; or
- (iii) Denying the public record request.

(d) Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the agency may ask the requester to clarify what

information the requester is seeking. If the requester fails to clarify the request within five working days of being asked for said clarification, the board need not respond to it.

(5) All denials of request for public records must be accompanied by a written statement, signed by the secretary (executive director) or designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.

(6)(a) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(b) The written request by a person petitioning for prompt review of a decision denying a public record shall be submitted to the board's secretary (executive director) or designee.

(c) Within two business days after receiving a written request by a person petitioning for a prompt review of a decision denying a public record, the secretary (executive director) or designee shall complete such review.

(d) During the course of the review the secretary (executive director) or designee shall consider the obligations of the board to comply fully with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 through 42.17.315, and the provisions of the statute which require the agency to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

(7) Public records and a facility for their inspection will be provided by the secretary (executive director) or designee. Such records shall not be removed from the place designated for their inspection. Copies of such records may be arranged for according to the provisions of subsection (8) of this section.

(8) No fee shall be charged for the inspection of public records. The board may impose a charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed fifteen cents per page for photocopies of public records or for use of agency equipment to photocopy public records and the actual postage or delivery charge and the cost of any container or envelope used to mail the public records to the requester. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate official. All charges must be paid by money order, check, or cash in advance.

(9) Public records shall be available for inspection and copying during the customary office hours of the administrative office of the board. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 180-08-008 Administrative practices regarding hearings and rule proceedings. (1) Administrative practices before and pertaining to the state board of education are governed by the state Administrative Procedure Act, chapter 34.05 RCW, the Washington State Register Act, chapter 34.08 RCW, and the Office of Administrative Hearings Act, chapter 34.12 RCW. These acts govern the conduct of "agency action"; the conduct of "adjudicative proceedings"; and "rule making" as these terms are defined in RCW 34.05.010.

(2) The rules of the state code reviser (currently set forth in chapters 1-08 and 1-21 WAC) and the rules of the office of administrative hearings (currently set forth in chapter 10-08 WAC) shall govern procedures and practices before the state board of education for the following: Petitions for declaratory rulings; petitions for adoption, amendment, or repeal of a rule; and the conduct of adjudicative proceedings. All other regulatory actions and hearings conducted by the state board of education may be conducted informally at the discretion of the state board of education.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 180-08-003 Authority.
- WAC 180-08-005 Administrative practices regarding hearings and rule proceedings.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 180-10-001 Purpose.
- WAC 180-10-003 Description of organization.
- WAC 180-10-005 Operations and procedures.
- WAC 180-10-007 Definitions.
- WAC 180-10-010 Access to public records.
- WAC 180-10-015 Public records officer.
- WAC 180-10-020 Office hours.
- WAC 180-10-025 Requests for public records.
- WAC 180-10-030 Copying.
- WAC 180-10-035 Determination regarding exempt records.
- WAC 180-10-040 Review of denials of public record requests.
- WAC 180-10-045 Protection of public records.

**WSR 02-14-116
PROPOSED RULES
STATE BOARD OF EDUCATION**

[Filed July 2, 2002, 2:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-10-084.

Title of Rule: Chapter 180-20 WAC, School bus driver qualifications.

Purpose: To make amendments to and repeals of sections in chapter 180-20 WAC.

Other Identifying Information: Changes to this chapter made as a result of the State Board of Education mandate review.

Statutory Authority for Adoption: RCW 28A.160.210.

Summary: Amendments, repeals and addition of sections for clarification and technical purposes.

Reasons Supporting Proposal: To set minimum standards and qualifications for public school district employees and contractors operating school buses for the transportation of school children.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To set minimum standards and qualifications for public school district employees and contractors operating school buses for the transportation of school children.

Proposal Changes the Following Existing Rules: Amends, repeals and adds language to chapter 180-20 WAC.

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

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

Hearing Location: Enumclaw School District Board Room, 2929 McDougall Avenue, Enumclaw, WA 98022-7499, on August 21, 2002, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by August 13, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, Patty Martin, Associate Director, fax (360) 586-2357, by August 13, 2002.

Date of Intended Adoption: August 23, 2002.

June 27, 2002

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-005 Purpose and authority. ((RCW 28A.160.210 authorizes the state board of education to adopt rules and regulations governing the training, qualifications, and eligibility requirements for school bus drivers.)) (1) The

PROPOSED

purpose of this chapter is to set the minimum standards and qualifications for public school district employees and contractors operating school buses for the transportation of school children.

(2) The authority for this chapter is RCW 28A.160.210.

NEW SECTION

WAC 180-20-007 Chapter requirements—Employment. The requirements in this chapter shall not limit discharge, nonrenewal of contracts, or other employment action by employers of such drivers.

NEW SECTION

WAC 180-20-009 Definitions. As used in this chapter, the following terms mean:

(1) "Student" means the following:

(a) Any person enrolled in a school program who is under the supervision, direction, or control of the motor vehicle operator authorized under this chapter;

(b) Any person enrolled in a school program in any public school served by the motor vehicle operator;

(c) Any person enrolled in a school program in any public school while attending a school related activity at which the motor vehicle operator is performing professional duties; or

(d) Any former student who is under eighteen years of age and who has been under the supervision, direction, or control of the motor vehicle operator. Former student, for the purpose of this section, includes, but is not limited to, drop-outs, graduates, and students who transfer to other districts or schools.

(2) "School bus driver" means a person, who is employed by a school district including contracted drivers under WAC 180-20-031 (1) and (2) and as part of that employment or contract, operates a school bus as defined in WAC 392-143-010, as well as other motor vehicles for the regularly scheduled transportation of students between home and school, and for school related activities on routinely scheduled routes. School buses shall be operated by authorized drivers when transporting students. An authorized school bus driver may also transport students on field trips and other school related activities.

(3) "A school bus driver's authorization" means an authorization issued by the superintendent of public instruction indicating that the person has met state board of education requirements to operate a school bus or other motor vehicle for the purpose of transporting students to and from school routinely on scheduled routes and/or school activities.

(4) "School bus driver instructor's endorsement" means an endorsement issued by the superintendent of public instruction to a person successfully completing the superintendent of public instruction approved school bus driver instructor course. This endorsement qualifies a person to train and verify the training of school bus drivers. This endorsement shall lapse unless the holder successfully completes an annual school bus driver instructor's in-service course.

(5) "School bus driver training course" means a course established by the superintendent of public instruction and taught by a qualified school bus driver instructor. This course shall be successfully completed by all applicants for a continuing school bus driver's authorization.

(6) "School bus driver annual in-service training course" means an annual course taught by a qualified school bus driver instructor. The content and minimum time requirements of such course shall be annually determined by the superintendent of public instruction and shall be required to be completed by the end of the school year by all authorized school bus drivers.

(7) "School bus driver instructor's course" means a training program authorized by the superintendent of public instruction to qualify a person as a school bus driver instructor.

(8) "Instructor's annual in-service course" means an annual required course, the content of which shall be determined by the superintendent of public instruction. Successful completion of this course prevents the instructor's qualification from lapsing.

(9) "Serious behavioral problem" includes, but is not limited to, conduct which indicates unfitness to carry out the responsibilities related to the occupation or job performance of transporting children, such as: Dishonesty; immorality; or misuse of alcohol, a controlled substance, or a prescription drug; or furnishing alcohol or controlled substances to a minor or student.

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-031 Application to contractors. (1) Every contract between a school district and a private school bus contractor for pupil transportation services shall provide for compliance with the requirements of this chapter and establish the responsibility of the contractor or school district, or both, to assure compliance with such requirements.

(2) Each driver employed by a private school bus contractor under contract with a school district to provide pupil transportation services shall meet the requirements of this chapter, and shall be subject to the denial, suspension, and revocation of authority to operate a motor vehicle under this chapter.

(3) Every contract between a school district and a charter bus carrier or excursion carrier, or subcontracted carrier shall require a carrier profile report indicating a satisfactory rating from the Washington utilities and transportation commission before any service is provided. No driver under this subsection shall have unsupervised access to children. Supervision of children under this subsection shall be provided by a responsible employee of the school district.

AMENDATORY SECTION (Amending WSR 99-08-004, filed 3/25/99, effective 4/25/99)

WAC 180-20-101 Minimum qualifications of school bus drivers. (1) Every school bus driver must meet and continue to meet the following minimum requirements:

(a) Be at least twenty-one years of age.

(b) Have a valid driver's license or commercial driver's license, as required by law, issued by the state department of licensing.

(c) Have at least one year of experience as a driver of a truck or commercial vehicle requiring a special endorsement or, in the alternative, at least three years of experience as a driver of a passenger vehicle.

(d) Hold a current and valid first aid card or equivalent which certifies that the applicant has completed a course in the basic principles of first aid.

(e) Submit to the school district a disclosure of all crimes against children or other persons and all civil adjudications in a dependency action or in a domestic relation action and all disciplinary board final decisions of sexual abuse or exploitation or physical abuse as required by RCW 43.43.834(2) and disclosure of all convictions which may be grounds for denial of authorization under (h), (i), and (j) of this subsection.

(f) Submit to a criminal record check according to chapter 28A.400 RCW which shows that no offenses have been committed which would be grounds for denial of an authorization.

(g) Shall not have misrepresented or concealed a material fact in obtaining a school bus driver's authorization or in reinstatement thereof in the previous five years.

(h) Shall not have had a driving license privilege suspended or revoked within the preceding three years; a certified copy of the suspension or revocation order issued by the department of licensing being conclusive evidence of the suspension or revocation.

(i) Shall not have incurred three or more speeding tickets in excess of ten miles per hour over the speed limit within any twelve-month period, within the last thirty-six months.

(j) Shall not have been convicted of any misdemeanor, gross misdemeanor, or felony (including instances in which a plea of guilty or nolo contendere is the basis for the conviction) ~~((or any proceedings in which the charge has been))~~ not under a deferred ((from)) prosecution under chapter 10.05 RCW ((or the sentence has been deferred or suspended, and)) where the conduct or alleged conduct is related to the occupation of a school bus driver, including but not limited to the following:

(i) Any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, sexual exploitation of a child under chapter 9.68A RCW; sexual offenses under chapter 9A.44 RCW where a minor is the victim; promoting prostitution of a minor under chapter 9A.88 RCW; the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction;

(ii) Any crime involving the use, sale, possession, or transportation of any controlled substance or prescription within the last seven years: Provided, That in the case of felony convictions, the applicable time limit shall be ten years;

(iii) Any crime involving driving when a driver's license is suspended or revoked, hit and run driving, driving while intoxicated, being in physical control of motor vehicle while intoxicated, reckless driving, negligent driving of a serious nature, vehicular assault or vehicular homicide, within the last three years;

(iv) Any crime against children or other persons as defined in RCW 43.43.830(5) when the date of the conviction or prison release, which ever is more recent, is within ten years of the date of the job application for felonies and within seven years for other crimes.

(k) Shall not have been found in any dependency action under RCW 13.34.030 to have sexually assaulted or exploited any minor or to have physically abused any minor, within the last seven years.

(l) Shall not have been found by a court in a domestic relation proceeding under Title 26 RCW, to have sexually abused or exploited any minor or to have physically abused any minor, within the last seven years.

(m) Shall not have been found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person, within the last seven years.

(n) Shall not have intentionally and knowingly transported public school students within the state of Washington within the previous five years with an expired, lapsed, surrendered, or revoked authorization in a position for which authorization is required under this chapter.

(o) Shall not have a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, bus drivers, or other colleagues. ~~((For the purpose of this chapter, a serious behavioral problem includes, but is not limited to, conduct which indicates unfitness to carry out the responsibilities related to the occupation or job performance of transporting children, such as: Dishonesty; immorality; or misuse of alcohol, a controlled substance, or a prescription drug; or furnishing alcohol or controlled substances to a minor or student.))~~ This subsection shall not be applied so as to deny, revoke, or suspend authorizations to any individual for the orderly exercise during off-duty hours of any rights guaranteed under the law to citizens generally, except where such conduct indicates a safety risk for the transportation of students.

(2) Every school bus driver must also meet and continue to meet the following requirements:

(a) ~~((Be certified))~~ Verification by a local school district that the person seeking a school bus driver authorization:

(i) Is physically able to maneuver and control a school bus under all driving conditions; and

(ii) Is physically able to use all hand/or foot operated controls and equipment found on state minimum specified school buses; and

(iii) Is physically able to perform daily routine school bus vehicle safety inspections and necessary emergency roadside services; and

(iv) Has sufficient strength and agility to move about in a school bus as required to provide assistance to students in evacuating the bus. The driver must be able to move from a seated position in a sixty-five passenger school bus, or the largest school bus the driver will be operating, to the emergency door, open the emergency door, and exit the bus through the emergency door, all within twenty-five seconds.

(b) Provide ~~((certification))~~ verification of passing a ~~((physical))~~ medical examination every twenty-four months in accordance with the standards established in 49 C.F.R. 391.41 through 391.49, of the Federal Motor Carrier Safety

Regulations. School bus drivers must continue to meet these ~~((physical))~~ medical examination requirements during the time between examinations. This requirement does not prevent a school district from requesting a more frequent examination.

(c) Satisfactorily complete a comprehensive school bus driver training course and each year thereafter, satisfactorily complete a school bus driver in-service training course.

AMENDATORY SECTION (Amending WSR 99-08-004, filed 3/25/99, effective 4/25/99)

WAC 180-20-111 Authorization required—Duration—Issuing procedures ~~((for school bus driver))~~ **—Temporary authorizations.** (1) Every school bus driver shall meet the requirements for a school bus driver's authorization or temporary school bus driver's authorization issued in accordance with the provisions of this chapter. An authorization is no longer valid if suspended, lapsed, or revoked.

(2) A school bus driver's authorization shall continue in effect from year to year as long as the person continues to meet the requirements of this chapter or until the authorization lapses or is suspended or revoked.

(3) School bus driver authorizations shall be issued by the superintendent of public instruction upon request by an authorized representative of the employing school district ~~((subject to compliance with the following provisions: (2)))~~. The employing school district shall forward to the superintendent of public instruction an application for a school bus driver authorization prior to issuance.

(4) The following verifications relating to the applicant must be provided by the employing school district:

(a) Verification by a ~~((qualified training))~~ school bus driver instructor of successful completion of the school bus driver training course ~~((;))~~ as ~~((defined in))~~ required by this chapter.

(b) Verification ~~((by the employing school district))~~ that it has on file a ~~((physical))~~ medical health certification ~~((or statement))~~ as required by this chapter.

(c) Verification ~~((by the employing school district))~~ that it has on file a current five-year complete driver's abstract, including departmental actions, of the applicant's employment and nonemployment driving record issued by the department of licensing verifying compliance with all provisions of this chapter. The issue date of this abstract must be within sixty calendar days of the date the application is being submitted for authorization.

(d) Verification that the applicant has a current and valid first aid card or equivalent.

(e) Verification ~~((by the employing school district))~~ that it has on file a disclosure statement in compliance with pre-employment inquiry regulations in WAC 162-12-140, signed by the applicant, specifying all convictions which relate to fitness to perform the job of a school bus driver under WAC 180-20-101 and all crimes against children or other persons, that meets the requirements of RCW 43.43.834(2).

(f) Verification that ~~((the school district))~~ it has on file the results of a criminal record check as required under chapter 28A.400 RCW and that such results establish that the

applicant has not committed any offense which constitutes grounds for denying, suspending, or revoking an authorization under this chapter.

(g) Verification ~~((by the school district))~~ that it has on file an applicant's disclosure of all serious behavioral problems which explains the nature of all such problems and/or conditions, a listing of the names, addresses, and telephone numbers of all doctors, psychologists, psychiatrists, counselors, therapists, or other health care practitioners of any kind or hospitals, clinics, or other facilities who have examined and/or treated the applicant for such problems and/or conditions and dates of examinations, therapy, or treatment and the school district has determined that any reported serious behavioral problem does not endanger the education welfare or personal safety of students, teachers, bus drivers, or other colleagues.

(h) Verification ~~((by the employing school district))~~ that the applicant complies with all of the requirements for school bus drivers set forth in this chapter.

~~((3))~~ (5)(a) Upon approval of an application, the superintendent of public instruction shall issue a notice of school bus driver authorization to the employing school district.

~~((4))~~ (b) Subsequent authorizations for an individual driver with new or additional employing school districts must be issued from the superintendent of public instruction to such districts prior to the operation of any motor vehicle for the transportation of children.

~~((5))~~ (6) On or before August 15 of each year, the superintendent of public instruction will provide each school district with a list of authorized drivers and their status.

(7) A temporary authorization may be issued by an educational service district superintendent upon application by an authorized representative of the employing school district subject to compliance with the following provisions:

(a) Issuing procedure.

(i) Application for a temporary authorization must be approved by an authorized representative of the employing school district, verified by said school official that the applicant meets the qualification requirements set forth in WAC 180-20-101 (except for a course in first aid and/or the results of a requested criminal record check), and further verified by a school bus driver instructor that the applicant has satisfactorily completed the school bus driver training course, as defined in this chapter. The application shall be submitted to the educational service district superintendent for approval.

(ii) Upon approval of the application by the educational service district superintendent, the temporary authorization will be transmitted to the employing school district.

(b) Effective period. The temporary authorization shall be valid for a period of sixty calendar days and shall be non-renewable: Provided, That the issuing educational service district superintendent may extend such period for a reasonable number of days when extenuating circumstances exist.

AMENDATORY SECTION (Amending WSR 99-08-004, filed 3/25/99, effective 4/25/99)

WAC 180-20-120 Discipline—Grounds for denial, suspension, or revocation of authorization—Emergency

PROPOSED

suspension—Appeals—Adjudicative proceedings. (1) A request for an authorization may be denied or an authorization issued under this chapter may be suspended((?)) or revoked for failure to meet any of the minimum requirements set forth in WAC 180-20-101, established by a preponderance of the evidence.

(2) Conduct, which by a preponderance of the evidence, amounts to a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, bus drivers, or other colleagues is grounds for denial, suspension, or revocation 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, suspension, or revocation action. Upon such conviction, however, the judgment and sentence is conclusive evidence at the ensuing hearing of the guilt of the authorized driver or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based.

(3)(a) Any person in treatment for alcohol or other drug misuse shall have his or her authorization 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 authorization will be reinstated.

(b) In all cases of deferred prosecution under chapter 10.05 RCW, the authorization shall be suspended until the court confirms successful completion of the court approved treatment program at which time the authorization will be reinstated.

(4) Emergency suspension. If the superintendent of public instruction finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, emergency suspension of an authorization may be ordered pending proceedings for revocation or other action. In such cases, the superintendent of public instruction shall expedite all due process actions as quickly as possible.

(5)(a) Appeals and adjudicative proceedings. Any person desiring to appeal a denial, suspension, or revocation of a school bus driver authorization 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.

(b) 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.

(c) 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.

(d) Any person who disagrees with the school district's determination of failure to meet any school bus driver authorization qualifications may request that the school district forward the pertinent records to the superintendent of public instruction. After review or investigation, the superintendent of public instruction shall grant, deny, suspend, or revoke the authorization.

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-135 School bus driver—Reporting. (1) Every person authorized under this chapter to operate a motor vehicle to transport children shall, within twenty calendar days, notify his or her employer in writing of the filing of any criminal charge involving conduct not meeting the standards in WAC 180-20-101(1). The authorized driver shall also notify his or her employer of any disqualifying traffic convictions, or license suspension or revocation orders issued by the department of licensing. In cases where the employer is providing transportation services through a contract with the school district, the contractor shall immediately notify the school district superintendent or designee.

(2) The notification in writing shall identify the name of the authorized driver, his or her authorization number, the court in which the action is commenced, and the case number assigned to the action.

(3) The failure of an authorized driver to comply with the provisions of this section is an act of unprofessional conduct and constitutes grounds for authorization suspension or revocation by the superintendent of public instruction.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-20-030	Purpose and application.
WAC 180-20-034	Definitions.
WAC 180-20-090	Authorization required.
WAC 180-20-095	Duration of authorization.
WAC 180-20-115	Issuing procedures for temporary school bus driver authorization—Effective period.
WAC 180-20-123	Applicability of chapter to off-duty hours.
WAC 180-20-125	Discipline—Emergency suspension.
WAC 180-20-130	Discipline—Appeals—Adjudicative proceedings.

**WSR 02-14-117
PROPOSED RULES
STATE BOARD OF EDUCATION**

[Filed July 2, 2002, 2:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-039.

Title of Rule: Chapters 180-16, 180-18, 180-53, and 180-55 WAC.

Purpose: Amend language as recommended by the State Board of Education Accreditation Advisory Committee to align school accreditation and school district approval with the continuing implementation of a performance-based education system.

Statutory Authority for Adoption: RCW 28A.150.-220(4), [28A.150.]010, and [28A.150.]754(6).

Summary: See Purpose above.

Reasons Supporting Proposal: Changes address technical changes and inclusion of school improvement plan language.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule aligns school accreditation and school district approval with the continuing implementation of a performance-based education system. It requires school districts to provide school improvement plans when applying for accreditation, includes State Board of Education (SBE) staff in the review process, grants authority to SBE for approval of school district programs for entitlement to state basic education allocation funding, indicates annual approval of school buildings, identifies types of accreditation, and repeals sections for technical and clarity purposes.

Proposal Changes the Following Existing Rules: Amends, adds and repeals sections of chapters 180-16, 180-18, 180-53, and 180-55 WAC.

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

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

Hearing Location: Enumclaw School District Board Room, 2929 McDougall Avenue, Enumclaw, WA 98022-7499, on August 21, 2002, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by August 13, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, Patty Martin, Associate Director, fax (360) 586-2357, by August 13, 2002.

Date of Intended Adoption: August 23, 2002.

June 27, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 98-08-039, filed 3/24/98, effective 4/24/98)

WAC 180-16-002 Purpose and authority. (1) In support of improving student learning and growth, the purpose of this chapter is to establish the policies and procedures for state board of education approval of school district programs for entitlement to state basic education allocation funding.

(2) The authority for this chapter is RCW 28A.150.-220(4) (~~which requires the state board of education to adopt rules that implement and ensure compliance with the basic program of education requirements of RCW 28A.150.250, 28A.150.260, and 28A.150.220 and such related basic program of education requirements as may be established by the state board of education~~).

AMENDATORY SECTION (Amending WSR 99-10-091, filed 5/4/99, effective 6/4/99)

WAC 180-16-195 Annual reporting and review process. (1) **Annual school district reports.** A review of each school district's kindergarten through twelfth grade program shall be conducted annually for the purpose of determining compliance or noncompliance with ~~(these)~~ basic education ~~(allocation entitlement)~~ program approval requirements. On or before the ~~(third)~~ first Monday in ~~(October)~~ November of each school year, each school district superintendent shall complete and return the program ~~(data report)~~ assurance form ~~((s) prepared and)~~ (OSPI Form 1497) distributed by the ~~(superintendent of public instruction)~~ state board of education. ~~(Such)~~ The form ~~(s)~~ shall be designed to elicit data necessary to a determination of a school district's compliance or noncompliance with ~~(these entitlement)~~ basic education program approval requirements. Data reported ~~(on any such form(s))~~ by a school district shall accurately represent the actual status of the school district's program as of the first school day in October and as thus far provided and scheduled for the entire current school year. ~~(Such)~~ The form ~~(s)~~ shall be signed by:

- (a) The school board president or chairperson, and
- (b) The superintendent of the school district.

(2) **State board staff review.**

(a) State board of education staff shall review each school district's program ~~(data report and such supplemental state reports as staff deems necessary)~~ assurance form, conduct on-site monitoring visits of randomly selected school districts, as needed and subject to funding support, and prepare recommendations and ~~(supporting)~~ reports for presentation to the state board of education: Provided, That, if a school district's initial program ~~(data report and any other state reports considered do)~~ assurance form does not establish compliance with ~~(these)~~ the basic education ~~(allocation entitlement)~~ program approval requirements, the district shall be provided the opportunity to explain the deficiency ~~(and provide supplemental data)~~ or deficiencies. School districts which foresee that they will not be able to comply with ~~(these entitlement)~~ the program approval requirements, or that are deemed by the state board to be in noncompliance, may petition for a waiver on the basis of ~~(the limited ground of)~~ substantial lack of classroom space as set forth in WAC 180-16-225 and instructional hours offering requirements under WAC 180-18-030.

(b) School districts may use the personnel and services of the educational service district to assist the district and schools in the district that are out of compliance with basic education program approval requirements.

(3) Annual certification of compliance or noncompliance—Withholding of funds for noncompliance.

(a) At the annual ~~((March))~~ spring meeting of the state board of education, or at such other meeting as the board shall designate, the board shall certify by motion each school district as being in compliance or noncompliance with ~~((these))~~ the basic education ((allocation entitlement)) program approval requirements.

(b) A certification of compliance shall be effective for the then current school year subject to any subsequent ad hoc review and determination of noncompliance as may be deemed necessary by the state board of education or advisable by the superintendent of public instruction. In addition, a certification of compliance shall be effective tentatively for the succeeding school year until such time as the state board takes its annual action certifying compliance or noncompliance with ~~((these entitlement))~~ the program approval requirements.

(c) A certification of noncompliance shall be effective until program compliance is assured by the school district to the satisfaction of state board of education staff, subject to review by the state board. Basic education allocation funds shall be deducted from the basic education allocation of a school district that has been certified as being in noncompliance unless such district has received a waiver ~~((, pursuant to WAC 180-16-225,))~~ from the state board for such noncompliance, pursuant to WAC 180-16-225 or 180-18-030, or assurance of program compliance is subsequently provided for the school year previously certified as in noncompliance and is accepted by the state board.

(d) The withholding of basic education allocation funding from a school district shall not occur for a noncompliance ~~((provided that))~~ if the school district has ~~((been given a reasonable amount of time to remediate))~~ remediated the noncompliance situation ~~((, not to exceed forty))~~ within sixty school business days from the time the district receives notice of the noncompliance from the state board of education. ~~((It is presumed that forty school business days is a reasonable time for school districts to correct an existing noncompliance.))~~ The state board of education may extend ~~((such))~~ the sixty days timeline only if the district demonstrates ~~((,))~~ by clear and convincing evidence ~~((,))~~ that ~~((such timeline))~~ sixty days is not reasonable to make the necessary corrections. For the purposes of this section, a school business day shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

(e) The superintendent of public instruction, or his/her designee, after notification by the state board of education to a school district regarding an existing noncompliance, shall enter into a compliance agreement with the school district that shall include, but not be limited to, the following criteria:

(i) A deadline for school district remediation of the noncompliance(s), not to exceed ~~((forty))~~ sixty school business days per noncompliance as specified in (d) of this subsection.

(ii) A listing of all the noncompliance areas and the necessary terms that must be satisfied in each area in order for the school district to gain compliance status. This listing also shall specify additional deadlines for the accomplishment of the stated terms if different from the final deadline as specified in subsection (1) of this section.

(iii) A closing statement specifying that a school district's failure to remediate a noncompliance by the determined deadline shall result in the immediate withholding of the district's basic education allocation funding by the superintendent of public instruction.

(iv) The date and the signatures of the superintendent of the school district, ~~((or his/her designee))~~ the chair of the district's board of directors, and the superintendent of public instruction, or his/her designee, to the agreement. A copy of the completed compliance agreement shall be sent to the chairperson of the school district's board of directors and the school district superintendent.

(f) In the event a school district fails to sign the compliance agreement within five school business days from the date of issuance or does not satisfy the terms of the signed compliance agreement within the designated amount of time, the superintendent of public instruction shall withhold state funds for the basic education allocation until program compliance is assured ~~((.~~

~~((g))~~ The superintendent of public instruction shall withhold state funds for the basic education allocation to a school district) based on the following procedure:

(i) For the first month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold twenty-five percent of the state funds for the basic education allocation to a school district.

(ii) For the second month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold fifty percent of the state funds for the basic education allocation to a school district.

(iii) For the third month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold seventy-five percent of the state funds for the basic education allocation to a school district.

(iv) For the fourth month, and every month thereafter, that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold one hundred percent of the state funds for the basic education allocation to a school district until compliance is assured.

~~((h))~~ (g) Any school district may appeal to the state board of education the decision of noncompliance by the state board of education ~~((staff)).~~ Such appeal shall be limited to the interpretation and application of these rules ~~((and regulations))~~ by ~~((such superintendent of public instruction))~~ the state board of education. Such appeal shall not stay the withholding of any state funds pursuant to this section. The state board of education may not waive any of the basic education entitlement requirements as set forth in this chapter, except as provided in WAC 180-16-225 or 180-18-030.

(4) The provisions of subsection (3)(f) of this section shall not apply if the noncompliance is related to the district's fiscal condition and results in the implementation of a financial plan under RCW 28A.505.140(3).

AMENDATORY SECTION (Amending WSR 99-10-091, filed 5/4/99, effective 6/4/99)

WAC 180-16-220 Supplemental (~~(program and)~~) basic education (~~(allocation entitlement)~~) program approval requirements. The following requirements(~~(, while not imposed by the "Basic Education Act of 1977," is)~~) are hereby established by the state board of education as (~~(a)~~) related supplemental condition to a school district's entitlement to state basic education allocation funds, as authorized by RCW 28A.150.220(4).

(1) **Current and valid certificates.** Every school district employee required by WAC 180-79A-140 to possess (~~(a professional)~~) an education permit, certificate, or credential issued by the superintendent of public instruction for his/her position of employment, shall have a current and valid permit, certificate or credential. In addition, ((effective August 31, 1987,)) classroom teachers, principals, vice principals, and educational staff associates shall be required to possess endorsements as required by WAC 180-82-105, 180-82-120, and 180-82-125, respectively.

(2) Annual school building approval.

(a) Each school in the district shall be approved annually by the school district board of directors under an approval process determined by the district board of directors.

(b) At a minimum the annual approval shall require each school to have in place, and reviewed annually for implementation progress and possible changes, a school improvement plan or process that is data driven and promotes a positive impact on student learning. For the purpose of this section "positive impact on student learning" shall mean:

(i) Supporting the goal of basic education under RCW 28A.150.210, ". . . to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives . . .";

(ii) Promoting continuous improvement of student achievement of the state learning goals and essential academic learning requirements; and

(iii) Recognizing nonacademic student learning and growth related, but not limited to: Public speaking, leadership, interpersonal relationship skills, teamwork, self-confidence, and resiliency.

(c) The school improvement plan or process shall be based on a self-review of the school's program for the purpose of annual building approval by the district. The self-review shall include active participation and input by building staff, students, parents, and community members.

(d) The school improvement plan or process shall address, but is not limited to:

(i) The characteristics of successful schools as identified by the superintendent of public instruction and the educational service districts, including safe and supportive learning environments;

(ii) Educational equity factors such as, but not limited to: Gender, race, ethnicity, culture, language, and physical/mental ability, as these factors relate to having a positive impact on student learning. The state board of education strongly encourages that equity be viewed as giving each student what they need and when and how they need it to reach their achievement potential;

(iii) The use of technology to facilitate instruction and a positive impact on student learning; and

(iv) Parent and community involvement, as these factors relate to having a positive impact on student learning.

(3) Nothing in this section shall prohibit a school improvement plan or process from focusing on one or more characteristics of effective schools during the ensuing three school years.

(4) School involvement with school improvement assistance under the state accountability system or involvement with school improvement assistance through the federal Elementary and Secondary Education Act shall constitute a sufficient school improvement plan or process for the purposes of this section.

NEW SECTION

WAC 180-16-227 Implementation timeline for WAC 180-16-220(2). The provisions of WAC 180-16-220(2) shall take effect beginning the 2003-04 school year. If a school district already requires its schools to have a school improvement plan or process, but such plan or process does not include some or all of the required elements listed in WAC 180-16-220 (2)(c) and (d) as of the beginning of the 2003-04 school year, the district may request from the state board of education an extension of the timeline to the beginning of the 2004-05 school year.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-16-006 Purpose.

AMENDATORY SECTION (Amending WSR 98-05-001, filed 2/4/98, effective 3/7/98)

WAC 180-18-010 Purpose and authority. (1) The purpose of this chapter is to support local educational improvement efforts by establishing policies and procedures by which schools and school districts may request waivers from basic education program approval requirements.

(2) The authority for this chapter is RCW 28A.305.140 and ((28A.630.945 which authorizes the state board of education to adopt rules that implement and ensure compliance with the basic program of education requirements and such related requirements as may be established by the state board of education)) 28A.655.180(1).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-18-020 Purpose.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 180-53-005 Authority.
 WAC 180-53-010 Purpose.
 WAC 180-53-020 Self-study schedule.
 WAC 180-53-025 Self-study criteria.
 WAC 180-53-030 Elementary school—Joint self-study process.
 WAC 180-53-035 Initial self-study cycle.
 WAC 180-53-040 Self-study cycles.
 WAC 180-53-045 Initial self-study cycle plan—Report to superintendent of public instruction.
 WAC 180-53-050 Subsequent self-study cycle plan—Report to superintendent of public instruction.
 WAC 180-53-055 Biennial report—To superintendent of public instruction.
 WAC 180-53-060 Waiver for economic reasons.
 WAC 180-53-070 Waiver option, application and renewal procedures.

AMENDATORY SECTION (Amending WSR 91-04-015, filed 1/28/91, effective 2/28/91)

WAC 180-55-005 (~~Statutory~~) **Purposes and authority.** (~~Pursuant to provision of RCW 28A.305.130(6), the state board of education hereby establishes standards and procedures for accreditation of all schools as hereinafter set forth.~~) (1) **Purposes.** The provision of school accreditation procedures by the state board of education is designed to serve the following purposes:

(a) Support the state board's long-term vision of a performance-based education system under WAC 180-51-001 by aligning school accreditation requirements to continuous improvement of student learning, achievement, and growth;

(b) Promote educational excellence and equity for every student through enhancement of the quality and effectiveness of the school's educational program in safe and supportive learning environments;

(c) Promote staff growth and commitment to the learning of every student;

(d) Build stronger links with the community by reaching consensus about educational expectations through community involvement;

(e) Provide a statement of accountability to the public;

(f) Assure that school districts, under the district policy on recognizing earned credits under WAC 180-51-050, shall accept credits earned from schools or programs, accredited by the state board of education, the Northwest Association of Schools, Colleges and Universities, or other accrediting body as may be recognized by the state board of education pursuant to WAC 180-55-150; and

(g) Facilitate the sharing of effective schools practices and positive impacts on student learning through an external appraisal process.

(2) **Authority.** The authority for this chapter is RCW 28A.305.130(6).

AMENDATORY SECTION (Amending WSR 91-04-015, filed 1/28/91, effective 2/28/91)

WAC 180-55-015 Definitions. (1) An "accredited school" is a public or ~~(an)~~ state board of education approved private school that meets ~~(the regulations)~~ statutory requirements and rules established by the state board of education, and one that has satisfactorily completed the accreditation procedures described by the state ~~(superintendent of public instruction)~~ board of education pursuant to RCW 28A.305.130(6) and WAC 180-55-005 through ~~(180-55-135)~~ 180-55-032.

(2) "Approved private school" shall mean a school approved by the state board of education pursuant to chapter 28A.195 RCW and chapter 180-90 WAC.

(3) "Accredited" status shall be assigned to public or state board of education approved private schools that:

(a) Complete and meet fully ~~(the)~~ state board of education requirements for accreditation as described in WAC 180-55-020 ~~(through 180-55-135)~~, or;

(b) Participate and qualify in accordance with standards and procedures established by the Northwest Association of Schools ~~(and)~~ Colleges and Universities ~~((NASC))~~ NASCU ~~(see WAC 180-55-032).~~

~~((3) "Standards review" shall mean an appraisal whereby requirements established by the state board of education are applied to an individual school. The standards review shall take place during the application process and implementation update.~~

(4) "Self study" shall mean an approved comprehensive set of needs assessment and program improvement plan procedures as described in WAC 180-55-050.

~~(5) "Plan for school improvement" shall mean a formal document produced as a result of the self study procedure for implementation at an accredited school.)~~ (4) "School improvement plan or process" shall mean the same as described under WAC 180-16-220(2).

(5) "Self-review" shall mean the same as described under WAC 180-16-220(2).

(6) ~~((Validation))~~ "Appraisal" shall mean an objective, external ~~(review))~~ appraisal of a school's ~~(accreditation)~~ self-review activities ~~(for the purposes of establishing their correctness, accuracy and thoroughness, including an objec-~~

tive, external review of the self-study process, the plan for program improvement, and the accreditation standards as part of the application process and implementation update as described in WAC 180-55-035.

(7) ~~"Implementation update" shall mean an interim report submitted to the superintendent of public instruction by an accredited school after three years in the standard accreditation status. The implementation update shall include a status report on the implementation of the plan for school improvement and an accreditation standards review.~~

(8) ~~"Northwest Association of Schools and Colleges alternative" shall mean the accreditation activities provided through school membership in the NASC and shall be accepted by the state board of education in lieu of state board accreditation procedures.~~

(9) ~~"Approved private school" shall mean a school approved by the state board of education pursuant to chapter 180-90 WAC.~~

(10) ~~"Vocational technical institute" shall mean a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area for persons sixteen years of age or older without regard to residence, pursuant to laws and rules and regulations pertaining to the maintenance, operation, and funding of vocational technical institutes. In applying the provisions of this chapter the terms "school" and "principal" shall mean a vocational technical institute and director of such institute, respectively) and school improvement plan or process pursuant to WAC 180-55-020(5).~~

AMENDATORY SECTION (Amending WSR 91-01-068, filed 12/14/90, effective 1/14/91)

WAC 180-55-020 Compliance with requirements for entitlement to basic education allocation funds ((~~or~~) is prerequisite to application for accreditation by public schools—Compliance with requirements for approved private school status is prerequisite to application for accreditation by private schools—Types of accreditation—Conditions—Effective periods—Administration of accreditation procedures. ((1) Public schools.

(a) ~~**District compliance.** Certification by the state board of education of compliance by a school district's program pursuant to provisions of "basic education allocation entitlement requirements" or receipt of waiver therefrom (WAC 180-16-191 through 180-16-225) shall be prerequisite to a public school's participation in accreditation activities and to a public school's receipt of any accreditation status from the state board of education. Such requirements hereby are included within the standards upon which accreditation is conditioned.~~

(b) ~~**School contribution to district compliance with requirements for entitlement to basic education allocation funds.** Each public school engaged in the state board of education's accreditation program shall be in compliance with such entitlement requirements (WAC 180-16-191 through 180-16-225).~~

(c) ~~**Assessment of school compliance with supplemental program standards.** Each public school engaged in the state board of education's accreditation program shall be in compliance with the supplemental program standards (WAC 180-16-240).~~

(d) ~~**Vocational technical institutes—Additional requirement.** Certification by the state board of education of compliance with the program approval provisions of chapter 180-58 WAC shall be conditional to the receipt of accreditation status by a vocational technical institute.~~

(2) ~~**Private schools.** Certification by the state board of education of compliance by a private school with the approval requirements of chapter 180-90 WAC shall be prerequisite to a private school's participation in the state board of education's accreditation activities and to a private school's receipt of any accreditation status from the state board of education. Such requirements hereby are included within the standards upon which accreditation is conditioned.)~~ (1)(a) Certification by the state board of education of compliance by a school district with basic education program approval requirements under WAC 180-16-220, or receipt of a waiver from WAC 180-16-225, shall be prerequisite to a public school's application to the state board of education for accreditation.

(b) Certification by the state board of education of compliance with private school approval requirements under chapter 28A.190 RCW and chapter 180-90 WAC shall be prerequisite to a private school's application to the state board of education for accreditation.

(2) **Standard accreditation - six years, shall be granted to a school after a satisfactory external appraisal of the school's self-review activities and improvement plan or process and approval by the state board of education of the appraisal findings and recommendations by the superintendent of public instruction under WAC 180-55-030.**

(3) **Conditional accreditation - one year, for a school where the external appraisal identifies omissions, inaccuracies or weaknesses in the building's self-review activities or school improvement plan or process.**

(4) **Application.** Application for school accreditation shall be made to the state board of education. Such application shall be submitted jointly by the appropriate officials of the school and school district, or school and governing board in the case of private schools, in accordance with procedures and timelines established by the state board of education.

(5)(a) **External appraisal.** The state superintendent of public instruction shall direct an external appraisal program for school accreditation purposes. The state superintendent may place yearly limits on the number of schools that may participate in the external appraisal program. The external appraisal shall be conducted by persons external to the school and district.

(b) The external appraisal shall focus on the provisions of WAC 180-16-220 (2)(c) and (d), and 180-55-005(1). The appraisal shall give weight to the district's school approval process and focus on, but not be restricted to, an appraisal of the progress and impact of the school improvement plan or process.

PROPOSED

NEW SECTION

WAC 180-55-032 Compliance with requirements prerequisite for accreditation recognition by the state board of education. (1) Certification by the state board of education of compliance by a school district with basic education program approval requirements under WAC 180-16-220, or receipt of a waiver from WAC 180-16-225 or 180-18-030, shall be prerequisite to a public school's application for accreditation under WAC 180-55-015 (3)(b).

(2) Certification by the state board of education of compliance with private school approval requirements under chapter 28A.190 RCW and chapter 180-90 WAC shall be prerequisite to a private school's application for accreditation under WAC 180-55-015 (3)(b).

NEW SECTION

WAC 180-55-034 Temporary extension of accreditation status. (1) The state board of education may, in its discretion, grant to a school an extension of its accreditation status for a period not to exceed two school years under the following conditions:

(a) Staffing and resources directly or indirectly available to the state board for administration of the accreditation program are insufficient to timely process applications for accreditation under regular procedures;

(b)(i) The school has current accredited status through the state board accreditation process; or

(ii) The school has current accredited status through the Northwest Association of Schools, Colleges and Universities (NASCU) accreditation process and desires to switch to the state board process upon termination of the validity period of its NASCU accreditation; or

(iii) The school began the process for first-time accreditation or renewal accreditation, using the state board of education accreditation option, before January 1, 2001.

(2) In order to be considered for a temporary extension of accredited status, a school must submit to the state board a written request for an extension, signed by the building principal.

(3) This section shall expire June 30, 2003, unless program staffing and funding support issues are not resolved.

NEW SECTION

WAC 180-55-150 Standards and criteria study and report. (1) The accreditation committee of the state board of education shall study and recommend for adoption to the state board formal standards and criteria for recognizing organizations that offer accreditation services and designations.

(2) The committee shall submit its study findings and recommendations to the state board not later than the board's fall 2002 meeting.

(3) This section shall expire not later than January 31, 2003.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-55-010	Intent and purposes.
WAC 180-55-025	Types of accreditation—Conditions—Effective periods.
WAC 180-55-030	Administration of accreditation procedures.
WAC 180-55-035	Validation of accreditation activities.
WAC 180-55-050	Self-study—Common guidelines.
WAC 180-55-070	Standards—General conditions.
WAC 180-55-075	Standards—Elementary and secondary—Professional preparation of staff.
WAC 180-55-080	Standards—Elementary and secondary—Guidance services.
WAC 180-55-085	Standards—Elementary and secondary—School health services.
WAC 180-55-090	Standards—Elementary and secondary—Textbook and supplementary reference materials.
WAC 180-55-095	Standards—Elementary and secondary—Equipment and materials.
WAC 180-55-100	Standards—Elementary and secondary—Facilities.
WAC 180-55-105	Standards—Elementary—Program offerings.
WAC 180-55-110	Standards—Elementary—Number and time assignment of personnel.
WAC 180-55-115	Standards—Elementary—Instructional and learning resources.
WAC 180-55-120	Standards—Secondary—Unit of credit.
WAC 180-55-125	Standards—Secondary—Minimum program offerings.
WAC 180-55-130	Standards—Secondary—Number and time assignment of personnel.

PROPOSED

WAC 180-55-135

Standards—Secondary—
Instructional and learning
resources.EDUCATIONAL SERVICE
DISTRICTS—ORGANIZATIONWSR 02-14-118
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 2, 2002, 2:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-045.

Title of Rule: Chapter 180-22 WAC, Educational service districts and chapter 180-23 WAC, Educational service districts—Election of board members.

Purpose: Repeals chapter 180-23 WAC and incorporates necessary sections into chapter 180-22 WAC.

Statutory Authority for Adoption: RCW 28A.21.020, 29A.21.031.

Summary: The State Board of Education recommends repeal and merge of these chapters as a result of the board's Mandate Review Committee.

Reasons Supporting Proposal: Updates current language and reduces number of chapters in WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The state board is current in its second cycle of reviewing all board rules and the related authorizing statutes. The cycle is repeated every three years by board rule. The Mandate Review Committee of the board recommends the repeal and merge of these chapters.

Proposal Changes the Following Existing Rules: Repeals and merges current language.

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

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

Hearing Location: Enumclaw School District Board Room, 2929 McDougall Avenue, Enumclaw, WA 98022-7499, on August 21, 2002, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by August 13, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, Patty Martin, Associate Director, fax (360) 586-2357, by August 13, 2002.

Date of Intended Adoption: August 23, 2002.

June 27, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-22-100 Purpose and authority. ~~(1) The ((authority for)) purpose of this chapter is ((RCW 28A.310.020 which authorizes the state board of education to make)) to establish the procedures for making changes in the number and boundaries of educational service districts, and the procedures for electing the members of the boards of directors of the educational service districts.~~

~~(2) The authority for this chapter is RCW 28A.310.020 and 28A.310.080.~~

AMENDATORY SECTION (Amending Order 9-84, filed 10/4/84)

WAC 180-22-140 Territorial organization of educational service districts. It shall be the purpose of the state-wide territorial organization of educational service districts to more readily and efficiently adapt to the changing economic pattern and educational program in the state so that the children of the state will be provided more equal and equitable educational ~~((opportunity)) opportunities.~~

AMENDATORY SECTION (Amending WSR 98-05-003, filed 2/4/98, effective 3/7/98)

WAC 180-22-150 Educational service districts—Criteria for organization. The establishment of educational service districts shall be in accordance with the criteria ~~((hereinafter))~~ set forth below. In making a determination ~~((of))~~ about the boundaries of an educational service district, reasonable weight shall be given by the state board of education to each criterion individually and to all criteria collectively. Failure to meet any single criterion shall not necessarily prohibit the establishment of an educational service district, if in the judgment of the state board of education, the establishment of the educational service district is warranted by a collective consideration of all the criteria.

(1) Program and staff. An educational service district shall have the ability to support an administrative unit of sufficient staff to provide a program of educational services ~~((including but not limited to leadership and consultant services in administration and finance, in-service education programs for teachers and administrators, special services for the handicapped and educationally talented, planning of school facilities, counseling and guidance, instructional materials, and development of projects and proposals under various federal acts))~~ that meet the requirements of RCW 28A.310.010, 28A.310.180, 28A.310.190, and 28A.310.350.

(2) Size. An educational service district should have no more than a maximum area of 7,500 square miles ~~((;))~~ nor ~~((should an educational district have))~~ less than a minimum area of 1,700 square miles.

(3) School enrollment. An educational service district ~~((shall))~~ **should** have a potential of 15,000 students ~~((within the clearly foreseeable future))~~ **or more**.

(4) Topography and climate. In establishing the boundaries of an educational service district, consideration shall be given to topography and climate as these factors may affect the educational services to be provided and the economic efficiency of the program.

EDUCATIONAL SERVICE DISTRICTS—ELECTION OF BOARD MEMBERS

NEW SECTION

WAC 180-22-201 Election of educational service district board members. (1) The procedures governing the election of members to the boards of directors of educational service districts are set forth under RCW 18A.310.080 through 28A.310.110 and WAC 180-22-205 through 180-22-225.

(2) Elections for members of boards of educational service districts shall be conducted biennially in odd-numbered years.

NEW SECTION

WAC 180-22-205 Elector provisions. (1) It shall be the responsibility of the educational service districts to assure that the secretary to the state board of education is provided current and correct information necessary to the conduct of the elections provided for in this chapter. Forms published by the secretary to the state board of education for the purpose of providing the following essential information shall be obtained, completed and submitted on a current basis:

(a) The name, legal residence, mailing address and board-member district number of persons serving on the educational service district board of directors; and

(b) The position numbers for which appointments have been made to fill unexpired terms.

(2) On August 21st of the year of election or, if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding such date, the secretary to the state board of education shall certify a tentative list of electors consisting of all persons eligible to vote if the election were held on that date.

(3) The list of eligible voters shall remain open for changes and deletions until 5:00 p.m. September 26th or, in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such date. The secretary to the state board of education as soon thereafter as is practical shall certify the list of electors.

NEW SECTION

WAC 180-22-210 Publicity and call of election. (1) The secretary to the state board of education shall biennially provide reasonable public information concerning the election of educational service district board members through press and publication releases beginning in May of the year the elections are to be called.

(2) Call of election. See RCW 28A.310.080.

NEW SECTION

WAC 180-22-215 Candidate qualifications—Forms—Filing—Withdrawal of candidacy. (1) Eligibility. A person is eligible to be a candidate for membership on an educational service district board if he or she is a registered voter and a resident of the board-member district for which the candidate files. Restriction on other service pursuant to RCW 28A.310.070.

(2) Declaration and affidavit of candidacy. A person who desires to file for candidacy shall complete and file with the state board of education a declaration and affidavit of candidacy form as a condition to having his or her name placed on the official ballot. The form is available through the state board of education office in Olympia or through the local educational service district office.

(3) Optional biographical form. A person who desires to file for candidacy has the option of completing and filing with the state board of education, for inclusion with balloting information, a biographical form. The form is available through the state board of education office in Olympia or through the local educational service district office.

(4) Filing period. The filing period is set forth under RCW 28A.310.080. The filing period for candidates for any position on an educational service district board is from September 1st through September 16th. Any declaration and affidavit of candidacy that is postmarked on or before midnight September 16th and received by mail prior to the printing of ballots shall be accepted. Any declaration and affidavit of candidacy that is received by United States mail on or before 5:00 p.m. September 21st and is not postmarked or legibly postmarked shall be accepted.

(5) Any candidate may withdraw his or her declaration and affidavit of candidacy by delivering a written, signed and notarized statement of withdrawal to the secretary to the state board of education on or before 5:00 p.m. September 21st. A candidate's failure to withdraw as prescribed above shall result in the inclusion of the candidate's name on the appropriate election ballot.

NEW SECTION

WAC 180-22-220 Balloting. (1) Ballots shall be prepared by the secretary to the state board of education. The ballot for each position subject to election shall contain the name of each candidate eligible for the particular position. There shall be a separate listing of the candidates for each board-member district open in the particular educational service district. A board-member district position shall be stricken from the ballot if no candidate files for the position within the timelines specified in RCW 28A.310.080 and WAC 180-22-215.

(2)(a) The secretary to the state board of education shall develop voting instructions which shall accompany the ballots. Any candidates' biographical data shall also accompany the ballots.

(b) On or before October 1st, ballots shall be mailed to voters with two envelopes to be used for voting.

(i) The outer, larger envelope (i.e., official ballot envelope) shall be labeled "official ballot"; be preaddressed with the "secretary to the state board of education" as addressee; **have provision for prepaid postage**; and have provision for the identification of the voter, mailing address, his or her school district, and his or her educational service district.

(ii) The inner, smaller envelope shall be unlabeled and unmarked.

(3) Marking of ballots. Each member of a public school district board of directors may vote for one of the candidates in each board-member district named on his or her ballot by placing an "X" or other mark in the space provided next to the name of a candidate.

(4) Return of ballots. Each member of a public school district board of directors shall complete voting by placing his or her marked official ballot in the smaller, unmarked envelope and sealing the same; placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same; if not already designated, completing the following information on the face of the official ballot envelope: Name, mailing address, identification of school district and educational service district; and placing the official ballot envelope in the United States mail to the secretary to the state board of education.

NEW SECTION

WAC 180-22-225 Counting—Ineligible votes—Recount—Certification of election—Special election.

(1)(a) As official ballot envelopes are received by the secretary to the state board of education, a preliminary determination shall be made as to the eligibility of the voter and a record shall be made on the list of eligible voters that the voter has voted.

(b) Official ballot envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election board.

(2)(a) The election board shall convene for the purpose of counting votes on October 25th or, if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding **or following** such date at a date, time and place designated by the secretary to the state board of education.

(b) Official ballot envelopes that are accepted by the election board shall be opened and the inner envelopes containing ballots shall be removed and placed aside, still sealed. The inner envelopes shall then be opened and the votes counted by the election board.

(c) No record shall be made or maintained of the candidate for which any voter cast his or her vote.

(3) Ineligible votes. the following ballots and votes shall be declared void and shall not be accepted:

(a) Votes for write-in candidates.

(b) Votes cast on other than an official ballot.

(c) Ballots which contain a vote for more than one candidate in a board-member district.

(d) Ballots contained in other than the official ballot envelope.

(e) Ballots contained in the official ballot envelope upon which the voter's name is not designated.

(f) Ballots received after 5:00 p.m. October 16th. However, any ballot that is postmarked on or before midnight October 16th and received prior to the initial counting of votes by the election board shall be accepted. Any ballot received pursuant to the United States mail on or before 5:00 p.m. on October 21st that is not postmarked or legibly postmarked shall be accepted.

(g) Such other ballots or votes as the election board shall determine to be unidentifiable or unlawful.

(4)(a) Recounts. Automatic. A recount of votes cast shall be automatic if the electoral vote difference between any two candidates for the same position is one vote or less than one percent of electoral votes on a single ballot cast for the position, whichever is greater.

(b) Recounts. Upon request. A recount of votes cast shall be afforded any candidate as a matter of right. The request shall be made in writing and received by the secretary to the state board of education within seven calendar days after the date upon which the votes were counted by the election board.

(5) Certification of election. Within ten calendar days after the date upon which the votes were counted, and no sooner than eight calendar days after the votes are counted by the election board, the secretary to the state board of education shall officially certify to the county auditor of the headquarters county of the educational service district the name or names of candidates elected to membership on the educational service district board of directors.

(6) Special election. See RCW 28A.310.100.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-22-105	Purpose.
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REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 180-23-037	Authority.
WAC 180-23-040	Purpose.
WAC 180-23-043	Election officer.
WAC 180-23-047	Biennial elections.
WAC 180-23-050	Information necessary for the conduct of elections— Responsibility of school officials.
WAC 180-23-055	Publicity.
WAC 180-23-058	Tentative certification of electors.
WAC 180-23-060	Call of election.

WAC 180-23-065	Candidates—Eligibility—Filing.
WAC 180-23-070	Declaration and affidavit of candidacy form.
WAC 180-23-075	Biographical data form.
WAC 180-23-077	Withdrawal of candidacy.
WAC 180-23-078	Certification of electors.
WAC 180-23-080	Ballots—Contents.
WAC 180-23-085	Ballots and envelopes—Mailing to voters.
WAC 180-23-090	Voting—Marking and return of ballots.
WAC 180-23-095	Election board—Appointment and composition.
WAC 180-23-100	Receipt of ballots and count of votes.
WAC 180-23-105	Ineligible votes.
WAC 180-23-110	Recount of votes cast—Automatic—By request.
WAC 180-23-115	Certification of election.
WAC 180-23-120	Special elections.

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

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

Hearing Location: Enumclaw School District Board Room, 2929 McDougall Avenue, Enumclaw, WA 98022-7499, on August 21, 2002, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by August 13, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, Patty Martin, Associate Director, fax (360) 586-2357, by August 13, 2002.

Date of Intended Adoption: August 23, 2002.

June 27, 2002

Larry Davis
Executive Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 180-34-005 Authority and purpose.
- WAC 180-34-010 General conditions.

PROPOSED

WSR 02-14-119
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 2, 2002, 2:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-046.

Title of Rule: WAC 180-34-005 Authority and purpose and 180-34-010 General conditions.

Purpose: Repeals WAC 180-34-005 and 180-34-010.

Statutory Authority for Adoption: RCW 28A.335.120.

Summary: It is recommended that the content of WAC 180-34-010 be turned into a frequently asked question and placed on the State Board of Education web page.

Reasons Supporting Proposal: Eliminates unnecessary rule that can be addressed elsewhere.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: School districts can act under law without the chapter and the purpose of the chapter can be accomplished via a FAQ, bulletin, or web-based guidance.

Proposal Changes the Following Existing Rules: Repeals current language.

WSR 02-14-120
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 2, 2002, 2:06 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-051.

Title of Rule: Chapter 180-37 WAC, Pupils—Nonpublic agencies.

Purpose: Add new section of chapter 180-37 WAC.

Statutory Authority for Adoption: RCW 28A.04.120 and 28A.31.118.

Summary: Identifies process for providing services to special education students through contracts between school districts and nonpublic agencies.

Reasons Supporting Proposal: Address the needs of students.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provides services for special education students.

Proposal Changes the Following Existing Rules: Adds new sections.

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

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

Hearing Location: Enumclaw School District Board Room, 2929 McDougall Avenue, Enumclaw, WA 98022-7499, on August 21, 2002, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by August 13, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, Patty Martin, Associate Director, fax (360) 586-2357, by August 13, 2002.

Date of Intended Adoption: August 23, 2002.

June 27, 2002

Larry Davis

Executive Director

Chapter 180-37 WAC

PUPILS—NONPUBLIC AGENCIES

NEW SECTION

WAC 180-37-005 Purpose and authority. (1) The purpose of this chapter is to identify the process for providing services to special education students through contracts between school districts and nonpublic agencies.

(2) The authority for this chapter is RCW 28A.155.060.

NEW SECTION

WAC 180-37-010 Nonpublic agency approval procedure. (1) Nonpublic agencies shall be approved in accordance with the provisions of WAC 392-172-219 through 392-172-226, and comply with the application requirements set forth by the office of the superintendent of public instruction (OSPI) and available on the OSPI website.

(2) On a case-by-case basis, the state board of education may approve a nonpublic agency to provide services for fewer than one hundred eighty days if the rationale and evidence is compelling and the needs of the student, the student's parent(s) or legal guardian(s), and the school district would be best met for a period of fewer than one hundred eighty days.

WSR 02-14-121

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed July 2, 2002, 2:07 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-010 [02-08-040].

Title of Rule: Chapter 180-97 WAC, Excellence in teacher preparation award.

Purpose: Amends language defining teacher educator, educational grant, process of selection, selection review com-

mittee, Professional Educator Advisory Board, and award for excellence in teacher preparation.

Statutory Authority for Adoption: RCW 28A.625.360.

Summary: Amends language for clarity and understandability.

Reasons Supporting Proposal: Identifies administrative procedures for establishing an annual Washington state award for excellence in education for a higher education teacher educator.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Identifies clear and concise administrative procedures for establishing an annual Washington state award for excellence in education for a higher education teacher educator.

Proposal Changes the Following Existing Rules: Amends current language.

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

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

Hearing Location: Enumclaw School District Board Room, 2929 McDougall Avenue, Enumclaw, WA 98022-7499, on August 21, 2001 [2002], at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by August 13, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, Patty Martin, Associate Director, fax (360) 586-2357, by August 13, 2002.

Date of Intended Adoption: August 23, 2002.

June 27, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-24-066, filed 12/5/90, effective 1/5/91)

WAC 180-97-003 Purpose and authority. (1) The purpose of this chapter is to set forth policies, selection criteria, and administrative procedures for establishing an annual Washington award for excellence in education for higher education teacher educators.

(2) The authority for this chapter is ~~((Title 28A))~~ RCW ~~((which authorizes the state board of education to adopt rules relating to the administration of a Washington award for excellence in education for higher education teacher educators))~~ 28A.625.380.

AMENDATORY SECTION (Amending WSR 90-24-066, filed 12/5/90, effective 1/5/91)

WAC 180-97-010 Definitions~~((—Teacher educator))~~. ~~((As used in this chapter,))~~ (1) The term "teacher educator" means: A person employed by a college or university with a state board of education approved teacher preparation program who serves as a faculty member or administrator in the approved teacher education program.

(2) The term "professional education advisory board" means: One of the professional education advisory boards approved by the state board of education as defined in WAC 180-78A-075(1) (Professional education advisory board for teacher preparation programs).

(3) The term "educational grant" means an amount not exceeding two thousand five hundred dollars for a professional education advisory board which shall be awarded by the state board of education upon receipt of a grant application identifying the educational purpose for which the grant will be used, submitted pursuant to WAC 180-97-100. The professional education advisory board shall use the educational grant funds to enhance the recipient's competencies.

AMENDATORY SECTION (Amending WSR 90-24-066, filed 12/5/90, effective 1/5/91)

WAC 180-97-040 Selection of recipients—Nomination form. (1) Any teacher professional education advisory board, or individual, may nominate a higher education teacher education faculty member on the form provided by the superintendent of public instruction for that purpose. ~~((The nomination form and information about the awards program shall be disseminated to all teacher professional education advisory boards and to each of the deans and directors of education at colleges and universities with state board of education approved teacher education programs.))~~

(2) The nomination application form shall include at a minimum:

(a) The name of the person nominated.

(b) The college or university name and address where the person is employed.

(c) Evidence related to the nominee's:

(i) Involvement in creating or implementing innovative developments in the nominee's teacher preparation program.

(ii) Leadership among professional colleagues and with students or the community.

(iii) Contributions to the field, such as education related curriculum, research, and/or field services activities.

(iv) Excellence in teaching.

(v) Communicating with legislators, common school teachers, and administrators and others about the nominee's teacher preparation program.

(vi) Contributions in preparing teacher candidates to implement the state learning goals and essential academic learning requirements to have a positive impact on K-12 student learning.

(d) The evidence presented for (c)(i) through (v) of this subsection is encouraged to reflect the nominee's years of service with the teacher preparation program.

AMENDATORY SECTION (Amending WSR 98-01-024, filed 12/8/97, effective 1/8/98)

WAC 180-97-060 Selection of recipients—Review committee. ~~((Recipients shall be selected as follows:~~

~~A committee composed of no fewer than five members of the professional education advisory committee shall be appointed by the chairperson of the professional education advisory committee as defined in WAC 180-78-015. Committee membership shall include individuals selected from no fewer than three of the following categories:~~

~~(1) Teachers.~~

~~(2) School administrators.~~

~~(3) Higher education representatives.~~

~~(4) Persons from the other groups represented on the professional education advisory committee.~~

Provided,)) (1) The president of the state board of education shall appoint annually a committee to review and select the recipient for the Washington award for excellence in teacher preparation. The committee shall include:

(a) The chair or other member of the state board's professional development and certification committee;

(b) Two members representing higher education teacher preparation programs;

(c) Two teachers; and

(d) The chairs of the legislative education and higher education committees.

(2) No person who represents a higher education teacher education institution from which a nomination has been received, or is a member of that college or university's professional education advisory board, shall be allowed to vote on that individual's nomination.

(3) In making the selection, the committee may give consideration to the nominees' recent contributions to the field and shall be guided by the criteria under WAC 180-97-040.

AMENDATORY SECTION (Amending WSR 90-24-066, filed 12/5/90, effective 1/5/91)

WAC 180-97-080 Award ~~((for the teacher educator)).~~ The Washington award for excellence in teacher preparation shall include:

(1) A certificate presented by the governor, the president of the state board of education, and the superintendent of public instruction at a public ceremony; and

(2)(a) A grant which shall not exceed two thousand five hundred dollars to the professional education advisory board of the institution from which the teacher educator is selected.

(b) The professional education advisory board must submit the grant application within one year after the award is received by the recognized recipient. The grant application shall identify the educational purpose toward which the grant will be used and shall be awarded by the superintendent of public instruction after the state board of education has approved the application.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-97-005	Purpose.
WAC 180-97-015	Definition—Professional education advisory board.
WAC 180-97-020	Definition—Educational grant.
WAC 180-97-050	Selection of recipients—Necessary information.
WAC 180-97-070	Selection criteria.
WAC 180-97-090	Award for the professional education advisory board.
WAC 180-97-100	Application—Professional education advisory board.

WSR 02-14-122
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 2, 2002, 2:09 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-076.

Title of Rule: Chapter 180-86 WAC, Professional certification—Policies and procedures for administration of certification proceedings.

Purpose: Update references to chapter 180-75 WAC, which have been changed to chapter 180-86 WAC; adds process for agreed orders of reprimand; adds process for voluntary surrender without proposed order of revocation; removes proposed order requirement; and allows reporting of suspensions to NASDTEC. This also repeals WAC 180-86-020 and 180-86-055.

Statutory Authority for Adoption: RCW 28A.150-.290(1).

Summary: To amend and repeal WAC references and to establish uniform rules.

Reasons Supporting Proposal: Clarification of procedures and correction of recodified.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: 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. Not applicable.

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

Hearing Location: Enumclaw School District Administrative Building, 2929 McDougall Avenue, Enumclaw, WA 98022-7499, on August 21, 2002, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by August 13, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, Patty Martin, Associate Director, fax (360) 586-2357, by August 13, 2002.

Date of Intended Adoption: August 23, 2002.

June 27, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 97-04-082, filed 2/5/97, effective 3/8/97)

WAC 180-86-011 Valid certificate required. Persons serving as teachers in the public or private schools or as principals or educational staff associates in public schools and in vocational positions as established by chapter 180-77 WAC shall hold certificates authorized by the state board of education for service in the respective roles as required by statute or rules of the state board of education.

Any certificate issued pursuant to chapter 180-77 or 180-79A WAC or previous standards of the state board of education shall entitle the holder thereof to be employed by a public or nonpublic school for the performance of duties encompassed by the type of certificate as specified in WAC 180-79A-140 if such certification is required by statute or rules of the state board of education, unless such certificate is under suspension or until such certificate expires, lapses, or is revoked or surrendered.

AMENDATORY SECTION (Amending WSR 97-04-082, filed 2/5/97, effective 3/8/97)

WAC 180-86-013 Good moral character and personal fitness—Definition. As used in this chapter, the terms "good moral character and personal fitness" means character and personal fitness necessary to serve as a certificated employee in schools in the state of Washington, including character and personal fitness to have contact with, to teach, and to perform supervision of children. Good moral character and personal fitness includes, but is not limited to, the following:

- (1) No conviction of any felony crime involving:
 - (a) The physical neglect of a child under chapter 9A.42 RCW;
 - (b) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, excepting motor vehicle violations under chapter 46.61 RCW;
 - (c) The sexual exploitation of a child under chapter 9.68A RCW;
 - (d) Sexual offenses where a child is the victim under chapter 9A.44 RCW;
 - (e) The promotion of prostitution of a child under chapter 9A.88 RCW;

(f) The sale or purchase of a child under RCW 9A.64.030;

(g) Provided, That the general classes of felony crimes referenced within this subsection shall include equivalent federal and crimes in other states committed against a child;

(h) Provided further, That for the purpose of this subsection "child" means a minor as defined by the applicable state or federal law;

(i) Provided further, That for the purpose of this subsection "conviction" shall include a guilty plea.

(2) No conviction of any crime within the last ten years, including motor vehicle violations, which would materially and substantially impair the individual's worthiness and ability to serve as a professional within the public and private schools of the state. In determining whether a particular conviction would materially and substantially impair the individual's worthiness and ability to practice, the following and any other relevant considerations shall be weighed:

(a) Age and maturity at the time the criminal act was committed;

(b) The degree of culpability required for conviction of the crime and any mitigating factors, including motive for commission of the crime;

(c) The classification of the criminal act and the seriousness of the actual and potential harm to persons or property;

(d) Criminal history and the likelihood that criminal conduct will be repeated;

(e) The permissibility of service as a professional educator within the terms of any parole or probation;

(f) Proximity or remoteness in time of the criminal conviction;

(g) Any evidence offered which would support good moral character and personal fitness;

(h) If this subsection is applied to a person certified under the laws of the state of Washington in a suspension or revocation action, the effect on the education profession, including any chilling effect, shall be weighed; and

(i) In order to establish good moral character and personal fitness despite the criminal conviction, the applicant or certificate holder has the duty to provide available evidence relative to the above considerations. The superintendent of public instruction has the right to gather and present additional evidence which may corroborate or negate that provided by the applicant or certificate holder.

(3) No behavioral problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

(4) No practice within the state of Washington within the previous five school years with an expired, lapsed, suspended, surrendered, or revoked certificate in a professional position for which certification is required under the rules of the state board of education.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-030 Reprimand order—Definition. As used in this chapter, the term "reprimand order" means an official document issued by the superintendent of public instruction which contains:

(1) Findings of fact.

(2) One or more conclusions of law stating the commission of an act of unprofessional conduct.

(3) An order to not continue or repeat the conduct or lack of good moral character or personal fitness.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-065 Grounds for issuance of a reprimand order. The superintendent of public instruction may issue a reprimand order whenever the superintendent of public instruction determines one or ~~((both))~~ more of the following:

(1) That the certificate holder has admitted the commission of an act of unprofessional conduct or lack of good moral character or personal fitness and has presented to the superintendent of public instruction an agreed order to not continue or repeat the conduct described in the findings of fact.

(2) That the certificate holder has committed an act of unprofessional conduct but the evidence is probably insufficient to meet the clear and convincing proof standard for suspension or revocation.

~~((2))~~ (3) That the certificate holder has committed an act of unprofessional conduct but the violation and the consequence were not serious and the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a reprimand.

~~((3))~~ (4) Provided, That the superintendent of public instruction, in the administration of this chapter, shall place a high priority on processing complaints that allege circumstances which appear to warrant a suspension or revocation and, in order to do so, may elect not to pursue, when necessary, any and all complaints which appear to only warrant a reprimand.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-070 Grounds for issuance of suspension order. The superintendent of public instruction may issue a suspension order under one of the following conditions:

(1) The certificate holder has admitted the commission of an act of unprofessional conduct or lack of good moral character or personal fitness and has presented to the superintendent of public instruction an agreed order to not serve as an education practitioner for a stated period of time and the superintendent of public instruction has agreed that the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a suspension. Such order may contain a requirement that the certificate holder fulfill certain conditions precedent to resuming professional practice and certain conditions subsequent to resuming practice.

(2) The certificate holder has committed an act of unprofessional conduct or lacks good moral character but the superintendent of public instruction has determined that a

suspension as applied to the particular certificate holder will probably deter subsequent unprofessional or other conduct which evidences lack of good moral character or personal fitness by such certificate holder, and believes the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a suspension. Such order may contain a requirement that the certificate holder fulfill certain conditions precedent to resuming professional practice and certain conditions subsequent to resuming practice.

(3) The certificate holder lacks personal fitness but the superintendent of public instruction has determined the deficiency is correctable through remedial action and believes the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a suspension which states condition precedent to resuming professional practice and which also may state certain conditions subsequent to resuming practice.

(4) Provided, That suspension shall never be appropriate if the certificate holder has committed a felony crime under WAC ((180-75-084)) 180-86-013(1).

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-075 Grounds for issuance of a revocation order. The superintendent of public instruction may issue a revocation order under one of the following conditions:

(1) The superintendent of public instruction has determined that the certificate holder has committed a felony crime under WAC ((180-75-084)) 180-86-013(1), which bars the certificate holder from any future practice as an education practitioner.

(2) The certificate holder has not committed a felony crime under WAC ((180-75-084)) 180-86-013(1) but the superintendent of public instruction has determined the certificate holder has committed an act of unprofessional conduct or lacks good moral character or personal fitness and revocation is appropriate.

AMENDATORY SECTION (Amending WSR 91-08-056, filed 4/2/91, effective 5/3/91)

WAC 180-86-100 Reprimand or certificate suspension or revocation—Initiation of proceedings. The initiation of reprimand, suspension, or revocation proceedings by the superintendent of public instruction shall commence as a result of the following:

(1) Whenever the superintendent of public instruction or the designated administrative officer of the superintendent of public instruction having responsibility for certification becomes aware from whatever source that a certificate holder has had a professional license revoked or suspended by a licensing agency, has voluntarily surrendered a license or has been arrested, charged, or convicted for any felony offense included within WAC ((180-75-084)) 180-86-013(1), the superintendent of public instruction or the designated administrative officer shall cause an investigation.

(2) In all other cases, the initiation of investigative proceedings shall commence only upon receipt of a written complaint from a school district or educational service district superintendent or the chief administrative officer of an approved private school. Such written complaint shall state the grounds and summarize the factual basis upon which a determination has been made that an investigation by the superintendent of public instruction is warranted. The superintendent of public instruction shall provide the affected certificate holder with a copy of such written complaint and a copy of WAC 180-86-180.

AMENDATORY SECTION (Amending WSR 97-05-008, filed 2/7/97, effective 3/10/97)

WAC 180-86-116 Investigative priorities—Levels of acts or omissions of misconduct. (1) The superintendent of public instruction or designee shall prioritize the investigation of alleged certificated individual misconduct, lack of fitness or unprofessional conduct in the following descending order:

(a) Level I. Level I actions shall have the highest investigative priority and are those allegations, if proven true, for which permanent mandatory revocation shall be the appropriate disciplinary action. They include the following convictions for which permanent revocation of a certificate is mandatory under RCW 28A.410.090:

- (i) Physical neglect of a child under chapter 9A.42 RCW;
- (ii) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61 RCW);
- (iii) Sexual exploitation of a child under chapter 9.68A RCW;
- (iv) Sexual offenses under chapter 9A.44 RCW where a minor is the victim;
- (v) Promoting prostitution of a minor under chapter 9A.88 RCW;
- (vi) The sale or purchase of a minor child under RCW 9A.64.030; or
- (vii) Violation of similar laws of another jurisdiction.

(b) Level II. Level II actions shall have the next investigative priority and are those allegations, if proven true, for which revocation may be the appropriate disciplinary action. They include, but are not limited to the following:

- (i) Sexual activity with children and/or students;
- (ii) Engaging in acts of violence leading to bodily injury;
- (iii) Selling and/or manufacturing illegal drugs; or
- (iv) Other activity that if convicted would result in a felony conviction.

(c) Level III. Level III actions shall have the next investigative priority and are those allegations, if proven true, for which suspension may be the appropriate disciplinary action. They include, but are not limited to the following:

- (i) Illegal drug possession and/or use;
- (ii) Threats related to persons or property;
- (iii) Alcohol abuse;
- (iv) Reckless conduct where no bodily injury results;
- (v) Engaging in unauthorized corporal punishment;
- (vi) Verbal or physical sexual harassment of students;

(vii) Engaging in activity that demonstrates poor professional judgment; or

(viii) Other activity that if convicted would result in a misdemeanor conviction.

(d) Level IV. Level IV actions shall have the next investigative priority and are those allegations, if proven true, for which a reprimand may be the appropriate disciplinary action. They include, but are not limited to the following:

(i) Practicing with a lapsed or expired certificate, or a certificate not valid for the position;

(ii) Isolated failure to timely evaluate certificated personnel; or

(iii) Intentionally hiring a person for a certificated role who does not possess a valid certificate.

(2) All cases shall be monitored periodically to determine if their priority level should change as a result of information uncovered during the investigation.

(3) Notwithstanding any provision of this section to the contrary, the office of professional practices reserves the right to reprioritize the investigation of complaints based upon the efficient use of available resources and/or the relative urgency or lack of urgency in resolving various complaints in the public interest, and the right to recommend forms of discipline appropriate to the offenses committed.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-130 Issuance of ~~((proposed))~~ order for ~~((lapsing,))~~ reprimand, suspension, or revocation by superintendent of public instruction. Whenever the superintendent of public instruction ~~((has decided to))~~ takes action to ~~((lapse,))~~ suspend~~((;))~~ or revoke a certificate or reprimand a certificate holder, the superintendent of public instruction, in accordance with the provisions of this chapter, shall issue ~~((a proposed))~~ an order ~~((for lapsing,))~~ of reprimand, suspension, or revocation to the affected certificate holder and shall provide such person a copy of applicable administrative appeal procedures provided in this chapter. If the ~~((proposed))~~ order is to ~~((lapse,))~~ suspend~~((;))~~ or revoke a certificate and the superintendent of public instruction has knowledge that such certificate holder is employed within the common school system or by an approved private school, the superintendent of public instruction shall advise such employer that ~~((a proposed))~~ an order has been sent to the employee but shall not provide such employer with a copy of the ~~((proposed))~~ order.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-140 Appeal—General. Any person who applies directly to the superintendent of public instruction for a certificate, particular endorsement, certificate renewal, or certificate reinstatement whose application is denied or any person who is notified that his or her certificate ~~((has lapsed or that his or her certificate will be))~~ is suspended or revoked or that a reprimand order ~~((will be))~~ has been issued ~~((in thirty calendar days unless the decision is appealed))~~ shall be advised that he or she is entitled to appeal that decision to the

superintendent of public instruction if he or she follows the procedures established in this chapter: Provided, That the appeal procedure may not be used to seek reinstatement of a certificate if that certificate has been revoked in the preceding twelve months by the superintendent of public instruction.

The appeal procedure to the superintendent of public instruction consists of two levels, one informal and one formal. The use of the informal level is a condition precedent to use of the formal level. In addition, the provisions of WAC 180-86-155 provide an additional appeal to the state board of education and RCW 34.05.570 provides for judicial review of such decisions.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-145 Appeal procedure—Informal SPI review. Any person who appeals the decision or ~~((proposed))~~ order to deny his or her application, ~~((the lapsing of his or her certificate,))~~ the issuance of a reprimand, or the ~~((proposed))~~ order to suspend or revoke his or her certificate must file a written notice with the superintendent of public instruction within thirty calendar days following the date of ~~((mailing))~~ receipt from the section of the superintendent of public instruction's office responsible for certification of the decision or ~~((proposed))~~ order.

The written notice must set forth the reasons why the appellant believes his or her application should have been granted or why his or her certificate should not be ~~((lapsed,))~~ suspended~~((;))~~ or revoked, or why the ~~((proposed))~~ reprimand should not be issued whichever is applicable.

Following timely notice of appeal, the superintendent of public instruction shall appoint a review officer who shall proceed as follows:

(1) If the appeal does not involve good moral character, personal fitness, or unprofessional conduct, the review officer shall review the application ~~((or notice of lapsing, whichever is applicable,))~~ and appeal notice and may request further written information including, but not limited to, an explanation from the person or persons who initially reviewed the application ~~((or decided to lapse the certificate, whichever is applicable,))~~ of the reason(s) why the application was denied ~~((or lapsed))~~. If the review officer deems it advisable, he or she shall schedule an informal meeting with the appellant, the person or persons who denied the application ~~((or lapsed the certificate))~~, and any other interested party designated by the review officer to receive oral information concerning the application ~~((or lapsing))~~. Any such meeting must be held within thirty calendar days of the date of receipt by the superintendent of public instruction of the timely-filed appeal notice.

(2) If the appeal involves good moral character, personal fitness, or acts of unprofessional conduct, the review officer shall schedule an informal meeting of the applicant or certificate holder and/or counsel for the applicant or certificate holder with the admissions and professional conduct advisory committee. Such meeting shall be scheduled in accordance with the calendar of meetings of the advisory committee: Provided, That notice of appeal must be received at least fifteen calendar days in advance of a scheduled meeting.

PROPOSED

(3) Send by certified mail a written decision—i.e., findings of fact and conclusions of law—on the appeal within thirty calendar days from the date of receipt of the timely-filed appeal notice or informal meeting, whichever is later. The review officer may uphold, reverse, or modify the decision to deny the application, ~~((the lapsing of the certificate,))~~ the ~~((proposed))~~ order to reprimand, or the ~~((proposed))~~ order to suspend or revoke the certificate.

(4) The timelines stated herein may be extended by the review officer for cause.

(5) Provided, That in the case of an action for suspension or revocation of a certificate, the review officer, if so requested by an appellant, shall delay any review under this section until all quasi-judicial administrative or judicial proceedings (i.e., criminal and civil actions), which the review officer and the appellant agree are factually related to the suspension or revocation proceeding, are completed, including appeals, if the appellant signs the agreement stated in WAC 180-86-160. In requesting such delay, the appellant shall disclose fully all pending quasi-judicial administrative proceedings in which the appellant is involved.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-160 Agreement not to continue or accept educational employment. The agreement required for deferring suspension or revocation proceedings shall read as follows:

"I,, have received notice in the form of ~~((a proposed))~~ an order to suspend or revoke that the superintendent of public instruction believes sufficient cause exists for the suspension or revocation of the following certificate(s):

- (1) Cert. No.
- (2) Cert. No.

As a condition to a delay in the hearing date, I agree not to commence or continue employment in any Washington public or private school or agency in a position requiring such certificate until the superintendent of public instruction dismisses the case without a hearing or until a hearing has been held and the final decision is rendered by the superintendent of public instruction. I further agree to advise the review officer assigned to my suspension or revocation proceedings of all decisions rendered in any administrative or judicial tribunal and all appeals therefrom which the review officer and I have agreed are factually related to the action to suspend or revoke my certificate(s). I understand my failure to abide by this agreement is an act of unprofessional conduct and, therefore, may be sufficient cause for revocation of my certificate(s)."

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-170 Burden and standard of proof. The following burden and standard of proof shall be applicable:

(1) If an application for certification or reinstatement has been denied for lack of good moral character or personal fit-

ness, the evidence submitted by the applicant must prove by clear and convincing evidence that he or she is of good moral character and personal fitness or the application will be denied.

(2) In a suspension or revocation proceeding, the superintendent of public instruction must prove by clear and convincing evidence that the certificate holder is not of good moral character or personal fitness or has committed an act of unprofessional conduct.

(3) In all other proceedings, including reprimand ~~((and lapsing proceedings))~~, the standard of proof shall be a preponderance of evidence.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-180 Voluntary surrender of certificates. A holder of a certificate who has not received a final order for revocation of his or her certificate may voluntarily surrender his or her certificate to the superintendent of public instruction if the certificate holder believes that he or she is or might be ineligible to hold a certificate for any reason which is or might constitute grounds for revocation of the certificate other than conviction of a felony crime stated within WAC ~~((180-75-081))~~ 180-86-013(1).

A certificate holder voluntarily surrendering a certificate shall provide the superintendent of public instruction the following affidavit:

"I,, have reason to believe that I am or might be ineligible to hold a certificate(s) for reasons which do or might constitute grounds for revocation of the certificate(s). Accordingly, I hereby voluntarily surrender the following certificate(s):

- (1) Cert. No.
- (2) Cert. No.

I have not been to the best of my knowledge convicted of any felony crime listed within WAC ~~((180-75-081))~~ 180-86-013(1).

I agree, if I request reinstatement of the certificate(s) I have voluntarily surrendered, to provide the superintendent of public instruction with an affidavit describing in full the reasons for my voluntary surrender of the certificate(s) listed above. I further understand that the superintendent of public instruction will notify other states and public and private school officials within the state of Washington that I have voluntarily surrendered my certificate(s)."

Upon request for reinstatement of such certificate, the applicant must comply with chapter 180-77 or 180-79A WAC ((180-75-087)) and, in addition, must disclose in full the reasons for the voluntary surrender of the certificate. In the event the surrendered certificate would have expired or lapsed but for the surrendering of the certificate, the applicant must meet all requirements for reinstating an expired or lapsed certificate.

AMENDATORY SECTION (Amending WSR 90-02-076, filed 1/2/90, effective 2/2/90)

WAC 180-86-185 Notification of denial, surrender, ~~((lapsed))~~ suspension, or revocation of certificates. The superintendent of public instruction shall notify all other states whenever an applicant has been denied a certificate for failure to possess good moral character or personal fitness or whenever a certificate has been suspended, surrendered, or revoked and shall provide the full name and certificate number, if applicable, to the agency responsible for certification in each state. The superintendent of public instruction shall notify appropriate public or private school officials within the state the name and certification number of all certificate holders whose certificates have been ~~((lapsed))~~ suspended, surrendered, or revoked: Provided, That such notification shall not be made prior to forty-five days after the final administrative order and shall not be made if a court order staying the denial, ~~((lapsed))~~ suspension, or revocation is in effect.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-86-020	Lapse of certificate order— Definition.
WAC 180-86-055	Grounds for issuance of lapse of certificate order.

WSR 02-14-123

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed July 2, 2002, 2:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-042.

Title of Rule: Chapter 180-43 WAC, Interscholastic activities.

Purpose: Amend sections for technical purposes.

Statutory Authority for Adoption: RCW 28A.58.125.

Summary: Language amended to reflect technical changes as a result of the State Board of Education mandate review.

Reasons Supporting Proposal: Updates current language.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The State Board of Education is currently in its second cycle of reviewing all board rules and the related authorizing statutes. The cycle is repeated every three years by board rule. The Mandate Review Committee of the board

recommends technical changes for clarification and formatting purposes.

Proposal Changes the Following Existing Rules: Amends current language.

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

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

Hearing Location: Enumclaw School District Administrative Building, 2929 McDougall Avenue, Enumclaw, WA 98022-7499, on August 21, 2002, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by August 13, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, Patty Martin, Associate Director, fax (360) 586-2357, by August 13, 2002.

Date of Intended Adoption: August 23, 2002.

June 27, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-43-005 Purpose and ~~((application))~~ authority. (1) The purpose of this chapter is to ~~((establish rules and regulations which))~~ implement certain statutory provisions relating to student participation in interscholastic activities.

(2) The authority for this chapter is RCW 28A.600.200 ~~((1) and (3))~~.

AMENDATORY SECTION (Amending WSR 95-08-028, filed 3/29/95, effective 4/29/95)

WAC 180-43-010 Annual report. (1)(a) The Washington interscholastic activities association and any other voluntary nonprofit entities which have been delegated powers by a school district pursuant to RCW 28A.600.200, shall submit an annual report to the state board of education ~~((of student appeal determinations, assets, and financial receipts and disbursements))~~.

~~((1))~~ (b) The annual report shall be delivered in writing to the executive director of the state board not later than December 15 of each calendar year and presented to the state board at its winter meeting.

(2) The annual report shall include:

(a) The standard financial statement for the preceding fiscal year of the association or entity, prepared in accordance with generally accepted accounting principles. The financial statements shall include adequate information to inform the state board of education of the activities of the interscholastic activities association during the year reported upon. At a minimum, the certified financial statements as prepared by a certified public accountant or licensed public accountant shall list all assets and liabilities in a statement of financial position; a statement of cash receipts and disbursements; and

other exhibits detailing salary expenses, office expenses, state tournament finances, and the basis for distributing profits to the school districts((-

(3) ~~The annual report shall include~~); and

(b) A section summarizing student eligibility appeal cases by local interscholastic activities association districts for the preceding school year (September 1 through August 31). Details of the summary shall include student's school, the rule and factual issue involved, interscholastic activities association district disposition and date, and if ruled ineligible at the district level, interscholastic activities association executive director and/or executive board disposition and date.

AMENDATORY SECTION (Amending WSR 95-08-028, filed 3/29/95, effective 4/29/95)

WAC 180-43-015 Rules and policies. (1) All rules and policies applied by the Washington interscholastic activities association and any other voluntary nonprofit entities which have been delegated powers by a school district pursuant to RCW 28A.600.200, and which govern student participation in any interschool activity, shall be written and subject to the annual review and approval of the state board of education.

(2) No such participation rule or policy shall be valid and enforceable during any school year unless first approved by the state board for that particular school year. All such rules or policies shall be submitted annually by the association and other nonprofit entities to the state board office on or before May 1 for final action by the board at its May meeting. The state board may modify the foregoing schedule of submissions and actions in its discretion at the request of the association or other nonprofit entity.

WSR 02-14-124
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed July 2, 2002, 2:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-01-014.

Title of Rule: Chapter 180-90 WAC, Private schools.

Purpose: These recommendations are made to clarify the employment of non-Washington state certificated teachers in approved private schools and the procedures for loss of private school approval. In addition, the revisions reflect minor changes consistent with recent State Board of Education rule changes and sequence of similar or related concepts.

Statutory Authority for Adoption: RCW 28A.195.040.

Summary: The Office of Superintendent of Public Instruction (OSPI) piloted a State Board of Education approved reporting process for non-Washington state certificated teachers that was designed to clarify the training and experience of these teachers, and the extent to which such instructors were essential to the mission and quality of the private school. The revisions are consistent with private education's commitment to quality.

Reasons Supporting Proposal: This proposal has been made as a result of over a year of exploring options for teacher preparation, teacher certification and student teacher ratio that support education quality while maintaining the unique mission of the private school by members of the Private School Advisory Committee and OSPI staff.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: For over a year, members of the Private School Advisory Committee (PSAC) have explored options for teacher preparation, teacher certification, and student teacher ratio that support education quality while maintaining the unique mission of the private school.

During the 2001-02 school year, OSPI piloted a SBE approved reporting process for non-Washington state certificated teachers. The report was designed to clarify the training and experience of non-Washington state certificated teachers and the extent to which such instructors were essential to the mission and quality of the private school.

In particular, many private schools have employed highly qualified (baccalaureate, masters, and doctoral degree) instructors with teaching credentials from other states or who have completed preparation in a nationally accredited college with a sectarian (Lutheran, Catholic, Adventist) or specialized focus (Montessori).

The revisions are consistent with private education's commitment to quality in their unique context while affirming their commitment to Washington's partnership between public and private education.

Proposal Changes the Following Existing Rules: This proposal merges, repeals, and amends existing rules in chapter 180-90 WAC, Private schools. See revisions shown below.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not apply.

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

Hearing Location: Enumclaw School District Administrative Building, 2929 McDougall Avenue, Enumclaw, WA 98022-7499, on August 21, 2002, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by August 7, 2002, TDD (360) 664-3631, or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206. fax (360) 586-2357, by August 14, 2002.

Date of Intended Adoption: August 23, 2002.

July 3 [2], 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-90-105 Purpose and authority. (1) The purpose of this chapter is to establish the procedures and conditions governing the approval of private schools by the state board of education and rescission of such approval.

(2) The authority for this chapter is RCW 28A.195.040 which authorizes the state board of education to promulgate rules and regulations for the approval of private schools for the purpose of implementing RCW 28A.225.010.

AMENDATORY SECTION (Amending Order 23-85, filed 12/2/85)

WAC 180-90-112 Definitions~~((—Approved private school)).~~ ((As used in this chapter the term "approved private school" shall mean a private school)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Approved private school" means a nonpublic school or nonpublic school district conducting a program consisting of kindergarten and at least grade one, or a program consisting of any or all of grades one through twelve which has been approved by the state board of education in accordance with the minimum standards for approval as prescribed in this chapter.

(2)(a) "Reasonable health requirements" means those standards contained in chapter 248-64 WAC as adopted by the state board of health.

(b) "Reasonable fire safety requirements" means those standards adopted by the state fire marshal pursuant to chapter 48.48 RCW.

(3)(a) "Minor deviation" means a variance from the standards established by these regulations which represents little or no threat to the health or safety of students and school personnel, and which does not raise a question as to the ability of the school to provide an educational program which is in substantial compliance with the minimum standards set forth in WAC 180-90-160, and which, therefore, does not preclude the granting of full approval.

(b) "Major deviation" means a variance from the standards established by these regulations which represents little or no threat to the health or safety of students and school personnel but raises a question as to the ability of the school to provide an educational program which substantially complies with the minimum standards set forth in WAC 180-90-160, but is not so serious as to constitute an unacceptable deviation.

(c) "Unacceptable deviation" means a variance from the standards established by these regulations which either:

(i) Constitutes a serious, imminent threat to the health or safety of students or school personnel; or

(ii) Demonstrates that the school is not capable of providing an educational program which substantially complies with the minimum standards set forth in WAC 180-90-160.

(4) "Total instructional hour offering" means those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school staff, as directed by the administration and board of directors,

inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences which are planned and scheduled by the approved private school for the purpose of discussing students' educational needs for progress, and exclusive of time actually spent for meals.

(5)(a) "Non-Washington state certificated teacher" means a person who has:

(i) A K-12 teaching certificate from a nationally accredited preparation program, other than Washington state, recognized by the U.S. Department of Education; or

(ii) Baccalaureate, masters, or doctoral degree in a specific academic subject; or

(iii) Three years of experience in a specialized field of study.

(b) "Exceptional case" means that a circumstance exists within a private school in which:

(i) The educational program offered by the private school will be significantly improved with the employment of the non-Washington state certificated teacher. Each teacher not holding a valid Washington state certificate shall have experience or academic preparation appropriate to K-12 instruction and consistent with the school's mission. Such experience or academic preparation shall be consistent with the provisions of (c) of this subsection; and

(ii) The school which employs a non-Washington state certificated teacher or teachers pursuant to this subsection employs at least one person certified pursuant to rules of the state board of education. The school will report the academic preparations and experience of each teacher providing K-12 instruction; and

(iii) The non-Washington state certificated teacher of the private school, employed pursuant to this section and as verified by the private school, meets the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2), has not had his or her teacher's certificate revoked by any state or foreign country, and has passed a background and fingerprint check. WAC 180-79A-150(2).

(c) "Unusual competence": As applied to an exceptional case wherein the educational program as specified in RCW 28A.195.010 and WAC 180-90-160(7) will be significantly improved with the employment of a:

(i) Non-Washington state certificated teacher that possesses a K-12 teacher certificate from a nationally accredited preparation program, other than Washington state, recognized by the U.S. Department of Education; or

(ii) Non-Washington state certificated teacher that possesses at least a baccalaureate, masters, or doctoral degree in the subject matter to be taught or closely related to the subject matter to be taught; or

(iii) Non-Washington state certificated teacher that possesses a minimum of three calendar years of experience in a specialized field. For purposes of this subsection, the term "specialized field" means a specialized area of the curriculum where skill or talent is applied and where entry into an occupation in such field generally does not require a baccalaureate degree, including, but not limited to, the fields of art, drama, dance, music, physical education, and vocational or occupational education.

(d) "General supervision" means that a Washington state certificated teacher or administrator shall be generally avail-

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able at the school site to observe and advise the non-Washington state certificated teacher and shall evaluate the non-Washington state certificated teacher pursuant to policies of the private school. Provided, That the non-Washington state certificated teacher of the private school, employed pursuant to this section, and as verified by the private school:

- (i) Meets the age, good moral character, and personal fitness requirements of WAC 180-75-085 (1) and (2); and
- (ii) Has not had his or her teacher's certificate revoked by any state or foreign country; and
- (iii) Is not eligible for an initial or continuing teacher's certificate in the state of Washington.

AMENDATORY SECTION (Amending Order 23-85, filed 12/2/85)

WAC 180-90-130 Approval—Annual certification—Adverse findings. (1) At least ninety days prior to the commencement of the annual school term or period, the chief administrator of each private school shall file with the superintendent of public instruction, in accordance with procedures established by the superintendent of public instruction, a certificate of compliance in the form and substance set forth in WAC 180-90-160.

(2) The superintendent of public instruction shall review each certificate. The review shall be completed within thirty days after receipt of a completed application.

(3) If the superintendent of public instruction finds no minor, major, or unacceptable deviations, the superintendent of public instruction shall so notify the private school and shall recommend full approval of the private school to the state board of education.

(4) If the superintendent of public instruction finds deviation, the private school shall be notified in writing of any minor, major, or unacceptable deviations.

(5) If the superintendent of public instruction finds minor, major, or unacceptable deviations, the superintendent of public instruction shall not transmit the recommendation regarding approval status to the state board of education until the private school submits a narrative report indicating agreement or not with the findings of the superintendent of public instruction and any proposed remedial action to address the reported deviations. Upon receipt of the narrative report, the superintendent of public instruction shall transmit the recommendation and the narrative report to the state board of education.

AMENDATORY SECTION (Amending Order 7-87, filed 4/14/87)

WAC 180-90-141 Loss of private school approval (~~of a nonoperating private school~~). ((An approved private school which does not have students enrolled for any six consecutive calendar months and which fails to provide evidence of student enrollment upon request of the superintendent of public instruction for the said period of time shall lose its approval status for the remainder of the school year.)) (1) The superintendent of public instruction is authorized to rescind approval of a private school for one or more of the following reasons:

(a) Failure to have students enrolled for any six consecutive calendar months or failure to provide evidence of student enrollment upon request of the superintendent of public instruction for the said period of time.

(b) Failure to provide verification that the approved private school employs at least one Washington state certificated teacher.

(c) Failure to provide verification that the physical facilities of the school meet the health and fire safety standards.

(2) The superintendent of public instruction shall notify the state board of education of decisions to rescind approval.

AMENDATORY SECTION (Amending WSR 96-15-099, filed 7/22/96, effective 8/22/96)

WAC 180-90-160 Minimum standards and certificate form. The annual certificate required by WAC 180-90-130 shall be in substantial compliance with the form and substance of the following:

CERTIFICATE OF COMPLIANCE
WITH STATE STANDARDS

ESD/County/Public
School District
Private School/
District Address

I,, do hereby certify that I am the principal or chief administrator of the above named school; that said school is located at the address listed above, and conducts grades through with a projected enrollment of; and that said school is scheduled to meet throughout the school year, the following standards with the exception only of such deviations, if any, as are set forth in an attachment to this certificate of compliance

or

I,, do hereby certify that I am the superintendent of the above named private school district; and that the private schools under my jurisdiction are scheduled to meet throughout the school year, the following standards with the exception only of such deviations as are set forth in an attachment to this certificate of compliance; and that a list of such schools, including the grades conducted and the projected enrollment for each school, accompanies this certificate:

Following initial approval as a private school by the state board of education, evidence of current accreditation by a state board of education approved accrediting body may be submitted annually in lieu of approval documents described in 1-12.

(1) The minimum school year for instructional purposes consists of no less than 180 school days or the equivalent in annual minimum (~~(program)~~) instructional hour offerings as prescribed in RCW 28A.150.220.

(2) On each school day, pupils enrolled in the school are provided the opportunity to be engaged in educational activity planned by and under the direction of the staff, as directed

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by the administration and/or governing board; and that pupils are provided a total ~~((program))~~ instructional hour offering as prescribed in RCW 28A.150.220 except that the percentages for basic skills, work skills, and optional subjects and activities prescribed in RCW 28A.150.220 do not apply to private schools and that the total ~~((program))~~ instructional hour offering, except as otherwise specifically provided in RCW 28A.150.220, made available is at least:

- (a) 450 hours for students in kindergarten.
- (b) ~~((2700 hours for students in grades one through three.~~
- ~~(c) 2970 hours for students in grades four through six.~~
- ~~(d) 1980 hours for students in grades seven and eight.~~
- ~~(e) 4320))~~ 1000 hours for students in grades ~~((nine))~~ one through twelve.

(3) All classroom teachers hold appropriate Washington State certification except for:

(a) Teachers for religious courses or courses for which no counterpart exists in the public schools: Provided, That a religious course is a course of study separate from the courses of study defined in RCW 28A.195.010 including occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of the appreciation of art and music all in sufficient units for meeting state board of education graduation requirements; and/or

(b) A person of unusual competence who is not certified but who will teach students in an exceptional case under the general supervision of a ~~((certified))~~ Washington state certified teacher or administrator pursuant to WAC ~~((180-90-425))~~ 180-90-112. The ~~((noncertified employee))~~ non-Washington state certified teacher, the ~~((certified))~~ Washington state certified person who will supervise, and the exceptional circumstances are listed on the addendum to this certificate: Provided, That if a ~~((noncertified person))~~ non-Washington state certified teacher is employed subsequent to the filing of this certificate, this same information shall be forwarded to the superintendent of public instruction within thirty days from the date of employment.

(4) If the school operates an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody, the extension program meets the following requirements:

(a) The parent, guardian, or custodian is supervised by a person certified under chapter 28A.410 RCW and who is employed by the school;

(b) The planning by the certified person and the parent, guardian, or person having legal custody includes objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spends a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the extension program;

(d) Each student's progress is evaluated by the certified person; and

(e) The certified person does not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Measures have been taken to safeguard all permanent records against loss or damage through either the storage of

such records in fire-resistant containers or facilities, or the retention of duplicates in a separate and distinct area;

(6) The physical facilities of the school are adequate to meet the program offered, and all school facilities and practices are in substantial compliance with reasonable health and fire safety standards, as substantiated by current inspection reports of appropriate health and fire safety officials which are on file in the chief administrator's office;

(7) The school's curriculum includes instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music in sufficient units for meeting state board of education graduation requirements, as set forth in chapter 180-51 WAC;

(8) The school or its organized district maintains up-to-date policy statements related to the administration and operation of the school or district;

(9) The school does not engage in a policy of racial segregation or discrimination;

(10) The governing authority of this private school or private school district has been apprised of the requirements of chapter 180-90 WAC relating to the minimum requirements for approval of private schools and such governing authority has further been apprised of all deviations from the rules and regulations of the state board of education and the standards contained in chapter 180-90 WAC. I have reported all such deviations herewith.

(11) Approval by the state board of education is contingent upon on-going compliance with the standards certified herein. The superintendent of public instruction shall be notified of any deviation from these standards which occurs after the action taken by the state board of education. Such notification shall be filed within thirty days of occurrence of the deviation.

(12) Failure to comply with the requirements of this chapter may result in the revocation of the approval of the private school and shall be considered in subsequent application for approval as a private school.

Dated this day of, 19. . .

.....

(signed)

.....

(title)

.....

(phone number)

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 180-90-110 Purpose.
- WAC 180-90-115 Definition—Private school.
- WAC 180-90-119 Definition—Reasonable health and fire safety requirements.

WAC 180-90-120	Definitions—Deviations.
WAC 180-90-123	Definition—Total program hour offering.
WAC 180-90-125	Definitions—Exceptional case, unusual competence, and general supervision.
WAC 180-90-133	SPI report to SBE—No adverse findings.
WAC 180-90-135	SPI adverse findings—Report to private school.
WAC 180-90-137	SPI report to SBE—Adverse findings.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, Patty Martin, Associate Director, fax (360) 586-2357, by August 13, 2002.

Date of Intended Adoption: August 23, 2002.

July 1, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending Order 10-79, filed 9/12/79)

WAC 180-16-162 Strike defined—Presumption of approved program operation—Strikes—Exception—Approval/disapproval of program during strike period—Work stoppages and maintenance of approved programs for less than one hundred eighty days not condoned. (1) Strike defined. For the purpose of this section the term "strike" shall mean: A concerted work stoppage by employees of a school district of which there has been a formal declaration by their recognized representative and notice of the declaration has been provided to the district by the recognized representative at least two calendar school days in advance of the actual stoppage.

(2) Presumption of approved program. It shall be presumed that all school days conducted during a school year for which the state board of education has granted annual program approval are conducted in an approved manner, except for school days conducted during the period of a strike. The following shall govern the approval or disapproval of a program conducted during the period of a strike:

((+)) (a) Upon the submission of a written complaint, with documentation, of substandard program operation by a credible observer, the state superintendent of public instruction ((may)) shall investigate the complaint and program being operated during the strike.

((2)) (b) The district's program shall be deemed disapproved if the investigation of the state superintendent establishes a violation of ((any)) one or more of the following standards or, as the case may be, such deviations as have been approved by the state board:

((a)) (i) All administrators must have proper credentials;

((b)) (ii) WAC 180-16-220(2) which requires that all teachers have proper credentials;

((c)) (iii) The school district shall provide adequate instruction for all pupils in attendance;

((d) ~~WAC 180-16-240 (2)(g) which requires that adequate provisions must be made for the health and safety of all pupils;~~

((e)) (iv) The local district shall have a written plan for continuing the school program during this period; and

((f)) (v) The required ratio of enrolled pupils to certificated personnel for the first five days shall not exceed 60 to 1, for the next five days shall not exceed 45 to 1 and thereafter shall not exceed 30 to 1.

((3)) (c) Program disapproval shall be effective as of the day following transmittal of a notice of disapproval by the state superintendent and shall apply to those particular school

**WSR 02-14-126
PROPOSED RULES
STATE BOARD OF EDUCATION**

[Filed July 2, 2002, 2:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-044.

Title of Rule: Chapter 180-16 WAC, State support of public schools.

Purpose: Amends language for technical purposes.

Statutory Authority for Adoption: RCW 28A.150-220(4), 28A.58.754(6).

Summary: The State Board of Education recommends technical changes to this chapter as a result of the board's Mandate Review Committee.

Reasons Supporting Proposal: Updates current language.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The state board is currently in its second cycle of reviewing all board rules and the related authorizing statutes. The cycle is repeated every three years by board rule. The Mandate Review Committee of the board recommends technical changes to chapter 180-16 WAC.

Proposal Changes the Following Existing Rules: Amends current language.

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

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

Hearing Location: Enumclaw School District Board Room, 2929 McDougall Avenue, Enumclaw, WA 98022-7499, on August 21, 2002, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by August 13, 2002, TDD (360) 664-3631, or (360) 725-6027.

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days encompassed in whole or in part by the remainder of the strike period.

~~((4))~~ (d) The decision of the state superintendent shall be final except as it may be reviewed by and at the option of the state board of education.

~~((5))~~ (e) The program shall be deemed approved during those days of operation for which a trial court order ~~((is in effect))~~ ordering striking employees to work is in effect.

(3) Work stoppages. Nothing in this section or WAC 180-16-191 through 180-16-225 shall be construed as condoning or authorizing any form of work stoppage which disrupts any portion of the planned educational program of a district or the maintenance of an approved program for less than the minimum number of school days required by law, except as excused for apportionment purposes by the superintendent of public instruction pursuant to RCW 28A.150.290.

AMENDATORY SECTION (Amending Order 2-84, filed 5/17/84)

WAC 180-16-191 Programs subject to basic education allocation entitlement requirements. The requirements, procedures and other provisions set forth in this chapter shall apply to kindergarten programs~~((;))~~ and to such portion of the grade one through twelve program, including related vocational instruction, as a school district provides for students enrolled in kindergarten through grade twelve.

AMENDATORY SECTION (Amending WSR 01-24-092, filed 12/4/01, effective 1/4/02)

WAC 180-16-215 Minimum one hundred eighty school day year. (1)(a) **One hundred eighty school day requirement.** Each school district shall conduct a school year of no less than ~~((a))~~ one hundred eighty school days ~~((program each school year))~~ in such grades as are conducted by ~~((such))~~ the school district, and one hundred eighty half-days of instruction, or the equivalent, in kindergarten. If a school district schedules a kindergarten program other than one hundred eighty half-days, the district shall attach an explanation of its kindergarten schedule when providing compliance documentation to the state board of education staff.

(b) **Waiver option, application and renewal procedures.** See WAC 180-18-050 for waiver process.

(2) **School day defined.** A school day shall mean each day of the school year on which pupils enrolled in the common schools of a school district are engaged in educational activity planned by and under the direction of the school district staff, as directed by the administration, and pursuant to written policy and board of directors of the district.

(3) **Accessibility of program.** Each school district's program shall be accessible to all legally eligible students, including students ~~((of disability))~~ with disabilities, who are five years of age and under twenty-one years of age who have not completed high school graduation requirements.

(4) **Five-day flexibility - Students graduating from high school.** A school district may schedule the last five school days of the one hundred eighty day school year for

noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student.

WSR 02-14-134
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed July 2, 2002, 4:31 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-051.

Title of Rule: State need grant—Institutional eligibility.

Purpose: Implement changes to institutional eligibility for participation in the state need grant (SNG) program brought about by passage of SB 5166, as authorized by the 2002 legislature.

Statutory Authority for Adoption: Chapter 28B.80 RCW and RCW 28B.10.822.

Statute Being Implemented: RCW 28B.10.802.

Summary: Allows the branch campuses of nonprofit, out-of-state, educational institutions to participate in the state need grant program if the branch has offered twenty years or more of continuous classroom instruction in the state of Washington and has a full-time equivalent enrollment of seven hundred students or more.

Reasons Supporting Proposal: Fully implements the changes passed by the 2002 legislature in SB 5166.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Klacik, 917 Lakemridge Way, Olympia, WA 98504, (360) 753-7851.

Name of Proponent: Higher Education Coordinating Board, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will allow the branch campuses of nonprofit, out-of-state institutions, to participate in the state need grant (SNG) program if the branch campus is accredited by any of the nationally recognized regional accrediting bodies and if the branch has:

(a) Been continuously offering classroom instruction in the state of Washington for a minimum of twenty years and

(b) A full-time equivalent enrollment of at least seven hundred students.

Proposal Changes the Following Existing Rules: In accordance with SB 5166 these rules broaden the criteria by which the branch campuses of nonprofit, out-of-state educational institutions may participate in the SNG program. Specifically, the proposed rules recognize each of the nationally known regional accreditors and mirror the additional institutional eligibility criteria found in SB 5166.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule affects nonprofit educational institutions, does not affect businesses in Washington.

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RCW 34.05.328 does not apply to this rule adoption. The Higher Education Coordinating Board is not named in the RCW.

Hearing Location: Higher Education Coordinating Board, 3rd Floor Conference Room, 917 Lakeridge Way, Olympia, WA 98504, on August 23, 2002, at 9 a.m. to 12 p.m.

Assistance for Persons with Disabilities: Contact Belma Villa by August 19, 2002, TDD (360) 753-7809, or by voice phone at (360) 753-7800.

Submit Written Comments to: John Klacik, Associate Director, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430, fax (360) 704-6251, by August 23, 2002.

Date of Intended Adoption: September 25, 2002.

July 1, 2002

John Klacik
Associate Director

AMENDATORY SECTION (Amending WSR 99-16-015, filed 7/23/99, effective 8/23/99)

WAC 250-20-021 Program definitions. (1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the higher education coordinating board the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter. The determination of need shall be made in accordance with federal needs analysis formulas and provisions as recognized and modified by the board.

(2) The term "disadvantaged student" shall mean a student who by reasons of adverse cultural, educational, environmental, experiential, or familial circumstance is unlikely to aspire to, or enroll in, higher education. Generally, this shall mean a dependent student whose parents have not attained a college education and/or whose family income is substantially below the state's median.

(3) The term "postsecondary institution" shall mean:

(a) Any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of ((one of the following)) an approved accrediting association((s:—The Northwest Association of Schools and Colleges, the Accrediting Bureau of Health Education Schools, the Accrediting Council for Continuing Education and Training, the Accrediting Commission of Career Schools and Colleges of Technology, the Accrediting Council for Independent Colleges and Schools, or the National Accrediting Commission of Cosmetology Arts and Sciences and)).

(b) If such institution agrees to participate in the program in accordance with all applicable rules and regulations.

(c) Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately

accredited member institution of ~~((one of the above named))~~ an approved accrediting association((s)).

(d) The separate accreditation requirement is waived for branch campuses of out-of-state institutions if the branch campus:

(i) Is eligible to participate in federal student aid programs; and

(ii) Has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington; and

(iii) Has an annual enrollment of at least seven hundred full-time equivalent students.

(4) The term "approved accrediting association" shall mean the following organizations:

(a) Northwest Association of Schools and Colleges;

(b) Middle States Association of Colleges and Schools, Commission on Higher Education;

(c) New England Association of Schools and Colleges;

(d) North Central Association of Colleges and Schools;

(e) Southern Association of Colleges and Schools;

(f) Western Association of Schools and Colleges;

(g) Accrediting Bureau of Health Education Schools;

(h) Accrediting Council for Continuing Education and Training;

(i) Accrediting Commission of Career Schools and Colleges of Technology;

(j) Accrediting Council for Independent Colleges and Schools;

(k) National Accrediting Commission of Cosmetology Arts and Sciences.

(5) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.012 (2)(a) through (d) and board-adopted rules and regulations pertaining to the determination of residency.

~~((5))~~ (6) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(6).

~~((6))~~ (7) "Independent student" shall mean any student who qualifies as an independent student for the receipt of federal aid. These qualifications include a student who has either:

(a) Reached his or her twenty-fourth birthday before January 1st of the aid year; or,

(b) Is a veteran of the U.S. Armed Forces; or,

(c) Is an orphan or ward of the court; or,

(d) Has legal dependents other than a spouse; or,

(e) Is a married student or a graduate/professional student; or,

(f) Is determined to be independent for the receipt of federal aid on the basis of the professional judgment of the aid administrator.

~~((7))~~ (8) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the board.

~~((8))~~ (9) "Student budgets" shall consist of that amount required to support an individual as a student for nine months and may take into consideration cost factors for maintaining the student's dependents. This should be the amount used to calculate the student's total need for all state and federal funds.

~~((9))~~ (10) "State need grant cost-of-attendance" is the standard student cost per sector, as developed by the board.

(a) The costs-of-attendance for each sector are calculated by adding together a standard maintenance allowance for books, room, board, transportation and personal items, for all undergraduate students statewide as developed by the Washington Financial Aid Association, and the sector's regular tuition and fees for full-time, resident, undergraduate students.

(b) In no case may the costs-of-attendance exceed the statutory ceiling established by RCW 28B.10.808(4). The ceiling is calculated by adding together the same standard maintenance allowance used in determining the state need grant cost-of-attendance, plus the regular tuition and fees charged for a full-time resident undergraduate student at a research university, plus the current average state appropriation per student for operating expenses in all public institutions.

(c) For example, in the 1992-93 academic year, the value of the statutory ceiling is \$13,783. This value is composed of the Washington Financial Aid Association's maintenance budget of \$6,964, plus the regular tuition and fees charged for a resident undergraduate student at a research university of \$2,274, plus the current average state appropriation per student for operating expenses in all public institutions of \$4,545.

(d) The value of each element used in the construction of the statutory ceiling will be updated annually.

(e) The higher education coordinating board will consult with appropriate advisory committees and the representative association of student financial aid administrators, to annually review and adjust the costs-of-attendance. The costs-of-attendance for each sector will be published concurrent with annual guidelines for program administration.

~~((10))~~ (11) "Family income" is the student's family income for the calendar year prior to the academic year for which aid is being requested.

(a) Income means adjusted gross income and nontaxable income as reported on the federally prescribed application for federal student aid.

(b) For the dependent student family income means parental income.

(c) For the independent student family income means the income of the student and any other adult, if any, reported as part of the student's family.

(d) The institutional aid administrator may adjust the family's income up or down to more accurately reflect the family's financial situation during the academic year. When such adjustments are made they shall be consistent with guidelines for making changes to determine federal student aid eligibility.

~~((11))~~ (12) "Income cutoff" means the amount of family income below which a student is determined to be eligible for the state need grant.

(a) The cutoff shall be expressed as a percent of the state's median family income. The exact point of cutoff shall be determined each year by the board based on available funding.

(b) The board will endeavor to award students, in order, from the lowest income to the highest income, within the limits of available funding.

(c) At the discretion of the institution's aid administrator, a student who is eligible for a state need grant in a given academic year may be deemed eligible for the ensuing academic year if his or her family income increases by no more than three percent, even if the stated median family income cutoff for grant eligibility is lower than that amount.

~~((12))~~ (13) "Median family income" is the median income for Washington state, adjusted by family size and reported annually in the federal register.

~~((13))~~ (14) "Base grant" is the state need grant award for each sector before the addition of a dependent care allowance. The base grant per student will be no less than the published base grant in 1998-1999. The base grant may be further adjusted according to the student's family income level and rate of enrollment as described in WAC 250-20-041.

For certain students who have completed board approved early awareness and preparation programs such as the Washington National Early Intervention Scholarship Program, its successor program, or a Trio program, the base grant will be an amount fixed annually by the board. Generally the base grant, in these cases, will be no less than the current value of the federal PELL grant program.

~~((14))~~ (15) "Dependent care allowance" is a flat grant amount, to be determined by the board, which is in addition to the eligible student's base grant.

(a) The allowance is awarded to those students who have dependents in need of care. The dependent must be someone (other than a spouse) living with the student.

(b) Care must be that assistance provided to the dependent by someone outside of the student's household and not paid by another agency.

(c) Eligible grant recipients must document their need for the dependent care allowance.

~~((15))~~ (16) "State need grant award" is the base grant adjusted according to level of family income, plus a dependent care allowance, if applicable.

~~((16))~~ (17) "Academic year" is that period of time between July 1 and the following June 30 during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

~~((17))~~ (18) "Clock hours" means a period of time which is the equivalent of either:

(a) A 50 to 60 minute class, lecture, or recitation, or

(b) A 50 to 60 minute period of faculty-supervised laboratory shop training or internship.

~~((18))~~ (19) "Gift equity packaging policy" is the institution's policy for assigning gift aid to all needy, eligible students.

~~((19))~~ (20) "Satisfactory progress" is the student's successful completion of a minimum number of credit or clock hours for each term in which the grant was received. Each school's policy for measuring progress of state need grant recipients must define satisfactory as the student's completion of the minimum number of credit or clock hours for which the aid was disbursed.

(a) The minimum satisfactory progress standard for full-time students is twelve credits per term or 300 clock hours

per term. Satisfactory progress for three-quarter time students is nine credits per term or 225 clock hours per term. Satisfactory progress for half-time students is six credits per term or 150 clock hours per term.

(b) Each school's policy must deny further disbursements of the need grant at the conclusion of any term in which he or she fails to complete at least one-half of the minimum number of credits or clock hours for which the aid was disbursed or otherwise fails to fulfill the conditions of the institution's satisfactory progress policy.

(c) The school may make disbursements to a student who is in a probationary status. "Probation" is defined as completion of at least one-half, but less than all of the minimum number of credits for which the aid was calculated and disbursed. The school must have a probation policy, approved by the board, which limits the number of terms in which a student may receive the need grant while in a probationary status.

(d) The school's aid administrator may at any time, using professional judgment exercised on a case-by-case basis, reinstate a student back into a satisfactory progress status, in response to an individual student's extenuating circumstances.

~~((20))~~ (21) The term "full institutional accreditation" shall mean the status of public recognition that an accrediting agency recognized by the U.S. Department of Education grants to an educational institution that meets the agency's established standards and requirements. Institutional accreditation applies to the entire institution, indicating that each of an institution's parts is contributing to the achievement of the institution's objectives.

~~((21))~~ (22) The term "eligible program" for a public or private nonprofit educational institution, shall mean an associate or baccalaureate degree program; at least a two-year program that is acceptable for full credit toward a bachelor's degree, or at least a one-year educational program that leads to a degree or certificate and prepares the student for gainful employment in a recognized occupation. The term "eligible program" for a for-profit or a postsecondary vocational institution shall mean a program which provides at least a 15-week undergraduate program of 600 clock hours, 16 semester hours, or 24 quarter hours. The program may admit students without an associate degree or equivalent. The term "eligible program" for a for-profit or a postsecondary vocational institution may also be a program that provides at least a 10-week program of 300 clock hours, 8 semester hours, or 12 quarter hours. A program in this category must be an undergraduate program that admits only students with an associate degree or equivalent. To be an "eligible program," a program must be encompassed within the institution's accreditation and be an eligible program for purposes of the federal Title IV student financial aid programs.

~~((22))~~ (23) The three "public sectors of higher education" are the research universities, comprehensive universities, and the community and technical colleges.

~~((23))~~ (24) A "for-profit institution" is a postsecondary educational institution other than a public or private nonprofit institution which provides training for gainful employment in a recognized profession.

~~((24))~~ (25) A "postsecondary vocational institution" is a public or private nonprofit institution which provides training for gainful employment in a recognized profession.

WSR 02-14-135
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed July 2, 2002, 4:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-052.

Title of Rule: Promise scholarship program.

Purpose: Implement changes to the promise scholarship as authorized by the 2002 legislature in SHB 2807.

Statutory Authority for Adoption: Chapter 28B.80 RCW and SHB 2807 as passed by the 2002 legislature.

Statute Being Implemented: SHB 2807 as passed by the 2002 legislature.

Summary: These proposed rules implement SHB 2807, which places the promise scholarship into statute. The key changes are:

- (1) Allow students to qualify for the promise scholarship through use of SAT I and ACT scores;
- (2) Allow students to use the promise scholarship award for attendance at certain schools in Oregon when the curriculum at the Oregon school is not available in Washington;
- (3) Expands the list of recognized accrediting bodies;
- (4) Clarifies the authorized use period.

Reasons Supporting Proposal: Fully implements SHB 2807 as passed by the 2002 legislature.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Klacik, 917 Lakemidge Way, Olympia, WA 98504, (360) 753-7851.

Name of Proponent: Higher Education Coordinating Board, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These proposed rules implement SHB 2807, which places the promise scholarship into statute. The key changes are:

- (1) Allow students to qualify for the promise scholarship through use of SAT I and ACT scores.
 - In addition to being in the top 15% of one's graduating high school class, students may also qualify to apply for the scholarship by achieving an SAT I score of 1200 or better on their first attempt or by achieving an ACT score of twenty-seven or better on their first attempt.
- (2) Allow students to use the promise scholarship award for attendance at certain schools in Oregon when the curriculum at the Oregon school is not available in Washington.
 - The Oregon schools must be located in specific counties that border Washington as enumerated in the proposed rules.

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- (3) Expands the list of recognized accrediting bodies.
- The list of expanded to include all the nationally recognized regional accrediting bodies. This will ensure that students will be able to use the promise scholarship award at all accredited degree granting institutions or their branches that are physically located in the state of Washington.
- (4) Clarifies the authorized use period.
- Clarifies that the use period for all students is limited to the first two years after high school graduation.

Proposal Changes the Following Existing Rules: (1) Allow students to qualify for the promise scholarship through use of SAT I and ACT scores;

- (2) Allow students to use the promise scholarship award for attendance at certain schools in Oregon when the curriculum at the Oregon school is not available in Washington;
- (3) Expands the list of recognized accrediting bodies;
- (4) Clarifies the authorized use period.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect educational institutions and students, not businesses.

RCW 34.05.328 does not apply to this rule adoption. The Higher Education Coordinating Board is not one of the listed agencies subject to this statute.

Hearing Location: Higher Education Coordinating Board, 3rd Floor Conference Room, 917 Lakeridge Way, Olympia, WA 98504, on August 23, 2002, at 9 a.m. to 12 p.m.

Assistance for Persons with Disabilities: Contact Belma Villa by August 19, 2002, TDD (360) 753-7809, or by voice phone at (360) 753-7800.

Submit Written Comments to: John Klacik, Associate Director, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430, e-mail johnk@hecb.wa.gov, fax (360) 704-6251, by August 23, 2002.

Date of Intended Adoption: September 25, 2002.

July 2, 2002

John Klacik

Associate Director

AMENDATORY SECTION (Amending WSR 00-08-082, filed 4/4/00, effective 5/5/00)

WAC 250-80-010 Purpose. The Washington promise scholarship program recognizes and encourages the aspiration for superior academic achievement of high school students who attend and graduate from Washington high schools. The program offers a two-year scholarship for eligible students that may be used at any accredited institution within the borders of the state. The scholarship may also be used at certain Oregon institutions offering programs not offered in Washington.

AMENDATORY SECTION (Amending WSR 00-08-082, filed 4/4/00, effective 5/5/00)

WAC 250-80-020 Definitions. (1) "Board" means the higher education coordinating board.

(2) "OSPI" means the office of the superintendent of public instruction.

(3) "High school" means a secondary institution in Washington state identified by the office of the superintendent of public instruction as qualified to confer high school diplomas to a graduating senior class.

(4) "Parent(s)" mean the biological or adoptive parent of the student applicant and the spouse of a biological or adoptive parent. In cases of divorce or separation the parent for purposes of reporting income and family size is the biological or adoptive parent who provided more than one-half of the applicant's support in the previous twelve months. The term parent does not include either foster parents or legal guardians.

(5) "Family size" is the number of people for whom the applicant's parent(s) provided more than one-half of the support in the previous twelve months.

(6) "Income," in most cases means the applicant parent's adjusted gross income (AGI) as reported on the previous calendar year's federal tax return. For the independent student, income means the student's adjusted gross income as reported on the previous calendar year's federal tax return.

(7) "Independent student" means a student whose biological parents are both deceased and there is no adoptive parent, or the student is a "ward of the court," or the student has been legally emancipated by court order. The board may also recognize a student as independent due to exceptional circumstances as recognized by the appeal committee.

(8) "Appeals committee" means a committee convened by the board to review petitions and requests by students for consideration of individual exceptional circumstances.

(9) "Median family income (MFI)" means the median income for the state of Washington, by family size, as compiled by the federal Bureau of the Census and reported annually in the *Federal Register*.

(10) "Income cutoff" means one hundred thirty-five percent of the median family income.

(11) "Academic year" means the fall, winter, and spring quarters or the fall and spring semesters between July 1st and June 30th.

(12) "Eligible student" means a person who:

(a) Graduates from a public or private high school located in the state of Washington; and

(b) ~~((Is in the top ten percent of his or her 1999 graduating class; or~~

(e)) Is in the top fifteen percent of his or her 2000 graduating class; or

(c) Attained a cumulative score of 1200 or better on the Scholastic Assessment Test I (SATI) on the first attempt; or

(d) Attained a cumulative score of 27 or better on the American College Test (ACT) on the first attempt; and

~~((d))~~ (e) Has a family income less than one hundred thirty-five percent of the state's median; and

~~((e))~~ (f) Enrolls at least half time in an eligible postsecondary institution in the state of Washington; and

~~((#))~~ (g) Is not pursuing a degree in theology.

(13) "Eligible postsecondary institution" means:

(a) A public institution authorized by the Washington legislature and receiving operating support through the state general fund; or

(b) A postsecondary institution, whose campus or branch campus is physically located in the state of Washington, and who is accredited by a nationally recognized accrediting body. The recognized accrediting bodies are:

(i) ~~((The))~~ Northwest Association of Schools and Colleges or a similar regional accrediting body as determined by the board;

(ii) ~~((The))~~ Accrediting Bureau of Health Education Schools;

(iii) ~~((The))~~ Accrediting Council for Continuing Education and Training;

(iv) ~~((The))~~ Accrediting Commission of Career Schools and Colleges of Technology;

(v) The Accrediting Council for Independent Colleges and Schools;

(vi) The National Accrediting Commission of Cosmetology Arts and Sciences; ~~((and))~~

(vii) Middle States Association of Colleges and Schools, Commission on Higher Education;

(viii) New England Association of Schools and Colleges;

(ix) North Central Association of Colleges and Schools;

(x) Southern Association of Colleges and Schools;

(xi) Western Association of Schools and Colleges; or

(c) An accredited Oregon postsecondary institution that offers a program not offered in Washington and is located in either Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco or Washington county. The institution must be accredited by one of the accrediting bodies listed above; and

(d) Agrees to administer the program in accordance with the applicable rules and program guidelines.

(14) "Authorized use period" means the period of time the eligible student has to complete using his or her scholarship. ~~((The board will determine the authorized use period for each class of graduating high school seniors.))~~

AMENDATORY SECTION (Amending WSR 00-08-082, filed 4/4/00, effective 5/5/00)

WAC 250-80-070 Renewals and authorized use period. (1) Eligible students may renew their award for the second year's benefits, subject to the availability of funding.

(2) The deadline for the return of renewal applications will be set annually by the board.

(3) The board will determine the maximum number of years each class of graduating high school seniors has to complete usage of the scholarship.

(4) ~~((For the graduating classes of 1999 and 2000,))~~ The authorized use period is limited to two consecutive years following graduation. Students who were not eligible for the first year of benefits, or who did not use the first year of benefits, may reapply for the second year benefits, but may not renew for a third year.

(5) Receipt of the scholarship is dependent upon the availability of funding.

WSR 02-14-140

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed July 2, 2002, 4:47 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-043.

Title of Rule: Chapter 180-38 WAC, Pupils—Immunization requirement.

Purpose: Amend language to be in compliance with SHB 2834 enacted during the 2002 legislative session and language to address a potential vaccine shortage.

Statutory Authority for Adoption: RCW 28A.31.118.

Summary: SHB 2834 signed March 22, 2002, indicates the State Board of Education shall adopt rules under chapter 34.05 RCW that establish the procedural and substantive due process requirements governing exclusion of children from public schools. The language amendments also include the State Board of Health language adoption addressing when a state health officer declares a shortage of specific vaccine(s) within the full immunization schedule.

Reasons Supporting Proposal: Provides a necessary process for the health, safety, and protection of all public and private school students.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will incorporate law language indicating the attendance of every child at every public school in the state shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school of a medication or treatment order addressing any life-threatening health condition that the child has that may require medical services to be performed at the school.

The rule language also includes the State Board of Health language adoption addressing when a state health officer declares a shortage of specific vaccine(s) within the full immunization schedule.

Proposal Changes the Following Existing Rules: Amends sections within chapter 180-38 WAC.

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

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

Hearing Location: Enumclaw School District Board Room, 2929 McDougall Avenue, Enumclaw, WA 98022-7499, on August 21, 2002, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by August 13, 2002, TDD (360) 664-3631, or (360) 725-6027.

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Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, Patty Martin, Associate Director, fax (360) 586-2357, by August 13, 2002.

Date of Intended Adoption: August 23, 2002.

July 2, 2002

Larry Davis

Executive Director

Chapter 180-38 WAC

PUPILS—IMMUNIZATION REQUIREMENT AND LIFE-THREATENING HEALTH CONDITION

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-38-005 Purpose and authority. (1) The ~~((authority for))~~ purpose of this chapter is ~~((RCW 28A.210.160 which authorizes the state board of education to adopt rules which))~~ to establish the procedural and substantive due process requirements governing the exclusion of students from public and private schools for failure to comply with the immunization requirement of the state of Washington or, in the case of public schools only, failure to present a medication treatment order for a life-threatening health condition.

(2) The authority for this chapter is RCW 28A.210.160 and 28A.210.xxx.

AMENDATORY SECTION (Amending Order 20-85, filed 9/25/85)

WAC 180-38-020 Definitions~~((—Student))~~. ~~((As used in this chapter, the term))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Student" shall mean the same as defined for "child" in ~~((WAC 248-100-163 (1)(f) by the state board of health))~~ RCW 28A.210.070(6).

(2) "Chief administrator" shall mean the same as defined in RCW 28A.210.070(1).

(3) "Full immunization" shall mean the same as defined in RCW 28A.210.070(2).

(4) "Schedule of immunization" shall mean the beginning or continuing of a course of immunization prescribed by the state board of health.

(5) "Certificate of exemption" shall mean the filing with the chief administrator of the school, on a form prescribed by the department of health, which complies with RCW 28A.210.090.

(6) "Life-threatening health condition" shall mean a health condition that will put the child in danger of death during the school day if a medication or treatment order and a nursing plan are not in place.

(7) "School day" shall mean the same as in RCW 28A.140.030 and shall be inclusive of school or district sponsored field trip experiences and extracurricular activities.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-38-045 School attendance ~~((condition)) conditioned upon ((compliance)) presentation of proofs.~~ ~~((It is the public policy of this state, as codified in RCW 28A.210.080, that "[t]he attendance of every . . . [student] in the state . . . shall be conditioned upon the presentation before or on each . . . [student's] first day of attendance at a particular school . . ., of proof of . . . [.] (1) full immunization, (2) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (3) a certificate of exemption as provided for in RCW 28A.210.090. [See WAC 180-38-040]"~~

The statutory scheme requires exclusion from school prior to a termination hearing on the implied basis that such students are an immediate and continuing danger to themselves or others—i.e., the constitutional basis for an emergency expulsion from public schools and the exemption from providing a pretermination due process hearing.) The initial attendance of every student at every public and private school in the state is conditioned upon proof of immunization as set forth in RCW 28A.210.080. The initial attendance of every student who has a life threatening condition is conditioned upon presentation of a medication or treatment order as set forth in RCW 28A.210.xxx.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-38-050 Written notice prior to exclusions from school. ~~((It is the public policy of this state, as codified in RCW 28A.210.120, that "each school . . . shall provide written notice to the parent(s) or legal guardian(s) of each . . . [student] or to the adult(s) in loco parentis to each . . . [student] who is not in compliance with . . . [the public policy stated in WAC 180-38-045]," prior to the exclusion of such student.))~~ (1) Schools must provide written notice to parents, guardians or adults in loco parentis prior to excluding students from school for failure to comply with RCW 28A.210.120 or with RCW 28A.210.xxx.

(2) The written notice for public school students shall:

(a) Comply with the emergency expulsion notice requirements of WAC 180-40-300 except that the notice must be received prior to the emergency expulsion of the student.

(b) Inform the appropriate party of the applicable laws and provide copies of such laws and implementing rules, including procedural due process rules prescribed by the state board of education for emergency expulsion.

(c) Information regarding immunization services and life-threatening health conditions that are available from or through the local health department and other public agencies.

(d) Order an emergency expulsion of the student from school and state that such order is effective immediately upon receipt of the notice.

(3) The written notice for private school students shall:

(a) Inform the appropriate party of the applicable laws and provide copies of such law and implementing rules.

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(b) Information regarding immunization services and life-threatening health conditions that are available from or through the local health department or other public agencies.

(c) Order the exclusion of the student from school and state that such order is effective upon receipt of the notice.

AMENDATORY SECTION (Amending Order 20-85, filed 9/25/85)

WAC 180-38-065 Exclusion of students (~~for failure to comply~~) **already attending school.** The chief administrator of each public or private school shall (~~exclude from such~~) **prohibit the further presence at school** (~~and~~) **each student(s) who fails to comply with the public policy stated within** (~~WAC 180-38-045: Provided, That~~) **RCW 28A-210-080 or 28A.210.xxx.** However, if the chief administrator did not provide written notice as required in WAC 180-38-050 prior to the student's first day of attendance at such school, the emergency expulsion or exclusion shall be stayed until the notice is received.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-38-010	Purpose.
WAC 180-38-025	Definition—Chief administrator.
WAC 180-38-030	Definition—Full immunization.
WAC 180-38-035	Definition—Schedule of immunization.
WAC 180-38-040	Definition—Certificate of exemption.
WAC 180-38-055	Public schools—Content of written notice.
WAC 180-38-060	Private schools—Content of written notice.
WAC 180-38-070	Supplementing rules of SPI.

WSR 02-14-143
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 3, 2002, 9:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-008.

Title of Rule: Finance—Levies.

Purpose: Rules are updated to reflect: (1) Changes in the state and federal revenues in the levy base; (2) EHB 3011 which prorates local effort assistance (LEA) for 2003 to 99% of the formula allocation otherwise provided; and (3) rescind

rule changes adopted two years ago to adjust levy base for differences between budgeted and actual revenues in the levy base.

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

Statutory Authority for Adoption: RCW 28A.150-.290(1) and 84.52.0531(9).

Statute Being Implemented: None.

Summary: Levy base revenue accounts are updated to reflect recent legislative appropriations and changes in the school district chart of accounts as shown in the school district accounting manual as revised in 2001 and 2002. The 2002 legislature passed EHB 3011, which prorates local effort assistance (LEA) for the 2003 calendar year at 99% of the formula allocation otherwise provided.

Reasons Supporting Proposal: Revisions are required to implement legislative changes in state revenues and EHB 3011. The revisions for federal revenues accounts are required to reflect the underlying program changes required by the federal ESEA legislation.

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction; Implementation: Allen H. Jones, Office of Superintendent of Public Instruction, (360) 725-6300; 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: The purposes of the existing chapter 392-139 WAC is to define the annual procedures that the superintendent of public instruction shall use to determine for each school district:

- (1) The maximum dollar amount which may be levied on its behalf for general fund maintenance and operation support pursuant to RCW 84.52.053 and 84.52.0531; and
- (2) The local effort assistance to be allocated to it pursuant to chapter 28A.500 RCW.

Proposal Changes the Following Existing Rules: The proration of LEA in 2003 will reduce maximum LEA and LEA allocations by one percent. Those districts with voter approved levies above their levy authority will be able to make up for the loss of LEA by collecting more local property tax. 72% of the 2003 LEA impact will fall in the 2002-03 school year. Approximately 55% of the 2003 property tax revenue impact will fall in the 2002-03 school year.

Elimination of the adjustment of budgeted federal revenues in the levy base will increase levy authority and LEA eligibility for those districts that budgeted more federal revenue in 2000-01 than they received. It will reduce levy authority and LEA eligibility for districts that budgeted less than they received.

Addition of student achievement revenues to the levy base will benefit all districts beginning in calendar year 2003. The other revenue account changes have minimal impacts.

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: Old Capitol Building, Bruno Conference Room, 2nd Floor, P.O. Box 47200, Olympia, WA 98504-7200, on August 6, 2002, at 9-11 a.m.

Assistance for Persons with Disabilities: Contact Sheila Emery by August 1, 2002, 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 August 1, 2002.

Date of Intended Adoption: August 7, 2002.

June 28, 2002
Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 01-22-098, filed 11/6/01, effective 12/7/01)

WAC 392-139-008 Effective date. This chapter applies to levy authority and local effort assistance calculations for the ~~((2002))~~ 2003 calendar year and thereafter. Levy authority and local effort assistance calculations for ~~((2000 and 2001))~~ prior calendar years are governed by rules in effect ~~((at the time of the calculations))~~ as of January 1 of the calendar year.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-139-205 Definition—F-195. As used in this chapter, "F-195" means the annual school district budget document including budget extensions officially adopted by each school district pursuant to chapter 28A.505 RCW for each year's operations. This document includes estimates of revenues to be received from federal sources during the school year. The federal revenues reported on a school district's F-195 for the prior school year are included in the district's excess levy base pursuant to WAC 392-139-310 if they qualify for inclusion and are not reported on Report 1197. The accounts included in the levy base and reported on the F-195 are listed in WAC 392-139-310 (4)(b).

AMENDATORY SECTION (Amending WSR 01-22-098, filed 11/6/01, effective 12/7/01)

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.

(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 through 2001-02 school year;
- 6151 Disadvantaged (2002-03 school year and thereafter);

6153 Migrant;

6164 Limited English proficiency (2002-03 school year and thereafter);

- 6264 Bilingual (direct);
- 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))~~ (through 2001-02 school year);

4175 Flexible education (2002-03 school year and thereafter); 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;

6152 School improvement (2002-03 school year and thereafter);

6154 Reading first (2002-03 school year and thereafter);

6177 Eisenhower professional development;

6200 Direct special purpose grants; and

6300 Federal grants through other agencies - unassigned;

and

6310 Medicaid administrative match (2002-03 school year and thereafter).

(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 2001, except those identified for the 2002-03 school year and thereafter, which are from the accounting manual revised 2002.

(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 (through 2001-02 school year);

4175 Flexible education (2002-03 school year and thereafter);

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 (through 2001-02 school year);
6151 Disadvantaged (2002-03 school year and thereafter);

6152 School improvement (2002-03 school year and thereafter);

6153 Migrant;
6154 Reading first (2002-03 school year and thereafter);
6164 Limited English proficiency (2002-03 school year and thereafter);

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;
6200 Direct special purpose grants;
6264 Bilingual (direct);
6267 Indian education - JOM;
6268 Indian education - ED;
6300 Federal grants through other agencies - unassigned;
6310 Medicaid administrative match (2002-03 school year and thereafter);

6367 Indian education - JOM; and
6998 USDA commodities.

(5) ~~((Effective for levy authority and local effort assistance calculations for 2003 and thereafter, allocations in subsections (4)(b) of this section shall be adjusted by the differ-~~

~~ence 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.~~

~~(6))) 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.~~

~~((7))) (6) State basic education moneys generated by a school district's students and allocated directly to a technical college shall be included in the district's levy base.~~

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

WAC 392-139-660 Determination of maximum local effort assistance. The superintendent of public instruction shall calculate maximum local effort assistance for each eligible school district as follows:

(1) Subtract the statewide average twelve percent levy rate from the district twelve percent levy rate;

(2) Divide the result obtained in subsection (1) of this section by the district twelve percent levy rate; and

(3) Multiply the result obtained in subsection (2) of this section by the district twelve percent levy amount.

(4) For the 2003 calendar year only, multiply the result of subsection (3) of this section by 0.99.

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

WAC 392-139-670 Local effort assistance allocations. The superintendent of public instruction shall calculate each eligible school district's local effort assistance entitlement as the lesser of the ~~((following))~~ amounts in subsections (1) and (2) of this section:

(1)(a) For the 2003 calendar year, the school district's certified excess levy for the calendar year as reported to the superintendent of public instruction pursuant to WAC 392-139-665 times the school district's state matching ratio for the calendar year calculated pursuant to WAC 392-139-625 times 0.99; ((or))

(b) For the 2004 calendar year and thereafter, the school district's certified excess levy for the calendar year as reported to the superintendent of public instruction pursuant to WAC 392-139-665 times the school district's state matching ratio for the calendar year calculated pursuant to WAC 392-139-625;

(2) The school district's maximum local effort assistance calculated pursuant to WAC 392-139-660.

WSR 02-14-154
PROPOSED RULES
OFFICE OF THE
INSURANCE COMMISSIONER

[Filed July 3, 2002, 10:39 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-21-074.

Title of Rule: United States Longshore and Harbor Workers' Assigned Risk Plan (USL&HARP).

Purpose: Amend chapter 284-22 WAC as requested in a petition from the USL&HARP Governing Committee.

Other Identifying Information: R 2001-10.

Statutory Authority for Adoption: RCW 48.02.060 and 48.22.070.

Statute Being Implemented: RCW 48.22.070.

Summary: The proposed rules amend chapter 284-22 WAC to allow for distributions to participants. The information gathering process and minimum threshold for assessment are made more flexible. A process is created to assess insurers who do not report information in a timely manner.

Reasons Supporting Proposal: The governing committee should be able to administer the proposed rules more efficiently. The potential for distribution is noted in statute but there is no mechanism in rule. Compliance with should increase regarding requests by the governing committee for information.

Name of Agency Personnel Responsible for Drafting and Implementation: Lee Barclay, Tumwater, Washington, (360) 586-3685; and Enforcement: Carol Sureau, Tumwater, Washington, (360) 586-1189.

Name of Proponent: USL&HARP Governing Committee and Mike Kreidler, Insurance Commissioner, private and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The main purpose is to establish clearer and more efficient rules for assessments from plan participants and to create a mechanism for distributions to plan participants. The proposed WAC 284-22-060 allows for the possibility of returning distributions back to participants in the USL&H assigned risk plan. The timing and amount of distributions are at the discretion of the governing committee of the plan but are subject to the approval of the insurance commissioner. This parallels the process for assessments. Assessments remain at the discretion of the governing committee. Greater flexibility for the governing committee is allowed in the proposed rules. Reporting is no longer required annually. Instead, the governing committee will request the information regarding the subject premium for time periods that the committee determines is appropriate. The proposed rules also give the governing committee a procedure to use if an insurer does not report its USL&H premium to the plan in a timely fashion. This will ensure that all participants are properly assessed or receive the appropriate distribution. The proposed rules also create additional flexibility for the governing committee by replacing the minimum \$50 annual premium threshold for assessment with a de minimis standard that will

be established by the governing committee for each assessment. This flexibility will give the governing committee the ability to adopt an appropriate standard for each assessment and to maintain an appropriate standard over time. Any person who is aggrieved by any decision of the plan would still have the right to appeal to the commissioner in RCW 48.22.070 and existing WAC 284-22-090.

Proposal Changes the Following Existing Rules: WAC 284-22-020 is amended to change "underwriting results" to "net income or loss."

WAC 284-22-050 is amended to remove the definition of "underwriting results."

WAC 284-22-060(1) is amended to remove the allocation portion. Subsections (2) and (3) which address: A minimum threshold for assessment; information to be reported; and the filing of a report annually are removed. New subsection (2) includes the allocation portion and de minimis threshold language. New subsection (3) established the method for the plan to receive information from participants and to proceed when information is not received in a timely fashion. New subsection (4) establishes the mechanisms to make any assessment or a distribution.

WAC 284-22-080 is amended to allow for the possibility of distributions.

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

Small Business Economic Impact Statement

Background: In the early 1990s, maritime employers experienced difficulty finding workers compensation coverage under the United States Longshore and Harbor Workers Compensation Act. In 1992, the legislature adopted RCW 48.22.070 which gave the insurance commissioner authority to adopt rules to establish an insurance mechanism for risks that were unable to find coverage in the voluntary market. Later in 1992, the insurance commissioner adopted chapter 284-22 WAC and established that mechanism, the USL&H assigned risk plan. Under chapter 284-22 WAC, the plan is run by a 13-member governing committee. The committee members include a representative from Washington State Department of Labor and Industries, three representatives from authorized USL&H insurers, three representatives from the agent and broker community, three representatives from maritime employers, and three representatives from labor organizations. The insurance commissioner is an *ex officio* member of the governing committee. 50% of the underwriting results are allocated to the state industrial insurance fund and 50% to authorized insurers writing USL&H coverage. After approximately a decade, the plan has written over \$26.6 million in premium on over 2300 policies.

Chapter 284-22 WAC was amended in 1993 and has not been amended since. Over the last several years, the governing committee has worked on proposed improvements to chapter 284-22 WAC. The proposal went through multiple drafts and has been discussed thoroughly, and the final proposal was passed unanimously by the governing committee. The proposal became a rule-making petition to the Office of the Insurance Commissioner (OIC).

On October 18, 2001, a CR-101 was filed announcing the agency's intent to begin rule making in this area. The CR-101 was mailed to affected parties and posted on the agency website.

Is the rule required by federal law or federal regulation? This rule is not required by federal law or regulation.

Industry affected by the proposed rule: The rules would impact Fire, Marine & Casualty Insurers, #6331, who write USL&H coverage. This is a small portion of the admitted insurers. Only a few dozen forms and rates were filed with the OIC between 1992-2000. The three insurer representatives on the governing committee are likely more than 10% of the entire total of insurers selling policies.

Parts of the proposed rule that may impose a cost to business: The proposed rules should not impose additional costs on businesses. RCW 48.22.070 allows for commissioner to develop rules to establish a reasonable plan. The plan is to share losses and surpluses. Currently, chapter 284-22 WAC does not mention the possibility of distributions of excess funds back to the plan participants.

The main purpose of the requested rule making is to establish clearer and more efficient rules for assessments from plan participants and to create a mechanism for distributions to plan participants. The proposed WAC 284-22-060 allows for the possibility of returning distributions back to participants in the USL&H assigned risk plan. The timing and amount of distributions are at the discretion of the governing committee but are subject to the approval of the insurance commissioner. This parallels the process for assessments. Assessments remain at the discretion of the governing committee. Greater flexibility for the governing committee is allowed in the proposed rules. Reporting is no longer required annually. Instead, the governing committee will request the information regarding the subject premium for time periods that the committee determines is appropriate. The proposed rules also give the governing committee a procedure to use if an insurer does not report its USL&H premium to the plan in a timely fashion. This will ensure that all participants are properly assessed or receive the appropriate distribution. The proposed rules also create additional flexibility for the governing committee by replacing the minimum \$50 annual premium threshold for assessment with a de minimis standard that will be established by the governing committee for each assessment. This flexibility will give the governing committee the ability to adopt an appropriate standard for each assessment and to maintain an appropriate standard over time. Any person who is aggrieved by any decision of the plan would still have the right to appeal to the commissioner in RCW 48.22.070 and existing WAC 284-22-090.

Compliance costs for the industries affected by the proposed rules: The drafters do not anticipate any costs attributable to the rule beyond the time spent in reading and comprehending the rule. The rules will establish clearer mechanisms to assess insurers.

Percentage of the industries in the four-digit standard industrial classification affected by the rule: The proposed rule would affect 100% of the insurers who write USL&H coverage in Washington.

Proportionality of the economic burden on small businesses: The proposed rule will not impose a disproportionately higher economic burden on smaller carriers. The commissioner does not anticipate any economic burdens due to the rules for any size of carrier or insurer.

Mitigation measures that could be used to reduce the economic impact of the rule on small businesses and still meet the objectives: No additional mitigation to reduce economic costs of the proposed rules appears to be possible or necessary (due to the lack of anticipated costs). The governing committee unanimously requested the rule changes clarification in order to administer the plan more efficiently. It developed the proposed changes after lengthy discussions. It does not appear that this goal can be achieved in any more efficient fashion. The commissioner will continue to discuss the rules and any possible negative impacts on small businesses with any affected parties.

Steps the commissioner will take to reduce the costs of the rule on small businesses: See above.

Mitigation techniques that have been considered and incorporated into the proposed rule: Staff from the OIC participated in the discussions with the governing committee and interested parties as the proposal was developed. As mentioned, the proposed changes were suggested by the governing committee after several years of discussions with affected parties. The governing committee petitioned the commissioner to amend the existing rules. After the petition was made, an affected insurer objected. The CR-101 was not filed until after the objecting insurer consulted with the governing committee and some of the concerns were resolved.

Mitigation techniques that were considered for incorporation into the proposed rule but were rejected: See above.

Briefly describe the reporting, record-keeping, and other compliance requirements of the proposed rule: There are no new record-keeping requirements as a result of this rule. The commissioner already must approve of a requested assessment. The rule allows for the possibility of distributions, which also would have to be approved by the commissioner.

Professional services that may be needed to comply with the requirements of the proposed rule: It is expected that no new professional services will be needed by smaller businesses. There may be some minimal costs associated with reading and comprehending the new rule.

Cost of equipment: There is no anticipated additional cost of equipment.

Cost of supplies: There is no anticipated additional cost of supplies.

Cost of labor: There is no anticipated additional cost of labor.

Cost of increased administration: There is no anticipated additional cost of increased administration.

The proportionality of the cost of compliance for small business and the cost of compliance for the largest business: The cost of compliance should not increase from the present level. The costs are currently proportional and should remain proportional for small businesses. There

should be no proportional differences in costs of equipment, supplies, labor, or administration.

Informing and involving affected businesses: As noted earlier, the proposed amendments were developed over several years of discussions by the governing committee. The governing committee then petitioned the commissioner to amend the existing rules. The prolonged interest and discussion by the governing committee allowed the affected parties a substantial amount of time to learn about the proposed amendments and to discuss the proposal with the governing committee and with staff from the OIC. The commissioner encourages all businesses, and particularly small businesses, to comment upon the proposal either in writing or at the hearing.

The CR-101 was filed on October 18, 2001. The proposal was published in the Washington State Register and was posted on the insurance commissioner's website with contact names and numbers. Affected parties, including smaller insurers, were mailed the CR-101. The CR-101 requested comments and gave agency contact numbers for parties interested in participating in the rule-making process.

Involvement of small business in the development of the proposed rule: See above.

Informing affected small businesses of the proposed rule: See above.

A copy of the statement may be obtained by writing to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, phone (360) 664-3784, fax (360) 586-3109.

RCW 34.05.328 applies to this rule adoption. The rule is a "significant legislative rule" for the purpose of RCW 34.05.328.

Hearing Location: John A. Cherberg Building, Senate Hearing Room 2, Olympia, Washington, on Tuesday, August 20, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lori Villaflores by August 13, 2002, TDD (360) 664-3154, or phone (360) 407-0198.

Submit Written Comments to: Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109, by Monday, August 19, 2002.

Date of Intended Adoption: September 4, 2002.

July 3, 2002

Mike Kriedler

Insurance Commissioner

AMENDATORY SECTION (Amending Order R 93-17, filed 9/24/93, effective 10/25/93)

WAC 284-22-020 Purpose. The purposes of the assigned risk plan are:

(1) To promote a strong and healthy maritime industry, within Washington state, by ensuring the continued availability of workers' compensation coverage required by the United States Longshore and Harbor Workers' Act and maritime employers' liability coverage incidental to such workers' compensation coverage for employers who are unable to purchase it through the normal insurance market.

(2) To provide a mechanism through which the ((underwriting results)) net income or loss of the assigned risk plan ((are)) is shared by authorized insurers writing primary or excess United States Longshore and Harbor Workers' insurance within Washington state and the Washington state industrial insurance fund.

AMENDATORY SECTION (Amending Order R 93-17, filed 9/24/93, effective 10/25/93)

WAC 284-22-050 Definitions. (1) "Administrator" means any organization designated by the assigned risk plan and approved by the commissioner to provide administrative support for the plan. Such support shall be defined by the governing committee in its operating plan. It may include, but is not limited to, acceptance, processing, and distribution of incoming applications to the servicing carrier(s), collection of and accounting for premium income, determination of assigned risk plan reserves, investment of assigned risk plan assets, collection of statistical data, actuarial assistance for rate making, development of policy contracts, and auditing the activities of servicing carrier(s) to ensure that the assigned risk plan's rules are being applied properly.

(2) "Applicant" means an employer, seeking coverage from the assigned risk plan, who has, in good faith, sought United States longshore and harbor workers' coverage from at least two of the authorized insurers writing such coverage in Washington and has been declined such coverage by all insurers from which it has sought coverage. "Applicant" does not include employers seeking coverage through the plan solely because of the lack of availability of maritime employers' liability coverage.

(3) "Authorized insurer" means any insurance company licensed to write workers' compensation insurance on a direct basis in this state.

(4) "Commissioner" means the commissioner of insurance of the state of Washington.

(5) "Governing committee" means the committee responsible for administering the assigned risk plan. It shall consist of thirteen members, who shall be appointed by the commissioner. The director of the department of labor and industries shall be one member. The remaining members shall be selected to insure equal representation of each of the following interest groups; authorized insurers writing primary or excess workers' compensation insurance, insurance producers, organized labor, and maritime employers.

(6) "Maritime employers' liability" means that liability imposed by 46 U.S.C. 688 (the Jones Act) and general maritime law for bodily injury including death of a master or member of the crew of any vessel.

(7) "Servicing carrier" means any authorized insurer designated by the assigned risk plan and approved by the commissioner and the United States Department of Labor to issue workers' compensation policies. It shall issue policies on behalf of the assigned risk plan, provide safety engineering, handle claims incurred by those covered by the assigned risk plan, provide premium audits, perform underwriting functions, and perform other duties as defined by the governing committee in its operating procedures.

(8) "State industrial insurance fund" means that entity defined in RCW 51.08.175 which provides primary workers' compensation insurance on a direct basis in this state.

(9) (~~"Underwriting results" means the assigned risk plan's revenues less incurred claims plus net operating expenses, net of reinsurance, during its period of operation.~~

~~(10))~~ "United States longshore and harbor workers' compensation coverage" means that workers' compensation coverage required of employers by the United States Longshore and Harbor Workers' Compensation Act, 33 U.S.C. Secs. 901 through 950. It is hereinafter referred to as USL&H coverage.

~~((11))~~ (10) "Written premium" means gross direct premiums (excluding premiums on risks written ceded to the assigned risk plan), within the state of Washington, charged during the first preceding calendar year with respect to United States Longshore and Harbor Workers' insurance, less return premiums, dividends paid or credited to policyholders, or the unused or unabsorbed portions of premium deposits.

AMENDATORY SECTION (Amending Order R 93-17, filed 9/24/93, effective 10/25/93)

WAC 284-22-060 Participation. (1) Participation in the assigned risk plan is mandatory for all authorized insurers writing primary or excess United States Longshore and Harbor Workers' Act compensation insurance in Washington state, and for the state industrial insurance fund. (~~Underwriting results shall be shared by the participants in accordance with the following ratio: The state industrial insurance fund, fifty percent; authorized insurers writing such United States Longshore and Harbor Workers' coverage, fifty percent.~~

~~(2) The amount of participation of each authorized insurer shall be based on the proportional share of its United States Longshore and Harbor Workers' compensation premium written within Washington to all such premium written within the appropriate category during the first preceding calendar year. However, the governing committee, subject to the commissioner's approval, and subject to the requirement that the amount assumed by all insurers within each category must be as stated in subsection (1) of this section, has the authority to allocate assessments in such a fashion that no authorized insurer shall be required to participate in the plan if the amount of an assessment shall be less than fifty dollars.~~

~~(3) Each authorized insurer writing United States Longshore and Harbor Workers' insurance shall by September 1 of each calendar year make a report to the governing committee identifying the amount of its written premium in the preceding year applying to United States Longshore and Harbor Workers' coverage and the amount applying to excess workers' compensation coverage.)~~

(2) Any assessments and distributions declared by the governing committee of the plan shall be allocated in accordance with RCW 48.22.070, fifty percent to the industrial insurance fund and fifty percent to the insurer participants as a group. Assessments and distributions shall be allocated amongst the eligible insurer participants according to their relative subject premium volumes as determined by the governing committee, subject to a reasonable de minimus pre-

mium threshold established by the governing committee for each assessment or distribution.

(3) For purposes of assessments and distributions, "subject premium" shall be for each authorized and eligible insurer its primary and excess written premiums for risks in the state of Washington covered under United States Longshore and Harbor Workers' Act compensation insurance, and maritime employer's liability insurance incidental to that workers' compensation insurance, for the relevant time periods as determined by the governing committee. If any insurer fails to provide its subject premium data in an accurate and timely manner upon request by the plan, the governing committee may, in its sole discretion, substitute that insurer's direct written premiums for workers' compensation reported or reportable in its statutory annual statement as statutory page fourteen data for the state of Washington, or the governing committee may, in its sole discretion, substitute a zero amount for that insurer.

(4) Timing and amount of assessments and distributions shall be at the discretion of the governing committee, subject to the commissioner's approval. Assessments shall be based upon a demonstrable need to obtain additional funds to safeguard the operations of the plan in a financially sound and responsible manner, including, but not limited to, fully funding all of the plan's current and long term financial obligations. The governing committee may request approval for distributions to plan participants from time to time, of surpluses incurred which exceed amounts deemed necessary by the governing committee to safeguard the operations of the plan in a financially sound and responsible manner, including, but not limited to, fully funding all of the plan's current and long term financial obligations. Notwithstanding any prior distributions which may have been approved or directed by the commissioner, if the plan has been terminated by the legislature, then the plan shall be required to distribute, in accordance with RCW 48.22.070, any surplus of funds after payment or provision for payment of all of the plan's liabilities.

AMENDATORY SECTION (Amending Order R 92-12, filed 9/16/92, effective 10/17/92)

WAC 284-22-080 Approval by commissioner. (1) The commissioner shall approve the assigned risk plan's operating procedures if they provide for the fair, reasonable, and equitable administration of the assigned risk plan for all concerned.

(2) The commissioner shall approve rate and form filings made by the servicing carrier(s) on behalf of the plan using the same standards that would apply to an insurance program designed and filed with the commissioner by an authorized insurer.

(3) The commissioner shall approve the assigned risk plan's requests for interim and regular assessments, and requests for distributions from time to time, upon receipt of evidence that such assessments are necessary (~~(to insure its)~~), or such distributions are prudent, and that such assessments or distributions ensure the plan's continued operation in a sound and competent manner.

WSR 02-14-155
PROPOSED RULES
OFFICE OF THE
INSURANCE COMMISSIONER

[Filed July 3, 2002, 10:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-22-009.

Title of Rule: Unfair practices regarding use of credit information in insurance.

Purpose: The proposed rules implement chapter 360, Laws of 2002, and restrict the use of credit history in insurance.

Other Identifying Information: Insurance Commissioner No. R 2001-11.

Statutory Authority for Adoption: RCW 48.02.060, 48.18.100, 48.18.120, 48.19.080, 48.19.370, 48.30.010, 49.60.178, and sections 1 and 2, chapter 360, Laws of 2002.

Statute Being Implemented: RCW 48.18.100, 48.18.120, 48.18.290, 48.18.2901, 48.18.291, 48.18.292, 48.18.480, 48.18.540, 48.19.020, 48.19.030, 48.19.040, 48.19.080, 48.19.370, 48.30.010, 48.30.300, 48.30.320, 49.60.010, 49.60.030, 49.60.178, 49.60.220, and sections 1 and 2, chapter 360, Laws of 2002.

Summary: The proposed rules provide filing information regarding credit scoring models and their use. They provide a mechanism for protecting confidential and proprietary information.

Reasons Supporting Proposal: The proposed rules implement chapter 360, Laws of 2002. They protect consumers and instruct industry on how to file the information needed to determine if rates comply with the new law and chapter 48.09 RCW.

Name of Agency Personnel Responsible for Drafting: Lisa Smego, Tumwater, Washington, (360) 586-3110; Implementation: Beth Berendt, Tumwater, Washington, (360) 664-4627; and Enforcement: Carol Sureau, Tumwater, Washington, (360) 586-1189.

Name of Proponent: Mike Kriedler, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules implement chapter 360, Laws of 2002. The new law restricts the use of credit history in underwriting and in rating. The purpose of the proposed rules is to establish a clear and efficient mechanism to implement the new law. Below is a brief overview of each proposed WAC section.

Proposed WAC 284-24A-001 is the purpose of the proposed rules.

Proposed WAC 284-24A-005 provides definitions for the new chapter.

Proposed WAC 284-24A-010 requires the insurer to inform the consumer of the four most significant factors that led the insurer to take an adverse action. The insurer's explanation must be in clear and simple language.

Proposed WAC 284-24A-015 establishes the timeframe for filing insurance scoring models. The use of credit history

in underwriting has a different effective date than the use of credit history in rate making. The proposed rule reflects the different effective dates in the timeframes for filing.

Proposed WAC 284-24A-020 establishes how to file the insurance scoring model.

Proposed WAC 284-24A-025 allows the filing of models by vendors. Insurers may use a model filed by a vendor and accepted by the commissioner by submitting without filing the entire model. The insurer can reference the model.

Proposed WAC 284-24A-030 allows for the protection of confidential and proprietary information.

Proposed WAC 284-24A-035 informs the insurers of what the scope of review will be when the commissioner reviews the filed models.

Proposed WAC 284-24A-040 states what action the commissioner will take if a model does not comply with Washington law.

Proposed WAC 284-24A-045 advises insurers how they can show illustrate that their rates are not excessive, inadequate or unfairly discriminatory.

Proposed WAC 284-24A-050 instructs insurers what information must be included in a multivariate rate analysis.

Proposed WAC 284-24A-055 informs insurers of what actuarial information should be submitted with their model or rate filing.

Proposed WAC 284-24A-065 provides some questions and answers that the commissioner believes may be useful to insurers in complying with the rules and law.

Proposed WAC 284-24A-070 provides an effective date.

Proposal does not change existing rules. The proposed rules would be a new chapter in Title 284 WAC.

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

Small Business Economic Impact Statement

Background: The use of credit history in insurance underwriting and rating has been the subject of increasing discussions and consumer complaints across the United States. Credit scoring has been used in consumer lending since the 1980s to assist in predicting whether a borrower would pay back a loan. Since the mid-1990s, insurers have begun to incorporate the use of credit history (by calculating an "insurance score") in personal lines (auto and homeowners) insurance underwriting. Insurers believe that poor credit history may reflect careless behavior that increases the chance of loss. Insurers also cite a correlation between low credit-based insurance scores and higher loss ratios. As a consequence, insurers believe that the use of credit information aids the insureds who have good credit. Most of the personal lines insurers in Washington now use some type of credit information for rating or underwriting purposes.

Consumer groups generally oppose the use of credit history in insurance rating or underwriting. They believe that data in credit reports are often inaccurate and consumers find it very difficult to correct the information. Many consumer groups allege that use of credit history in insurance underwriting may be a proxy for "redlining" - which is an illegal method of underwriting insurance. "Redlining" is a term for outlining a geographic area on a map and not selling insur-

ance in that area. Historically it was used to avoid selling insurance in high crime areas - which typically had a higher proportion of low-income and minority residents.

The subject was first mentioned in Washington's regulation of insurance with the issuance of Bulletin 96-2 in August of 1996. The bulletin addressed the subject of consumer complaints regarding a lack of information about why they were cancelled, nonrenewed or denied insurance. The bulletin restated WAC 284-30-570 and noted that insurers had to provide the "true and actual reason" for their action, including actions based on credit information. Because the information might be incorrect, the insurer must be specific about the information and its use. The bulletin stated that it "is not sufficient for an insurer to merely state that the reason for nonrenewal is a poor credit report. The insurer must refer clearly to the content of the credit report on which it is relying, and state the reasoning to support the adverse decision, or the specific underwriting criteria that are not being met."

Use of credit information increased since 1996, as have the concerns about the use. As insurers increase the use of using credit scoring, more insurance regulators have begun to respond. States across the nation have developed new rules and proposed legislation on this subject. The National Association of Insurance Commissioners (NAIC) is interested in the subject. A white paper was developed in the mid to late 1990s and development of a standard law and/or rule remains the subject of discussion. In December of 2001, a workgroup was formed to study the issues and develop regulatory options.

On October 11, 2001, a CR-101 was filed announcing the agency's intent to begin rule making in this area. The CR-101 was mailed to affected parties and posted on the agency website. On November 6, 2001, Commissioner Kreidler issued T 01-02, a technical assistance advisory (TAA) which described the types of information needed to evaluate personal lines rates. The TAA required a multivariate statistical analysis of all rating factors in light of the insurer's plan for tier rating or rating by credit history. The purpose of the TAA was to ensure the commissioner received timely and complete information about use of credit-related rates, rate tiers, or rate factors and their relation to other rate factors that the insurer may already have in place. With this information, the commissioner could thoroughly and expeditiously review the proposed rates and determine whether or not the proposal complied with chapter 48.19 RCW.

The legislature considered the subject of insurance scoring in the 2002 session and adopted ESHB 2544 (chapter 360, Laws of 2002). The legislation restricted the use of credit history in underwriting and rate making. During the session, the commissioner and his staff had many discussions with industry and interested parties about potential rules and legislation. Since the adoption of the legislation, those conversations have continued and focused on implementation of the newly adopted law.

Is the rule required by federal law or federal regulation? This rule is not required by federal law or regulation.

Industry affected by the proposed rule. The rules would impact Fire, Marine & Casualty Insurers, #6331.

Parts of the proposed rule that may impose a cost to business. The new law restricts the use of credit history to deny, cancel, or nonrenew an insurance policy (section 1, chapter 360, Laws of 2002). The law prevents the use of certain credit factors. The law also prevents insurers from using credit history to determine personal rates, premiums, or eligibility for coverage unless the insurance scoring model is filed with the commissioner (section 1, chapter 360, Laws of 2002). The law also prohibits certain types of information from being used to calculate insurance scores.

The purpose of the proposed rules is to establish a clear and efficient mechanism to implement the new law. The requirements and restrictions are imposed by the law; ensuring compliance and implementing the law is the purpose of the rule making. Below is an overview of each proposed WAC section.

Proposed WAC 284-24A-001 is the purpose of the proposed rules.

Proposed WAC 284-24A-005 provides definitions for the new chapter.

Proposed WAC 284-24A-010 requires the insurer to inform the consumer of the four most significant factors that led the insurer to take an adverse action. The insurer's explanation must be in clear and simple language. The requirement to inform the consumer about the significant factors when an adverse action is taken is in section 1, chapter 360, Laws of 2002.

Proposed WAC 284-24A-015 establishes the timeframe for filing insurance scoring models. The filing of the model (if a model is to be used) is required in section 2, chapter 360, Laws of 2002. The use of credit history in underwriting has a different effective date than the use of credit history in rate making. The proposed rule reflects the different effective dates in the timeframes for filing.

Proposed WAC 284-24A-020 establishes how to file the insurance scoring model.

Proposed WAC 284-24A-025 allows the filing of models by vendors. Insurers may use a model filed by a vendor and accepted by the commissioner by submitting without filing the entire model. The insurer can reference the model.

Proposed WAC 284-24A-030 allows for the protection of confidential and proprietary information.

Proposed WAC 284-24A-035 informs the insurers of what the scope of review will be when the commissioner reviews the filed models.

Proposed WAC 284-24A-040 states what action the commissioner will take if a model does not comply with Washington law.

Proposed WAC 284-24A-045 advises insurers how they can show illustrate that their rates are not excessive, inadequate or unfairly discriminatory.

Proposed WAC 284-24A-050 instructs insurers what information must be included in a multivariate rate analysis.

Proposed WAC 284-24A-055 informs insurers of what actuarial information should be submitted with their model or rate filing.

Proposed WAC 284-24A-065 provides some questions and answers that the commissioner believes may be useful to insurers in complying with the rules and law.

Proposed WAC 284-24A-070 provides an effective date. As noted earlier, the law has two different effective dates. This section parallels the dates in the law.

Compliance costs for the industries affected by the proposed rules: The drafters do not anticipate any costs directly attributable to the rule beyond the time spent in reading and comprehending the rule.

Percentage of the industries in the four-digit standard industrial classification affected by the rule: The adopted law and proposed rule will affect 100% of the personal lines insurers who choose to use credit history in underwriting or rating. As noted, most if not all insurers are using credit history in some fashion.

Mitigation measures that could be used to reduce the economic impact of the rule on small businesses and still meet the objectives: No mitigation appears to be possible or necessary (due to the lack of anticipated costs). As noted earlier, the commissioner and staff have been discussing these issues with industry and interested parties for many months. Proposed concepts and language has been exposed for comments and suggestions in an attempt to mitigate costs, improve the ease of filing, and reduce the time for approval. The commissioner will continue to be receptive to suggestions that will allow the rule to be administered more efficiently while meeting the objectives of the regulation.

Steps the commissioner will take to reduce the costs of the rule on small businesses: The commissioner does not believe that there are any property and casualty insurers that operate in Washington that employ fewer than fifty employees. However, the commissioner is interested in reducing the costs for all business, especially smaller businesses. The commissioner welcomes any new suggestions that could lessen any economic impacts that are attributable to the rules.

Mitigation techniques that have been considered and incorporated into the proposed rule: The commissioner and his staff have had numerous discussions with industry and interested parties as the proposal was developed. The proposal has been through several drafts as changes to clarify and mitigate potential costs have been made. The commissioner would like to thank the industry and interested parties for providing timely and useful comments and suggestions throughout this process. Clearer, more efficient regulation benefits the consumer, industry, and the regulator.

Examples of mitigatory changes that have been made include:

Proposed WAC 284-24A-005 has been refined to eliminate some unnecessary or inconsistent definitions.

Proposed WAC 284-24A-010(1) was clarified and limited. The proposed rule requires insurers to inform the consumer of the four most significant credit factors that led the insurer to take the adverse action. The previous language was "any" - insurers felt this went beyond the scope for their knowledge and ability to comply. Insurers also wondered if the language implied that they should counsel the insured on how to improve. The language was refined and should enable the insurer to pass along the "true and actual" reason for the adverse action without having to develop new information or provide any sort of counseling. The information

will allow consumers to understand why the action was taken. This will give the insured the ability to determine if information was correct or what they can do to avoid adverse actions in the future.

Proposed WAC 284-24A-025 allows for the filing of models by vendors. The insurer may never need to file a model. It may be able to refer to the accepted model filed by the vendor. This will save administrative time and money.

Proposed WAC 284-24A-035(2) "discrimination" was qualified to become "unfair discrimination." This is an insurance phrase and helps clarify the rule and its scope.

Proposed WAC 284-24A-050 limits the number of factors for which an insurer must perform a multivariate analysis. This will reduce the costs of compliance as compared to the requirements of T 01-02. T 01-02 requires an unlimited number of factors for the multivariate analysis.

Mitigation techniques that were considered for incorporation into the proposed rule but were rejected: The use of a multivariate analysis has been the subject of some discussion. Some members of industry have suggested that the analysis may be difficult to complete. The commissioner believes that a multivariate analysis is necessary to ensure that credit and other rating factors are not being accounted for in the rating tiers, classifications, factors, or plans. As mentioned in the background, the commissioner issued T 01-02, a technical assistance advisory on this subject in November of 2001. The new law allows for the use of some credit history factors in rating and underwriting. The use of the credit history must be supportable by a sound statistical analysis. Without such an analysis, it is not possible for [the] commissioner to determine if the rates are in compliance with chapter 48.19 RCW and chapter 360, Laws of 2002.

The concept that the proposed rates must be justified and supported statistically is not new. It is a necessary part of rate regulation. Without the ability to look at the impact of the rating factors and ensure that proposed tiering or factoring is not duplicative, or result in rates or premium that is unfairly discriminatory, excessive, or inadequate, the requirements of the underlying law and chapter 48.19 RCW cannot be met.

Reporting, record-keeping, and other compliance requirements of the proposed rule: There are no new reporting or record-keeping requirements as a result of this rule. The law requires the filing of the scoring model if an insurer wants to use a model.

Professional services that may be needed to comply with the requirements of the proposed rule: There may be some professional services [that] will be needed by businesses to develop the multivariate rate analysis. As noted earlier, this was the subject of a technical assistance advisory (T 01-02) issued in November of 2001 and an expected component in filings using credit history since March of 2002. The proposed rule codifies the concept set forth in that TAA. RCW 48.19.020 requires that the filing "must be accompanied by sufficient information to permit the commissioner to determine whether it meets the requirements of this chapter." As noted, the commissioner believes that the multivariate rate analysis is necessary to make that determination. The commissioner has attempted [to] allow compliance with that requirement in the most efficient manner.

Cost of equipment: There is no anticipated additional cost of equipment.

Cost of supplies: There is no anticipated additional cost of supplies.

Cost of labor and increased administration: There may be some additional costs of increased labor and administration. The commissioner has attempted to mitigate or eliminate as many of those costs as possible (see the section addressing mitigation techniques that were incorporated into the rule). Much, if not all of the remaining costs are due to the new law, not the proposed rules. The law requires the filing, restricts the use of certain information.

The proportionality of the cost of compliance: The cost of compliance should be proportional for smaller businesses. The use of credit history is not required or prohibited. The complexity of a model and the weighting of the allowable factors is up to the insurer to decide. There is no connection between the type of model and the size of an insurer. Smaller insurers may choose to use more standardized models and let the vendors file them to achieve some possible savings. The more complex and unique a proposed insurance scoring rating plan is, the more documentation may be needed by [the] commissioner to review the proposal. The insurer must be able to support the filing with documentation to allow the commissioner to determine if the filing complies with chapter 48.19 RCW. The rule does not require or impose any disproportionate differences in costs of equipment, supplies, labor, or administration.

Informing and involving affected businesses: The CR-101 was filed on October 11, 2001. The proposal was published in the Washington State Register and was posted on the insurance commissioner's website with contact names and numbers. Affected parties, including smaller insurers, were mailed the CR-101. The CR-101 requested comments and gave agency contact numbers for parties interested in participating in the rule-making process. The commissioner also held a series of public meetings throughout the state to raise awareness and to discuss the subject with consumers, insurers, and interested parties.

The use of credit history was a prominent topic in the 2002 legislative session and the commissioner discussed the proposed legislation and their possible impacts with industry and interested parties throughout the session. Since the adoption of session, staff and the commissioner have had numerous meetings and discussions with insurers and interested parties, including credit rating organizations. As potential issues and language has crystallized, the commissioner has shared the drafts and asked for comments and suggestions. After numerous drafts and discussions, the commissioner is proposing the draft rules. The commissioner continues to encourage comments from insurers and any interested parties on the proposal.

Informing and involving small business in the development of the proposed rule: See above.

A copy of the statement may be obtained by writing to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, phone (360) 664-3784, fax (360) 586-3109.

RCW 34.05.328 applies to this rule adoption. This is a "significant legislative rule" for the purpose of RCW 34.05.328.

Hearing Location: John A. Cherberg Building, Senate Hearing Room 2, Olympia, Washington, on Wednesday, August 7, 2002, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Lori Villaflores by August 1, 2002, TDD (360) 664-3154, or phone (360) 407-0198.

Submit Written Comments to: Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109, by 5 p.m. on August 6, 2002.

Date of Intended Adoption: August 21, 2002.

July 3, 2002

Mike Kreidler

Insurance Commissioner

Chapter 284-24A WAC

RULES THAT APPLY TO INSURERS THAT USE CREDIT HISTORY FOR PERSONAL INSURANCE UNDERWRITING OR RATING

NEW SECTION

WAC 284-24A-001 What is the purpose of this regulation? These rules describe the standards that apply to insurers that use underwriting criteria or rating plans for personal insurance based on credit history. The rules have been adopted under the authority and purposes of the following laws: RCW 48.02.060; chapters 48.18; 48.19; and 48.30 RCW.

NEW SECTION

WAC 284-24A-005 What definitions are important to this rule? "Demographic factors" means:

- Age of the insured;
- Sex of the insured;
- The county in which the insured lives; and
- The zip code assigned to the insured's primary home address.

"Premium" means the same as RCW 49.18.170.

"Rate" means the cost of insurance per exposure unit.

"Rating factor" means a number used to calculate premium.

"Risk classification plan" means a plan to formulate different premiums for the same coverage based on group characteristics.

"Significant factor" means an important element of a consumer's credit report. Examples of significant factors include:

- Bankruptcies, judgments, and liens;
- Delinquent accounts;
- Accounts in collection;
- Payment history;
- Outstanding debt;

- Length of credit history; and
- Number of credit accounts.

"**Substantive underwriting factor**" means a factor that is very important to an underwriting decision. Examples of substantive underwriting factors include:

- History of filing claims;
- History of moving violations or accidents;
- History of driving uninsured;
- Type of performance for which a vehicle is designed;

and

- Maintenance of a structure to be insured.

"**Vehicle**" means any motorized vehicle that can be insured under a private passenger auto insurance policy.

NEW SECTION

WAC 284-24A-010 What must I tell a consumer when I take an adverse action? (1) An insurer must tell a consumer about the four most significant factors that led the insurer to take an adverse action. The purpose is to help the consumer understand how he or she can improve his or her credit history and get a better insurance score.

(2) Insurers must explain what significant factors led to an adverse action in clear and simple language.

NEW SECTION

WAC 284-24A-015 When must I file the insurance scoring model to comply with the law? (1) Every insurer that uses an insurance scoring model to underwrite personal insurance coverage must file the model with the commissioner before January 1, 2003.

(2) Every insurer that uses an insurance scoring model to determine personal insurance rates or premiums must file the model with the commissioner before June 30, 2003. Related rates, risk classification plans, rating factors and rating plans must be filed and approved by June 30, 2003.

NEW SECTION

WAC 284-24A-020 How do I file an insurance scoring model? (1) Insurance scoring models must be filed separately. The model must not be filed with any rate or rule filing.

(2) The insurance scoring model must be filed with the current transmittal form accepted by the commissioner. A copy is available at <http://www.insurance.wa.gov/> or by contacting the rates and forms division.

NEW SECTION

WAC 284-24A-025 Will the commissioner accept filings by model vendors? (1) We will allow vendors to file insurance scoring models.

(2) Insurers may use models filed by vendors after the commissioner determines the model complies with Washington state laws.

(3) An insurer may use a model that has been filed by a vendor and accepted by the commissioner if the insurer:

- (a) Submits a transmittal form; and
- (b) A cover letter that:
 - (i) References the vendor that filed the model;
 - (ii) References the filing number used by the vendor; and
 - (iii) Proposes an effective date for the insurer's use of the model.

NEW SECTION

WAC 284-24A-030 How will I know my insurance scoring model will remain confidential and proprietary? The transmittal form has a box you may check if you want the model to remain confidential.

(1) If you check "yes," the model will be withheld from public inspection.

(2) If you check "no," the model will be available for public inspection.

NEW SECTION

WAC 284-24A-035 What will the commissioner do with the insurance scoring model after he or she receives it? Actuarial analysts will review the model to determine whether it complies with Title 48 RCW. The scope of the review will include whether the model includes:

- (1) Any prohibited factors; and
- (2) Attributes that may result in unfair discrimination.

NEW SECTION

WAC 284-24A-040 What action will the commissioner take if a model does not comply with Washington law? The commissioner will:

- (1) Notify the insurer or vendor that the model does not comply with Washington law;
- (2) State the reasons why the model does not comply with Washington law;
- (3) Offer the insurer or vendor sixty days to revise the model to resolve the issue(s) outlined in subsection (2) of this section; and
- (4) Provide a specific date when the model may no longer be used in Washington if the model has not been revised to resolve the issue(s).

NEW SECTION

WAC 284-24A-045 If I use credit history to segment personal insurance business for rating purposes, how can I show that my rating plan results in premium rates that are not excessive, inadequate, or unfairly discriminatory? If an insurer uses credit history to segment personal insurance business for rating purposes, the insurer must:

- (1) Submit a multivariate analysis with its initial filing to comply with this law.
- (2) Submit a multivariate analysis any time it uses credit history to revise a risk classification plan, rating factor, rating plan, rating tier, or base rates.

NEW SECTION

WAC 284-24A-050 What types of information must I include in a multivariate analysis? (1) A multivariate statistical analysis must evaluate the rating factors listed below (if applicable to the rating plan, and to the extent that data are credible):

(a) For homeowners, dwelling property, earthquake, and personal inland marine insurance:

- (i) Credit history;
- (ii) Territory and/or location;
- (iii) Protection class;
- (iv) Amount of insurance;
- (v) Surcharges or discounts based on loss history;
- (vi) Number of family units; and
- (vii) Policy form relativity.

(b) For private passenger automobile, personal liability and theft, and mechanical breakdown insurance:

- (i) Credit history;
- (ii) Driver class;
- (iii) Multicar discount;
- (iv) Territory;
- (v) Vehicle use;
- (vi) Rating factors related to driving record; and
- (vii) Surcharges or discounts based on loss history.

(2) Provide a general description of the model used to perform the multivariate analysis, including the:

- (a) Formulas the model uses;
- (b) Rating factors that are included in the modeling process; and
- (c) Output from the model, such as indicated rates or rating factors.

(3) Show how the proposed rates or rating factors are related to the multivariate analysis.

NEW SECTION

WAC 284-24A-055 Should I submit actuarial data based on demographic factors with my model or with a rate filing? (1) Insurers should not submit actuarial data based on demographic factors with their credit scoring model.

(2) Insurers must submit actuarial data based on demographic factors to support any difference in rates or premiums based on:

- (a) "No hit," which means the absence of credit history;

or

(b) "No score," which means the inability to determine the consumer's credit history.

- (3) The actuarial data must include:

(a) Loss history for an experience period acceptable to the commissioner. The length of the experience period will be determined by the amount of data available to the insurer.

(b) Earned exposures.

(c) Earned premiums.

(d) An analysis of the credibility of the data. •

(4) The actuarial data must be segmented by:

(a) Demographic factors;

(b) "No hit"; and

(c) "No score."

(5) The actuarial data must show that the proposed rates, rating factors, rating rules, or risk classification plans relating to "no hit" and "no score" comply with RCW 48.19.020.

(6) These filings are subject to prior approval by the commissioner under the provisions of RCW 48.19.040.

NEW SECTION

WAC 284-24A-065 Questions and answers. We use insurance scoring bands (a range of scores) to determine what to charge a customer's based on their personal insurance score. Do I have to file our insurance scoring bands? Yes. If an insurer uses insurance scoring bands for rating purposes, the insurer must file them (and any future changes to those bands). The bands are part of the rating plan and must be supported by actuarial analysis.

What types of data can I use to support a credit-based rating plan? A credit-based rating plan must be based on the experience of the insurer or an affiliated insurer under the same management. The commissioner will accept data from other states where comparable credit-based rating plans are in effect.

The law says an insurer cannot use the number of credit inquiries to set rates or to deny insurance. Can I consider the amount of time since the most recent inquiry? Yes. The law prohibits an insurer from considering the number of credit-seeking or promotional inquiries. It does not prohibit you from considering the length of time since the most recent inquiry about a consumer's credit rating.

The law says an insurer cannot use collections identified with a medical industry code to set rates or to deny insurance. Not all credit vendors provide industry codes for collection accounts. Would a search of medical references in a text field be in compliance with the statute? Yes. You are expected to review the credit records and eliminate collections identified with a medical industry code. If medical history is not coded or identified, you are not required to perform additional research.

The law says an insurer cannot use the initial purchase or finance of a vehicle or house that adds a new loan to the consumer's existing credit history to set rates or to deny insurance. Can I use the number of such loans and/or the outstanding balance of such loans?

- You may not use the initial purchase of a home or vehicle to affect eligibility for insurance or insurance premiums. The initial purchase is the first loan taken out to buy a home or vehicle.

- You may evaluate any subsequent borrowing by a consumer.

The law says an insurer cannot use the total available line of credit to set rates or to deny insurance. Can I use number of credit lines with limits over a set amount?

- The law prohibits use of data related to the consumer's total available line of credit. Any attribute that evaluates the total amount of credit available to a consumer is prohibited.

- You may use the debt/credit ratio or other ratios that consider the actual debt load. The law does not restrict use of

ratios that determine whether an insured is over-extended due to actual debt.

NEW SECTION

WAC 284-24A-070 What is the effective date of this rule? The law has two effective dates, and this rule follows the effective dates included in the law.

(1) WAC 284-24A-010, 284-24A-015(2), and related definitions, questions and answers apply to all policies issued or renewed after January 1, 2003.

(2) The remainder of this regulation applies to all policies issued or renewed on or after June 30, 2003.

WSR 02-14-157
PROPOSED RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Filed July 3, 2002, 11:40 a.m.]

Supplemental Notice to WSR 02-03-111.

Preproposal statement of inquiry was filed as WSR 01-10-068.

Title of Rule: Residential use of state-owned aquatic lands.

Purpose: The proposed rules clarify the department's proprietary management responsibilities and objectives regarding residential uses (floating houses and vessels used as residences) on state-owned aquatic lands.

Statutory Authority for Adoption: RCW 79.90.080.

Statute Being Implemented: Chapter 79.90 RCW.

Summary: The proposed rules define residential uses on state-owned aquatic lands; clarify the "grandfathering" of house boats; and clarify other management issues regarding residential uses, including waste disposal and open water moorage.

Reasons Supporting Proposal: Many management issues regarding residential uses are currently not addressed in either statute or rule. The new rules will provide much needed clarity for both staff and the public about the department's management of residential uses on state-owned aquatic lands.

Name of Agency Personnel Responsible for Drafting: Kristin Swenddal, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-1124; Implementation and Enforcement: Loren Stern, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-1100.

Name of Proponent: Department of Natural Resources, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules define residential use of a floating structure; clarify the water-oriented "grandfathering" of house boats under RCW 79.90.465(2); set percent limits on residential uses in marinas and other moorage facilities; clarify requirements for sewage and waste disposal from residential uses; prohibit open water moorage and anchorage of res-

idential uses except in designated areas; allow vessel[s] used as residences in harbor areas; and provide for substantial local government discretion regarding residential uses. The new rules will provide much needed clarity for both staff and the public about the department's management of residential uses on state-owned aquatic lands.

Proposal Changes the Following Existing Rules: Many management issues regarding residential uses currently not addressed in statute or rule will now be addressed; the definition of floating houses (e.g. house boats) is updated; vessels used for residential uses will now be allowed in harbor areas.

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

Small Business Economic Impact Statement

Executive Summary: New rules on residential use were first released along with an accompanying small business economic impact statement (SBEIS) to the public on February 6, 2002. The Department of Natural Resources (department) held four public meetings on the new rules and received numerous public comments both at these meetings and in writing. On March 15, 2002, the public comment period on the new rules closed. Based on the comments the department revised [received] the department revised the new rules. The proposed revised new rules incorporating these changes were released in July of 2002. This SBEIS was revised to reflect the changes made in the rules.

The Department of Natural Resources prepared an SBEIS as required by RCW 19.85.030 to analyze the costs of compliance with its proposed new rules on small and large for-profit marina businesses (referred to in the SBEIS as "marina businesses").

Requirements of Proposed Rules:

1. The proposed rules define floating house and residential use.
2. The proposed rules provide clarification of grandfathered and nongrandfathered floating houses.
3. The proposed rules will limit the proportion of residential slips (vessels used as residences and floating houses) to 10% unless otherwise specified by local government.
4. The proposed rules prohibit residential uses in open waters, except in areas under lease to local government.
5. The proposed rules require verification by marina businesses of upland disposal of treated and untreated sewage from residential slips on state-owned aquatic lands.
6. Marinas are required to develop and implement best management practices to avoid or minimize discharge of gray water into waters above state-owned aquatic land.

The primary businesses affected by the rules are marina businesses that lease state-owned aquatic lands for use as residential slips. A total of one hundred seventy-two marina businesses that lease state-owned aquatic lands may be affected. To collect information on the potential cost of the proposed rule, the department sent questionnaires to all marinas that lease state-owned aquatic lands. To follow up, the department conducted telephone interviews with the marina businesses that indicated they had residential use, to gather additional information and to clarify any questions about the information provided on the questionnaire. A telephone sam-

pling of marina businesses that did not return the questionnaire was conducted to determine if they have residential use and if so, if they would be impacted by the 10% limit.

Based on the information collected in the returned questionnaires and follow-up telephone survey, the total estimated cost of the proposed new rules for for-profit marina businesses, when fully implemented, was made up of three parts: The cost of the 10% limit on residential use (\$285,066.81 per year); the cost of the floating houses grandfathering restrictions (\$8,325.00 per year); and the cost of reporting to verify upland disposal of waste (\$11,460.96 per year). The total estimated cost of the proposed rules is \$304,852.77 per year, or an average of \$1,772.40 per year per affected marina.

The cost shown above will not be realized until the rules are fully implemented. The major parts of the rules will not impact existing leases and will only take effect when the department enters into a new lease. The average lease with residential use expires in seven years. In addition, at the time the department enters into a new agreement for existing leased area, the 10% limit on residential use will be reached by attrition.

Only two of the for-profit marina businesses indicated that they had more than fifty employees. These two businesses indicated that they had vessels used as residences on state-owned aquatic lands, but neither was above the 10% limit.

The department has provided several mitigation efforts in the proposed rule.

1. Residents within a marina that exceed the limit when the department enters into a new agreement for lease of the area will be allowed to stay, as long as they meet all other applicable requirements. No new residential use will be allowed until the limit is reached by attrition.

2. Slips that otherwise would have been occupied as residences would be available for recreational moorage.

3. If a marina (or the portion of it on state-owned aquatic lands) is small enough so that even one residential use would put it over the percent limit, the proposed rules allow for one residential use.

4. Local governments have the ability to set the percent limit on residential uses, from 0% to 100%.

5. If the local government sets a percent limit, the limit would apply to both the state and privately owned aquatic lands as a whole and marina businesses could have more than 10% on the state-owned aquatic lands portion of their marina as long as the total does not exceed the limit set by local government.

6. The cost of verifying upland disposal of waste from residential slips on state-owned aquatic lands is mitigated by explicitly allowing for maximum flexibility in how this can be accomplished.

For a copy of the full text of the SBEIS contact Kristin Swenddal, Policy Unit Supervisor, Aquatic Resources Division, Washington State Department of Natural Resources, 1111 Washington Street S.E., P.O. Box 47027, Olympia, WA 98504-7027, phone (360) 902-1124, fax (360) 902-1786, e-mail kristin.swenddal@wadnr.gov.

A copy of the statement may be obtained by writing to Phil Aust, Department of Natural Resources, 1111 Washington Street S.E., Olympia, WA 98504, phil.aust@wadnr.gov, phone (360) 902-1031, fax (360) 902-1786.

RCW 34.05.328 applies to this rule adoption. This is a significant legislative rule.

Hearing Location: Olympia, 80 people, at the Natural Resources Building, Room 172 1st Floor, 1111 Washington Street S.E., Olympia, WA 98504, on August 12, 2002, Monday. Contact Tommy Duerr, (360) 902-1160; and Friday Harbor, 50 people, at Skagit Valley College, San Juan Center, Room A, 221 Weber Way, Friday Harbor, WA 98250, on August 13, 2002, Tuesday. Contact Kathy, (360) 378-3220. Bob's Taxi, (360) 378-6777.

Assistance for Persons with Disabilities: Contact Sara Murphy by August 10, 2002 (or one day before each hearing), TDD (360) 902-1125, or (360) 902-1589.

Submit Written Comments to: Kristin Swenddal, 1111 Washington Street S.E., Olympia, WA 98504, Kristin.swenddal@wadnr.gov, fax (360) 902-1786, by August 20, 2002.

Date of Intended Adoption: September 3, 2002.

July 3, 2002

Doug Sutherland

Commissioner of Public Lands

AMENDATORY SECTION (Amending Order 580, filed 11/5/91, effective 12/6/91)

WAC 332-30-106 Definitions. All definitions in this section shall apply to the department and to port districts managing aquatic lands under a management agreement (WAC 332-30-114). For the purpose of this chapter:

(1) "Accretion" means the natural buildup of shoreline through the gradual deposit of alluvium. The general principle of common law applicable is that a riparian or littoral owner gains by accretion and reliction, and loses by erosion. Boundary lines generally will change with accretion.

(2) "Alluvium" means material deposited by water on the bed or shores.

(3) "Anniversary date" means the month and day of the start date of an authorization instrument unless otherwise specified in the instrument.

(4) "Aquaculture" means the culture and/or farming of food fish, shellfish, and other aquatic plants and animals in fresh water, brackish water or salt water areas. Aquaculture practices may include but are not limited to hatching, seeding or planting, cultivating, feeding, raising, harvesting of planted crops or of natural crops so as to maintain an optimum yield, and processing of aquatic plants or animals.

(5) "Aquatic lands" means all state-owned tidelands, shorelands, harbor areas, and the beds of navigable waters (RCW 79.90.010). Aquatic lands are part of the public lands of the state of Washington (see subsection (49) of this section). Included in aquatic lands are public places subsection (51) of this section, waterways subsection (74) of this section, bar islands, avulsively abandoned beds and channels of navigable bodies of water, managed by the department of nat-

ural resources directly, or indirectly through management agreements with other governmental entities.

(6) "Aquatic land use classes" means classes of uses of tideland, shorelands and beds of navigable waters that display varying degrees of water dependency. See WAC 332-30-121.

(7) "Authorization instrument" means a lease, material purchase, easement, permit, or other document authorizing use of state-owned aquatic lands and/or materials.

(8) "Avulsion" means a sudden and perceptible change in the shoreline of a body of water. Generally no change in boundary lines occurs.

(9) "Beds of navigable waters" means those submerged lands lying waterward of the line of extreme low tide in navigable tidal waters and waterward of the line of navigability in navigable lakes, rivers and streams. The term, "bedlands" means beds of navigable waters.

(10) "Commerce" means the exchange or buying and selling of goods and services. As it applies to aquatic land, commerce usually involves transport and a land/water interface.

(11) "Covered moorage" means slips and mooring floats that are covered by a single roof with no dividing walls.

(12) "Department" means the department of natural resources.

(13) "Dredging" means enlarging or cleaning out a river channel, harbor, etc.

(14) "Educational reserves" means accessible areas of aquatic lands typical of selected habitat types which are suitable for educational projects.

(15) "Enclosed moorage" means moorage that has completely enclosed roof, side and end walls similar to a car garage i.e. boathouse.

(16) "Environmental reserves" means areas of environmental importance, sites established for the continuance of environmental baseline monitoring, and/or areas of historical, geological or biological interest requiring special protective management.

(17) "Erosion" means the gradual cutting away of a shore by natural processes. Title is generally lost by erosion, just as it is gained by accretion.

(18) "Extreme low tide" means the line as estimated by the federal government below which it might reasonably be expected that the tide would not ebb. In Puget Sound area generally, this point is estimated by the federal government to be a point in elevation 4.50 feet below the datum plane of mean lower low water, (0.0). Along the Pacific Ocean and in the bays fronting thereon and the Strait of Juan de Fuca, the elevation ranges down to a minus 3.5 feet in several locations.

(19) "Fair market value" means the amount of money which a purchaser willing, but not obligated, to buy the property would pay an owner willing, but not obligated, to sell it, taking into consideration all uses to which the property is adapted and might in reason be applied (*Donaldson v. Greenwood*, 40 Wn.2d 238, 1952). Such uses must be consistent with applicable federal, state and local laws and regulations affecting the property as of the date of valuation.

(20) "First class shorelands" means the shores of a navigable lake or river belonging to the state not subject to tidal flow, lying between the line of ordinary high water and the

line of navigability, or the inner harbor line where established and within or in front of the corporate limits of any city, or within two miles thereof upon either side (RCW 79.90.040). These boundary descriptions represent the general rule; however exceptions do exist. To determine if the shorelands are within two miles of the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(21) "First class tidelands" means the shores of navigable tidal waters belonging to the state lying within or in front of the corporate limits of any city, or within one mile thereof upon either side and between the line of ordinary high tide and the inner harbor line; and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide (RCW 79.90.030). In general, the line of ordinary high tide is the landward boundary. The line of extreme low tide, or the inner harbor line where established, is the waterward boundary. To determine if the tidelands are within two miles of the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(22) "Fiscal year" means a period of time commencing on the first day of July and ending on the thirtieth day of June of the succeeding year. A fiscal year is identified by the year in which it ends, e.g., fiscal year 1985 is the period July 1, 1984 through June 30, 1985.

(23) "Floating house" means any floating structure that is designed, or has been substantially and structurally remodeled or redesigned, to serve primarily as a residence. "Floating houses" include house boats, house barges, or any floating structures that serve primarily as a residence and do not qualify as a vessel as provided in subsection (74) of this section. A floating structure that is used as a residence and is capable of navigation, but is not designed primarily for navigation, nor normally is capable of self propulsion and use as a means of transportation is a floating house, not a vessel.

(24) "Governmental entity" means the federal government, the state, county, city, port district, or other municipal corporation or political subdivision thereof.

~~((24))~~ (25) "Harbor area" means the area of navigable waters determined as provided in section 1 of Article XV of the state Constitution which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce (RCW 79.90.020). Harbor areas exist between the inner and outer harbor lines as established by the state harbor line commission.

~~((25))~~ (26) "Harbor area use classes" means classes of uses of harbor areas that display varying degrees of conformance to the purpose for which harbor areas were established under the Constitution.

~~((26))~~ (27) "Harbor line" means either or both: (a) A line (outer harbor line) located and established in navigable waters as provided for in section 1 of Article XV of the state Constitution beyond which the state shall never sell or lease any rights whatever to private persons (RCW 79.90.015). (b) A line (inner harbor line) located and established in navigable waters between the line of ordinary high tide and the outer harbor line, constituting the inner boundary of the harbor area (RCW 79.90.025).

~~((27)) "Houseboat" means a floating structure normally incapable of self-propulsion and usually permanently moored that serves as a place of residence or business. Otherwise called a floating home.))~~

(28) "Inflation rate" means, for a given year, the percentage rate of change in the previous calendar year's all commodity producer price index of the Bureau of Labor Statistics of the United States department of commerce (RCW 79.90.465). The rate published by the bureau during May of each year for the previous calendar year shall be the rate for the previous calendar year.

(29) "Interest rate" shall be twelve percent per annum (RCW 79.90.520).

(30) "Interim uses" means certain uses which may, under special circumstances, be allowed to locate in harbor areas (see WAC 332-30-115(5)).

(31) "Inventory" means both a compilation of existing data on man's uses, and the biology and geology of aquatic lands as well as the gathering of new information on aquatic lands through field and laboratory analysis. Such data is usually presented in map form such as the *Washington Marine Atlas*.

(32) "Island" means a body of land entirely and customarily surrounded by water. Land in navigable waters which is only surrounded by water in times of high water, is not an island within the rule that the state takes title to newly formed islands in navigable waters.

(33) "Line of navigability" means a measured line at that depth sufficient for ordinary navigation as determined by the board of natural resources for the body of water in question.

(34) "Log booming" means placing logs into and taking them out of the water, assembling and disassembling log rafts before or after their movement in water-borne commerce, related handling and sorting activities taking place in the water, and the temporary holding of logs to be taken directly into a processing facility (RCW 79.90.465).

(35) "Log storage" means the water storage of logs in rafts or otherwise prepared for shipment in water-borne commerce, but does not include the temporary holding of logs to be taken directly into a vessel or processing facility (RCW 79.90.465).

(36) "Marine land" means those lands from the mean high tide mark waterward in marine and estuarine waters, including intertidal and submerged lands. Marine lands represents a portion of aquatic lands.

(37) "Meander line" means fixed determinable lines run by the federal government along the banks of all navigable bodies of water and other important rivers and lakes for the purpose of defining the sinuosities of the shore or bank and as a means of ascertaining the areas of fractional subdivisions of the public lands bordering thereon.

(38) "Moorage facility" means a marina, open water moorage and anchorage area, pier, dock, mooring buoy, or any other similar fixed moorage site.

(39) "Motorized vehicular travel" means movement by any type of motorized equipment over land surfaces.

~~((39))~~ (40) "Multiple use management" means a management philosophy which seeks to insure that several uses or activities can occur at the same place at the same time. The

mechanism involves identification of the primary use of the land with provisions such as performance standards to permit compatible secondary uses to occur.

~~((40))~~ (41) "Navigability or navigable" means that a body of water is capable or susceptible of having been or being used for the transport of useful commerce. The state of Washington considers all bodies of water meandered by government surveyors as navigable unless otherwise declared by a court.

~~((41))~~ (42) "Navigation" means the movement of vessels to and from piers and wharves.

~~((42))~~ (43) "Nonwater-dependent use" means a use that can operate in a location other than on the waterfront. Examples include, but are not limited to, hotels, condominiums, apartments, restaurants, retail stores, and warehouses not part of a marine terminal or transfer facility (RCW 79.90.465).

~~((43))~~ (44) "Open moorage" means moorage slips and mooring floats that have completely open sides and tops.

~~((44))~~ (45) "Open water moorage and anchorage areas" are areas of state-owned aquatic lands leased for moorage and anchorage that do not abut uplands and do not include a built connection to the uplands. They are generally in the center of a waterbody, to provide moorage in addition to any marinas and docks along the edge of the waterbody. They may contain mooring buoys, floating moorage docks, other moorage facilities not connected to the shoreline, and/or anchorage areas, as determined by the lessee and approved by the department. These areas are leased in accordance with WAC 332-30-139(4) and subject to the restrictions therein.

(46) "Optimum yield" means the yield which provides the greatest benefit to the state with particular reference to food production and is prescribed on the basis of the maximum sustainable yield over the statewide resource base as modified by any relevant economic, social or ecological factor.

~~((45))~~ (47) "Ordinary high tide" means the same as mean high tide or the average height of high tide. In Puget Sound, the mean high tide line varies from 10 to 13 feet above the datum plane of mean lower low water (0.0).

~~((46))~~ (48) "Ordinary high water" means, for the purpose of asserting state ownership, the line of permanent upland vegetation along the shores of nontidal navigable waters. In the absence of vegetation, it is the line of mean high water.

~~((47))~~ (49) "Port district" means a port district created under Title 53 RCW (RCW 79.90.465).

~~((48))~~ (50) "Public benefit" means that all of the citizens of the state may derive a direct benefit from departmental actions in the form of environmental protection; energy and mineral production; utilization of renewable resources; promotion of navigation and commerce by fostering water-dependent uses; and encouraging direct public use and access; and generating revenue in a manner consistent with RCW 79.90.455.

~~((49))~~ (51) "Public lands" means lands belonging to or held in trust by the state, which are not devoted to or reserved for a particular use by law, and include state lands, tidelands, shorelands and harbor areas as herein defined, and the beds of navigable waters belonging to the state (RCW 79.01.004).

~~((50))~~ (52) "Public interest" means ...(reserved)

~~((51))~~ (53) "Public place" means a part of aquatic lands set aside for public access through platted tidelands, shorelands, and/or harbor areas to the beds of navigable waters.

~~((52))~~ (54) "Public tidelands" means tidelands belonging to and held in public trust by the state for the citizens of the state, which are not devoted to or reserved for a particular use by law.

~~((53))~~ (55) "Public trust" means that certain state-owned tidelands, shorelands and all beds of navigable waters are held in trust by the state for all citizens with each citizen having an equal and undivided interest in the land. The department has the responsibility to manage these lands in the best interest of the general public.

~~((54))~~ (56) "Public use" means to be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis.

~~((55))~~ (57) "Public use beach" means a state-owned beach available for free public use but which may be leased for other compatible uses.

~~((56))~~ (58) "Public utility line" means pipes, conduits, and similar facilities for distribution of water, electricity, natural gas, telephone, other electronic communication, and sewers, including sewer outfall lines (RCW 79.90.465).

~~((57))~~ (59) "Real rate of return" means the average for the most recent ten calendar years of the average rate of return on conventional real property mortgages as reported by the Federal Home Loan Bank Board or any successor agency, minus the average inflation rate for the most recent ten calendar years (RCW 79.90.465).

~~((58))~~ (60) "Reliction" means the gradual withdrawal of water from a shoreline leaving the land uncovered. Boundaries usually change with reliction.

~~((59))~~ (61) "Renewable resource" means a natural resource which through natural ecological processes is capable of renewing itself.

~~((60))~~ (62) "Residential use" means any noncommercial habitation of:

(a) A floating house, as defined in WAC 332-30-106(23); or

(b) A vessel, as defined in WAC 332-30-106(74), when any one of the following applies:

(i) Any person or succession of different persons occupies the vessel in a specific location, and/or in the same area on more than a total of thirty days in any forty-day period or on more than a total of ninety days in any three hundred sixty-five-day period. "In the same area" means within a radius of one mile of any location where the same vessel previously moored or anchored on state-owned aquatic lands. A vessel that is occupied and is moored or anchored in the same area, but not for the number of days described in this subsection, is considered used as a recreational or transient vessel;

(ii) The city or county jurisdiction, through local ordinance or policy, defines the use as a residential use or identifies the occupant of the vessel as a resident of the vessel or of the facility where it is moored;

(iii) The operator of the facility where the vessel is moored, through the moorage agreement, billing statement, or facility rules, defines the use as a residential use or identi-

fies the occupant of the vessel as a resident of the vessel or of the facility; or

(iv) The occupant or occupants identify the vessel or the facility where it is moored as their residence for voting, mail, tax, or similar purposes.

(63) "Riparian" means relating to or living or located on the bank of a natural water course, such as a stream, lake or tidewater.

~~((61))~~ (64) "Scientific reserves" means sites set aside for scientific research projects and/or areas of unusually rich plant and animal communities suitable for continuing scientific observation.

~~((62))~~ (65) "Second class shorelands" means the shores of a navigable lake or river belonging to the state, not subject to tidal flow, lying between the line of ordinary high water and the line of navigability, and more than two miles from the corporate limits of any city (RCW 79.90.045). These boundary definitions represent the general rule; however, exceptions do exist. To determine if shorelands are more than two miles from the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

~~((63))~~ (66) "Second class tidelands" means the shores of navigable tidal waters belonging to the state, lying outside of and more than two miles from the corporate limits of any city and between the line of ordinary high tide and the line of extreme low tide (RCW 79.90.035). In general, the line of ordinary high tide is the landward boundary. The line of extreme low tide is the waterward boundary. To determine if the tidelands are more than two miles from the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

~~((64))~~ (67) "Shore" means that space of land which is alternately covered and left dry by the rising and falling of the water level of a lake, river or tidal area.

~~((65))~~ (68) "State-owned aquatic lands" means those aquatic lands and waterways administered by the department of natural resources or managed under department agreement by a port district. "State-owned aquatic lands" does not include aquatic lands owned in fee by, or withdrawn for the use of, state agencies other than the department of natural resources (RCW 79.90.465).

~~((66))~~ (69) "Statewide value." The term statewide value applies to aquatic land uses and natural resources whose use, management, or intrinsic nature have statewide implications. Such uses and resources may be either localized or distributed statewide. Aquatic land uses of statewide value provide major statewide public benefits. Public use and access, renewable resource use and water-dependent use have been cited by the legislature as examples of such uses. Aquatic land natural resources of statewide value are those critical or uniquely suited to aquatic land uses of statewide value or to environmental quality. For example, wild and scenic rivers, high quality public use beaches and aquatic lands fronting state parks are of statewide value for public use and access. Commercial clam and geoduck beds and sites uniquely suited to aquaculture are of statewide value to renewable resource use. Harbor areas are of statewide value to water-dependent navigation and commerce. Certain aquatic land habitats and plant and animal populations are of

statewide value to recreational and commercial fisheries, wildlife protection, and scientific study.

~~((67))~~ (70) "Streamway" means stream dependent corridor of single or multiple, wet or dry channel, or channels within which the usual seasonal or storm water run-off peaks are contained, and within which environment the flora, fauna, soil and topography is dependent on or influenced by the height and velocity of the fluctuating river currents.

~~((68))~~ (71) "Terminal" means a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of cargo and/or passengers (RCW 79.90.465).

~~((69))~~ (72) "Thread of stream - thalweg" means the center of the main channel of the stream at the natural and ordinary stage of water.

~~((70))~~ (73) "Town" means a municipal corporation of the fourth class having not less than three hundred inhabitants and not more than fifteen hundred inhabitants at the time of its organization (RCW 35.01.040).

~~((71))~~ (74) "Vessel" means a floating structure that is designed primarily for navigation, is normally capable of self propulsion and use as a means of transportation, and meets all applicable laws and regulations pertaining to navigation and safety equipment on vessels, including, but not limited to, registration as a vessel by an appropriate government agency.

(75) "Water-dependent use" means use which cannot logically exist in any location but on the water. Examples include, but are not limited to, waterborne commerce; terminal and transfer facilities; ferry terminals; watercraft sales in conjunction with other water dependent uses; watercraft construction, repair, and maintenance; moorage and launching facilities; aquaculture; log booming; and public fishing piers and parks (RCW 79.90.465(1)).

~~((72))~~ (76) "Waterfront" means a parcel of property with upland characteristics which includes within its boundary, a physical interface with the existing shoreline of a body of water.

~~((73))~~ (77) "Water oriented use" means use which historically has been dependent on a waterfront location, but with existing technology could be located away from the waterfront. Examples include, but are not limited to, wood products manufacturing, watercraft sales, fish processing, petroleum refining, sand and gravel processing, log storage, and houseboats (RCW 79.90.465).

~~((74))~~ (78) "Waterway" means an area platted across aquatic lands or created by a waterway district providing for access between the uplands and open water, or between navigable bodies of water.

~~((75))~~ (79) "Wetted perimeter" means a fluctuating water line which separates submerged river beds from the dry shoreland areas at any given time.

AMENDATORY SECTION (Amending Order 404, Resolution No. 433, filed 10/6/83)

WAC 332-30-109 Harbor area. (1) Harbor areas shall be reserved for landings, wharves, streets and other conveniences of navigation and commerce.

(2) Water dependent commerce shall be given preference over other uses of harbor areas.

(3) Every consideration shall be given to meeting the expanding need for navigation and water dependent commerce in existing harbor areas.

(4) Several industries using the same harbor area facility shall be given preference over single industry use.

(5) Shallow draft uses, such as barge terminals and marinas, shall be preferred over deep draft uses, in areas requiring extensive maintenance dredging.

(6) Harbor lines may be adjusted, when authorized by the legislature, to provide reasonable opportunity to meet the present and future needs of commerce and navigation.

(7) In harbor areas where no current constitutional use (navigation and commerce) is called for or practical and other uses are in demand, interim uses may be authorized by the board of natural resources if in the public interest.

(8) The department will, where in the public interest, promote the conversion of existing nonconforming uses to conforming uses by assisting if possible, such users in resiting their operations and by withdrawing renewal options on affected state harbor area leases.

(9) The department will promote full development of all existing suitable harbor areas for use by water dependent commerce.

(10) Abandoned structures determined to be unsightly or unsafe by the department shall be removed from harbor areas by the owner of the structures upon demand by the department or by the department in which case the owner will be assessed the costs of such removal.

(11) ~~((Houseboats))~~ Floating houses are not permitted in harbor areas.

(12) Resource management cost account portion of the revenue from leasing of harbor areas shall be used to reduce the general tax burden and for aquatic land management programs that are of benefit to the public.

(13) Harbor areas will be managed to produce revenue for the public unless withdrawn as a public place.

(14) Harbor area lease renewal applications must be returned to the department within sixty days of expiration of prior lease term. If not timely returned, the harbor area involved will be put up for public auction.

(15) The department will encourage local government, state and federal agencies to cooperate in planning for the following statewide harbor management needs:

(a) Reserve adequate and appropriate space within the jurisdiction to serve foreseeable navigation and commerce development needs.

(b) Coordinate plans for aquatic land and upland development so that areas reserved for navigation and commerce will be usable in the future.

(c) Identify areas where interim uses may be allowed.

(d) Identify needed changes in harbor lines.

(e) Minimize the environmental impacts of navigation and commerce development.

(f) Prevent existing and future interim uses in harbor areas from lowering the suitability of harbor areas for navigation and commerce development.

AMENDATORY SECTION (Amending Resolution No. 500, filed 11/5/85)

WAC 332-30-115 Harbor area use classes. These classes are based on the degree to which the use conforms to the intent of the constitution that designated harbor areas be reserved for landings, wharves, streets and other conveniences of navigation and commerce.

(1) **Water-dependent commerce.** Water-dependent commerce are all uses that cannot logically exist in any other location but on the water and are aids to navigation and commerce. These are preferred harbor area uses. Leases may be granted up to the maximum period allowed by the Constitution and may be renewed. Typical uses are:

(a) Public or private vessel terminal and transfer facilities which handle general commerce including the cargo handling facilities necessary for water oriented uses.

(b) Public and private terminal facilities for passenger vessels.

(c) Watercraft construction, repair, maintenance, servicing and dismantling.

(d) Marinas and mooring areas.

(e) Tug and barge companies facilities.

(f) Log booming.

(2) **Water-oriented commerce.** Water oriented commerce are commercial uses which historically have been dependent on waterfront locations, but with existing technology could be located away from the waterfront. Existing water-oriented uses may be asked to yield to water dependent commercial uses when the lease expires. New water-oriented commercial uses will be considered as interim uses. Typical uses are:

(a) Wood products manufacturing.

(b) Watercraft sales.

(c) Fish processing.

(d) Sand and gravel companies.

(e) Petroleum handling and processing plants.

(f) Log storage.

(3) **Public access.** Facilities for public access are lower priority uses which do not make an important contribution to navigation and commerce for which harbor areas are reserved, but which can be permitted providing that the harbor area involved is not needed, or is not suitable for water-dependent commerce. Leases may be issued for periods up to thirty years with possible renewals. Typical uses are:

(a) Public fishing piers.

(b) Public waterfront parks.

(c) Public use beaches.

(d) Aquariums available to the public.

(e) Underwater parks and reefs.

(f) Public viewing areas and walkways.

(4) **Residential use.** (~~Residential uses include apartments, condominiums, houseboats, single and multifamily housing, motels, boatels and hotels.~~) Residential uses do not require harbor area locations and are frequently incompatible with water-dependent commerce. New residential uses will not be permitted to locate in harbor areas, except that vessels used as a residence will be permitted wherever other vessels are permitted if the residential uses are otherwise allowed by WAC 332-30-171 and meet all applicable laws and lease

requirements. This restriction on new leases differentiates residential uses from interim uses. Existing residential uses may be asked to yield to other uses when the lease expires. Proposed renewals of residential leases will require the same analysis as specified for interim uses.

(5) **Interim uses.** Interim uses are all uses other than water-dependent commerce, existing water-oriented commerce, public access facilities, and residential uses. Interim uses do not require waterfront locations in order to properly function. Leases may only be issued and reissued for interim uses in exceptional circumstances and when compatible with water dependent commerce existing in or planned for the area. See WAC 332-30-137 Nonwater-dependent uses for evaluation standards.

(6) Areas withdrawn are harbor areas which are so located as to be currently unusable. These areas are temporarily withdrawn pending future demand for constitutional uses. No leases are issued.

AMENDATORY SECTION (Amending Order 343, filed 7/3/80)

WAC 332-30-139 Marinas and moorages. (1) Moorage facilities developed on aquatic lands should meet the following design criteria:

(a) Moorage shall be designed so as to be compatible with the local environment and to minimize adverse esthetic impacts.

(b) Open moorage is preferred in relatively undeveloped areas and locations where view preservation is desirable, and/or where leisure activities are prevalent.

(c) Covered moorage may be considered in highly developed areas and locations having a commercial environment.

(d) Enclosed moorage should be confined to areas of an industrial character where there is a minimum of esthetic concern.

(e) In general, covered moorage is preferred to enclosed moorage and open moorage is preferred to covered moorage.

(f) View encumbrance due to enclosed moorage shall be avoided in those areas where views are an important element in the local environment.

(g) In order to minimize the impact of moorage demand on natural shorelines, large marina developments in urban areas should be fostered in preference to numerous small marinas widely distributed.

(h) The use of floating breakwaters shall be considered as protective structures before using solid fills.

(i) Dry moorage facilities (stacked dry boat storage) shall be considered as an alternative to wet storage in those locations where such storage will:

(i) Significantly reduce environmental or land use impacts within the water area of the immediate shoreline.

(ii) Reduce the need for expansion of existing wet storage when such expansion would significantly impact the environment or adjacent land use.

(2) Anchorages suitable for (~~both residential and transient~~) use by transient, recreational boaters will be identified and established by the department in appropriate locations so as to provide additional moorage space.

(3) Upland sewage disposal approved by local government and appropriate state agencies is required for all vessels used as a residence (~~(at a marina or other location)~~).

(4) The department shall work with federal, state, local government agencies and other groups to determine acceptable locations for marina development, properly distributed to meet projected public need for the period 1980 to 2010.

(5) The department may lease open water moorage and anchorage areas only to local governments that have authorized the establishment of open water moorage and anchorage areas in their local Shoreline Master Programs within five years of the effective date of this rule. With the department's approval, the local government lessee may install mooring buoys or other floating moorage devices, designate anchorage locations, sublease moorage and anchorage in the area, collect rent and fees for such moorage and anchorage, and otherwise manage the area as a moorage facility. All open water moorage and anchorage areas must meet the following requirements:

(a) Open water moorage and anchorage areas must meet all relevant requirements normally applicable to a marina lease, which may include the placement, design, limitation on the number of vessels or floating houses, and operation of the area and any improvements within the area, payment of rent to the department, consideration of navigational and environmental impacts, and all other applicable permits and other requirements of law.

(b) Open water moorage and anchorage areas may not be in a harbor area nor in any location or configuration that would interfere with water-borne commerce and navigation.

(c) The leasing of state-owned aquatic lands for open water moorage and anchorage areas is subject to all preferences accorded upland, tideland, or shoreland owners in RCW 79.94.070, 79.94.260, 79.94.280, 79.95.010, and WAC 332-30-122.

(d) Any vessel used for residential use or floating house in an open water moorage and anchorage area must comply with WAC 332-30-171.

(e) Except for nongrandfathered floating house moorage as defined in WAC 332-30-171 (7)(a)(ii), nonwater-dependent uses and commercial uses are prohibited in open water moorage and anchorage areas. Uses prohibited by this subsection (e) are allowed when necessary because of an emergency that immediately threatens human life or property, for the duration of the emergency only.

The department will not lease an open water moorage and anchorage area to an entity other than a local government agency. This restriction shall not affect use authorizations to public or private entities for mooring buoys, aquaculture net pens, or other floating structures otherwise allowed by law.

AMENDATORY SECTION (Amending Resolution No. 500, filed 11/5/85)

WAC 332-30-144 Private recreational docks. (1) **Applicability.** This section implements the permission created by RCW 79.90.105, Private recreational docks, which allows abutting residential owners, under certain circumstances, to install private recreational docks without charge. The limitations set forth in this section apply only to use of

state-owned aquatic lands for private recreational docks under RCW 79.90.105. No restriction or regulation of other types of uses on aquatic lands is provided. This section shall not apply to port districts managing aquatic lands under a management agreement (WAC 332-30-114).

(2) **Eligibility.** The permission shall apply only to the following:

(a) An "abutting residential owner," being the owner of record of property physically bordering on public aquatic land and either used for single family housing or for a multi-family residence not exceeding four units per lot.

(b) A "dock," being a securely anchored or fixed, open walkway structure visible to boaters and kept in good repair extending from the upland property, primarily used as an aid to boating by the abutting residential owner(s), and accommodating moorage by not more than four pleasure boats typical to the body of water on which the dock is located. Two or more abutting residential owners may install and maintain a single joint-use dock provided it meets all other design requirements of this section; is the only dock used by those owners; and that the dock fronts one of the owners' property.

(c) A "private recreational purpose," being a nonincome-producing, leisure-time, and discretionary use by the abutting residential owner(s).

(d) State-owned aquatic lands outside harbor areas designated by the harbor line commission.

(3) **Uses not qualifying.** Examples of situations not qualifying for the permission include:

(a) Yacht and boat club facilities;

(b) ~~((Houseboats;))~~ Floating houses, as defined in WAC 332-30-106(23), and vessels used as a residence (as defined in WAC 332-30-106(62));

(c) Resorts;

(d) Multi-family dwellings, including condominium ownerships, with more than four units;

(e) Uses other than docks such as launches and railways not part of the dock, bulkheads, landfills, dredging, breakwaters, mooring buoys, swim floats, and swimming areas.

(4) **Limitations.**

(a) The permission does not apply to areas where the state has issued a reversionary use deed such as for shellfish culture, hunting and fishing, or park purposes; published an allocation of a special use and the dock is inconsistent with the allocation; or granted an authorization for use such as a lease, easement, or material purchase.

(b) Each dock owner using the permission is responsible for determining the availability of the public aquatic lands. Records of the department are open for public review. The department will research the availability of the public aquatic lands upon written request. A fee sufficient to cover costs shall be charged for this research.

(c) The permission is limited to docks that conform to adopted shoreline master programs and other local ordinances.

(d) The permission is not a grant of exclusive use of public aquatic lands to the dock owner. It does not prohibit public use of any aquatic lands around or under the dock. Owners of docks located on state-owned tidelands or shorelands must provide a safe, convenient, and clearly available means of

pedestrian access over, around, or under the dock at all tide levels. However, dock owners are not required to allow public use of their docks or access across private lands to state-owned aquatic lands.

(e) The permission is not transferable or assignable to anyone other than a subsequent owner of the abutting upland property and is continuously dependent on the nature of ownership and use of the properties involved.

(f) Vessels used as a residence and floating houses are not permitted to be moored at a private recreational dock, except when such moorage is necessary because of an emergency that immediately threatens human life or property, for the duration of the emergency only.

(5) **Revocation.** The permission may be revoked or canceled if:

(a) The dock or abutting residential owner has not met the criteria listed in subsection (2) or (4) of this section; or

(b) The dock significantly interferes with navigation or with navigational access to and from other upland properties. This degree of interference shall be determined from the character of the shoreline and waterbody, the character of other in-water development in the vicinity, and the degree of navigational use by the public and adjacent property owners;

(c) The dock interferes with preferred water-dependent uses established by law; or

(d) The dock is a public health or safety hazard.

(6) **Appeal of revocation.** Upon receiving written notice of revocation or cancellation, the abutting residential owner shall have thirty days from the date of notice to file for an administrative hearing under the contested case proceedings of chapter 34.04 RCW. If the action to revoke the permission is upheld, the owner shall correct the cited conditions and shall be liable to the state for any compensation due to the state from the use of the aquatic lands from the date of notice until permission requirements are met or until such permission is no longer needed. If the abutting residential owner disclaims ownership of the dock, the department may take actions to have it removed.

(7) **Current leases.** Current lessees of docks meeting the criteria in this section will be notified of their option to cancel the lease. They will be provided a reasonable time to respond. Lack of response will result in cancellation of the lease by the department.

(8) **Property rights.** No property rights in, or boundaries of, public aquatic lands are established by this section.

(9) **Lines of navigability.** The department will not initiate establishment of lines of navigability on any shorelands unless requested to do so by the shoreland owners or their representatives.

(10) Nothing in this section is intended to address statutes relating to sales of second class shorelands.

AMENDATORY SECTION (Amending Order 343, filed 7/3/80)

WAC 332-30-148 Swim rafts and mooring buoys. (1) Swim rafts or mooring buoys will not be authorized where such structures will interfere with heavily traveled routes for

watercraft, commercial fishing areas or on designated public use - wilderness beaches.

(2) Swim rafts or mooring buoys may be authorized on aquatic lands shoreward of the -3 fathom contour or within 200 feet of extreme low water or line of navigability whichever is appropriate. The placement of rafts and buoys beyond the -3 fathom contour or 200 feet will be evaluated on a case by case basis.

(3) No more than one structure may be installed for each ownership beyond extreme low water or line of navigability. However, ownerships exceeding 200 feet as measured along the shoreline may be permitted more installations on a case by case basis.

(4) Swim rafts or buoys must float at least 12" above the water and be a light or bright color.

(5) Mooring buoys may be authorized beyond the limits described above on land designated by the department for anchorages.

(6) Vessels for residences, as defined in WAC 332-30-106(62) and floating houses, as defined in WAC 332-30-106(23) shall not moor at swim rafts, mooring buoys, or other moorage facilities not connected to the shoreline, except within an open water moorage and anchorage area leased to a local government agency as provided in WAC 332-30-139(3). Such moorage may occur when necessary because of an emergency that immediately threatens human life or property, for the duration of the emergency only.

NEW SECTION

WAC 332-30-171 Residential uses on state-owned aquatic lands. (1) **Application.** This section applies to residential uses, as defined in WAC 332-30-106(61), and floating houses, moorage facilities, and vessels, as defined in WAC 332-30-106 (23), (38) and (74), as they relate to residential uses, on state-owned aquatic lands. All requirements in this section shall apply to the department and to port districts managing aquatic lands under a management agreement (WAC 332-30-114). This section does not apply to: Activities or structures on aquatic lands not owned by the state; vessels used solely for recreational or transient purposes; floating houses or vessels used as hotels, motels or boatels; or vessels owned and operated by the United States military.

(2) **Limits on the number of residential uses.** Residential uses on state-owned aquatic lands shall only occur in accordance with all federal, state, and local laws. The following apply only to leases entered into following the effective date of this rule.

(a) The total number of slips which may be allocated for residential uses in any marina, pier, open water moorage and anchorage area, or other moorage facility shall be limited to ten percent of the total number of slips within a marina, unless otherwise established as provided in (b) or (c) of this subsection. For the purposes of determining the exact number of residential slips, the department shall round to nearest whole number.

(b) Upon the effective date of this rule, the ten percent limit can be changed by local government, through amendments to the local shoreline master program and/or issuance

of a shoreline substantial development conditional use permit, if all the following conditions are met:

(i) Methods to handle the upland disposal and best management practices for the increased waste associated with residential use; and

(ii) Specific locations for residential use slips that do not impact habitat or interfere with water-dependent uses.

(c) If a local shoreline master program or local ordinance had established a different limit, prior to the date this rule takes effect, the limit established in that ordinance or shoreline master program shall be the recognized limit. After the effective date of this rule, changes to the ten percent limit shall only be made through amendments to the Shoreline Master Program or adoption of shoreline substantial development conditional use permit.

(i) If the city or county jurisdiction has not established a percentage limit, then the total number of vessels used as a residence and floating houses in any moorage facility shall be limited to ten percent of the total number of slips or spaces usable for moorage or anchorage in that facility. In this case, when a moorage facility occupies both state-owned and non-state-owned aquatic lands, the percent limit will be calculated using only the total number of slips that are located on state-owned aquatic lands and will be applied only to the portion of the facility located on state-owned aquatic lands.

(ii) If a county or city has established a percent limit, and a moorage facility occupies both state-owned and nonstate-owned aquatic lands, the department may authorize any or all of the floating houses or vessels with residential uses within the entire facility to be located in the portion of the facility on state-owned aquatic lands.

(iii) If a moorage facility has so few moorage slips or spaces that the percent limit allows for less than one residential use slip, then one residential use slip may be authorized, if not otherwise prohibited by the city or county jurisdiction.

(3) Excess residential use slips.

(a) Within one hundred eighty days of the effective date of this rule, each existing moorage facility lessee shall document the existing percentage of residential use slips within their facility and report this information to the department.

(i) If the reported existing percentage of residential use slips is greater than the ten percent limit established in this rule, or other locally established limit as described in subsection (2)(b) or (c) of this section, then the reported existing percentage will establish the allowable residential use percentage at the beginning of a new lease for the same moorage facility, regardless of whether ownership of the facility changes. At the time the new lease is entered into, those residential uses in excess of the reported existing percentage will be required to vacate the moorage facility.

(ii) If the reported existing percentage of residential use slips is less than or equal to the ten percent limit established in this rule, or other locally established limit as described in subsection (2)(b) or (c) of this section, then the percentage limit established in this rule, or other locally established limit as described in subsection (2)(b) or (c) of this section, will establish the allowable residential use percentage at the beginning of a new lease for the same moorage facility, regardless of whether ownership of the facility changes. At

the time the new lease is entered into, those residential uses in excess of the ten percent limit established in this rule, or other locally established limit as described in subsection (2)(b) or (c) of this section, will be required to vacate the moorage facility.

(iii) If a moorage facility lessee fails to report the existing percentage of residential slips within their facility within one hundred eighty days of the effective date of this rule, then the percentage limit established in this rule, or other locally established limit as described in subsection (2)(b) or (c) of this section, will establish the allowable residential use percentage at the beginning of a new lease for the same moorage facility, regardless of whether ownership of the facility changes. At the time the new lease is entered into, those residential uses in excess of the ten percent limit established in this rule, or other locally established limit as described in subsection (2)(b) or (c) of this section, will be required to vacate the moorage facility.

(b) For all leases entered into following the effective date of this rule, if there are more residential use slips in a moorage facility than allowed by the percent limit, then no new or additional residential use slips, including replacements for grandfathered floating houses under subsection (7)(a) of this section, shall be authorized in that facility. In such cases, any residential uses that leave the facility for a period of time greater than thirty days may not return to the facility until the total number of residential use slips is below the percent limit. For purposes of counting the thirty days described in this subsection (3)(b), the department shall not include time needed for repairs to the vessels or floating houses, nor any time when a vessel is away from the moorage facility but the owner or operator of the vessel continuously maintains a written moorage agreement for that facility.

(c) Marina owners, operators, and/or managers may decrease the ten percent limit on a site-specific basis.

(4) **Waste disposal.** The following apply to all leases entered into following the effective date of this rule:

(a) **Sewage.** All treated and untreated sewage shall be disposed of upland, in accordance with federal, state, and local laws. This section does not require specific disposal methods so long as the measures established by the lessee and the department ensure upland disposal.

(b) **Oil and toxic substances.** All oil, grease, corrosive liquids, and other toxic substances shall be disposed of upland, in accordance with federal, state, and local laws. This section does not require specific disposal methods so long as the measures established by the lessee and the department ensure upland disposal.

(c) **Solid waste.** All solid waste shall be disposed of upland, in accordance with federal, state, and local laws. This section does not require specific disposal methods so long as the measures established by the lessee and the department ensure upland disposal.

(d) **Gray water.** Moorage facilities shall develop and implement best management practices to avoid, to the maximum extent possible, all discharges into waters above state-owned aquatic land, of wastewater from showers, baths, sinks, laundry, decks, and other miscellaneous sources, otherwise known as "gray water." For those unavoidable dis-

charges, the best management practices shall minimize discharges, to the maximum extent possible, of gray waste water from showers, baths, sinks, laundry, decks, and other miscellaneous sources.

(5) **Responsibilities of lessees with residential uses.** The following apply to leases entered into upon the effective date of this rule:

(a) Each department lessee must establish and implement measures satisfactory to the department for ensuring upland waste disposal, and the avoidance or minimization of any discharge of waste, as described in (c) of this subsection, onto or in the waters above state-owned aquatic lands from vessels used for residential use and floating houses. This shall include a contingency plan in case of failure or unavailability of the waste disposal methods identified by the lessee and approved by the department.

(b) Each department lessee must annually, or as otherwise provided in the lease, provide the department with evidence that all vessels used for residential use and floating houses in their facility comply with this rule and the terms of the department lease.

(c) Each department lessee shall fully describe the waste disposal measures. These measures may include, but are not limited to:

(i) Connection to an upland sewage system;

(ii) Periodic sewage pump-out service, either at a pump-out station or with transportable pump-out equipment, including prepayment for such services and proof of participation by residential occupants;

(iii) Installation of appropriate waste receptacles;

(iv) Back-up and clean-up facilities and procedures as needed in case of failure or temporary unavailability of waste disposal systems;

(v) Educational efforts, such as posting of notices, distribution of information, and training for residents on waste disposal methods and requirements;

(vi) Monitoring of activities within the facility to prevent or identify and remedy improper waste disposal;

(vii) Contractual requirements in moorage subleases requiring proper waste disposal by residents; and/or

(viii) Other best management practices and/or best available technologies that are established by any local, state, or federal agency, including the department, or by any appropriate nongovernmental organization, that are satisfactory to the department to ensure upland disposal of waste and avoid or minimize any discharge of waste onto or in the waters above state-owned aquatic lands.

(d) Consistent with all federal, state, and local laws and regulations, all leases issued by the department after the effective date of this rule for moorage facilities with residential uses within them shall require and specify:

(i) Methods to handle the upland disposal and best management practices for the increased waste associated with residential use;

(ii) Specific locations for residential use slips that do not impact habitat or interfere with water-dependent uses.

Within one hundred eighty days of the effective date of this rule, each moorage facility lessee shall document the

existing percentage of residential use slips within their facility and report this information to the department.

(6) **Vessels.** Moorage of a vessel, as defined in WAC 332-30-106(38), is a water-dependent use.

(7) **Floating houses.** Moorage of a floating house, as defined in WAC 332-30-106(23), is a water-oriented use.

(a) **Classifying floating house moorage under RCW 79.90.465(2).** In classifying floating house moorage under RCW 79.90.465(2), the department will apply the following rules:

(i) If a floating house moorage site had a floating house moored there under a department lease on October 1, 1984, or if a floating house was moored there for at least three years before October 1, 1984, then the department will classify that site as a water-dependent use for the purposes of determining rent. Such sites may be referred to as "grandfathered" sites.

(ii) If a floating house moorage site did not have a floating house moored there under a department lease on October 1, 1984, nor for at least three years before October 1, 1984, then the department shall classify that site as a nonwater-dependent use. Such sites may be referred to as "nongrandfathered" sites.

(iii) The classification of a grandfathered or nongrandfathered floating house moorage site applies to the specific aquatic land being utilized for moorage of the floating house, not to the floating house itself.

(iv) The department shall classify each individual floating house moorage slip within a moorage facility as a separate site. This may result in a marina containing both grandfathered and nongrandfathered floating house moorage sites.

(v) If a floating house vacates a grandfathered moorage site and either returns within thirty days or is replaced with another floating house within thirty days, then the moorage site will remain grandfathered.

(vi) If a floating house vacates a grandfathered moorage site and does not return within thirty days, future moorage of that floating house in the same or a different site shall be nongrandfathered, unless the floating house qualifies as a replacement floating house under (a)(v) of this subsection.

(vii) After October 1, 1984, if a grandfathered site ceased or ceases being used for floating house moorage for more than thirty consecutive days, then the site shall no longer be grandfathered.

(viii) When counting the thirty days described in (a)(v) through (vii) of this subsection, the department will exclude any reasonable time needed for repair of the floating house.

(ix) If a lessee redesignates a grandfathered floating house moorage slip within the lease area, consistent with the lease requirements, and notifies the department in advance of where the slip is to be relocated, then the slip will remain grandfathered. However, if a nongrandfathered site has a floating house relocated to it after the effective date of this rule, the site shall not be designated as grandfathered as provided in this subsection, (7) (a) (ix).

(x) If a floating house was moored at a grandfathered site on October 1, 1984, but was relocated to a site authorized by the department so that on the effective date of this rule the floating house is moored at a nongrandfathered site, then the

department may classify this new location as a grandfathered site if the floating house meets all of the following criteria:

(A) The floating house was on state-owned aquatic land leased on October 1, 1984, or was on state-owned aquatic lands for three years prior to October 1, 1984;

(B) The floating house was continuously on state-owned aquatic lands from October 1, 1984, until the effective date of this rule, except for any reasonable time needed for repair of the house; and

(C) The department receives, within one year after the effective date of this rule, a request to have the current moorage site classified as a grandfathered site.

(b) Managing grandfathered floating house moorage. Floating houses moored in grandfathered sites that meet all applicable laws and rules, and are consistent with all lease requirements, may remain. The department shall charge the water-dependent rental rate for such moorage.

(c) Managing nongrandfathered floating house moorage.

(i) The department may authorize floating house moorage at a nongrandfathered site only if the department determines that the following conditions are met:

(A) All conditions as set forth in this section;

(B) The specific sites and circumstances for floating house moorage have been identified in an adopted local shoreline management plan that provides for the present and future needs of all uses, considers cumulative impacts to habitat and resources of statewide value, identifies specific areas or situations in which floating house moorage will be allowed, and justifies the exceptional nature of those areas or situations; and

(C) The floating house moorage is compatible with water-dependent uses existing in or planned for the area.

(ii) If a floating house is moored at a nongrandfathered site that does not meet the conditions in (c)(i) of this subsection, but the site is authorized by a department lease and the floating house and moorage meet all conditions as set forth in this section and is consistent with all lease requirements, then the floating house may remain until the termination of the lease or one year after the effective date of this rule, whichever is later. Thereafter, unless at that time the floating house meets the conditions in (c)(i) of this subsection, the floating house must vacate the nongrandfathered site.

(iii) If a floating house is moored at a nongrandfathered site that does not meet the conditions in (c)(i) of this subsection and is not authorized by a department lease, then the floating house must vacate the site within one year from the effective date of this rule, unless at that time it meets the conditions in (c)(i) of this subsection and the department chooses to grant a lease.

(iv) For nongrandfathered floating house moorage sites, the department shall charge the nonwater-dependent rental rate. If a leased area contains both nongrandfathered floating house moorage along with grandfathered floating house moorage or other water-dependent uses, then the nonwater-dependent rental rate shall be applied to a proportionate share of any common areas used in conjunction with the nongrandfathered floating house moorage, including, but not limited

to, docks, breakwaters, and open water areas for ingress and egress to the facility.

(8) Open water moorage.

(a) Vessels used for residential use and floating houses shall be moored, anchored, or otherwise secured only at a marina, pier, or similar fixed moorage facility that is connected to the shoreline, or in open water moorage and anchorage areas described under WAC 332-30-139(4) and subject to the restrictions therein. Vessels used for residential use and floating houses shall not be moored, anchored or otherwise secured in open waters above state-owned aquatic lands away from a fixed moorage facility that is connected to the shoreline, nor be moored, anchored, or otherwise secured to any natural feature in the water or on the shoreline, except within an open water moorage and anchorage area. A vessel used for residential use or floating house may moor in areas prohibited by this subsection (8)(a) when necessary because of an emergency that immediately threatens human life or property, for the duration of the emergency only.

(b) Any vessel used for residential use or floating house that is moored on state-owned aquatic lands on the effective date of this rule, and complies with all other applicable laws and all lease requirements, but does not comply with (a) of this subsection, may remain until one year after the effective date of this rule or until the termination date of the existing department lease, whichever is later. Thereafter, unless at that time it meets the conditions in (a) of this subsection, the vessel used for residential use or floating house must vacate the site. The department shall not authorize or reauthorize any moorage for vessels used for residential use or floating houses that do not comply with (a) of this subsection.

WSR 02-14-160
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed July 3, 2002, 11:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-16-023.

Title of Rule: Chapter 388-532 WAC, Family planning services. Affected sections: Amending WAC 388-532-050, 388-532-100 and 388-532-700, and adopting new WAC 388-532-710, 388-532-720, 388-532-730, 388-532-740, 388-532-750, 388-532-760, 388-532-780, and 388-532-790.

Purpose: To establish rules for the TAKE CHARGE family planning program. TAKE CHARGE began in July 2001 under pilot rule making. TAKE CHARGE is a federally-approved, five-year demonstration and research program. The goal of the program is to demonstrate the cost-avoidance of providing family planning services (to prevent pregnancy) to persons who are not eligible for other MAA medical assistance programs, but who would most likely be eligible for them if they were to become pregnant.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 74.09.800, SSB 5968, section 2(12), chapter 392, Laws of 1999.

Statute Being Implemented: RCW 74.08.090, 74.09.520, 74.09.800, SSB 5968, section 2(12), chapter 392, Laws of 1999.

Summary: Includes eligibility requirements, scope of care limitations, and reimbursement requirements. The rules have been written with the assistance of those who are subject to the program's requirements, using the pilot WAC process provided under RCW 34.05.313 (1) through (3).

Reasons Supporting Proposal: The proposed rules, created under pilot WAC process, establish the eligibility, scope of coverage and reimbursement limitations necessary under the governing federally-approved waiver.

Name of Agency Personnel Responsible for Drafting: L. Mike Freeman, MAA Rules and Publications, P.O. Box 45533, Olympia, WA, (360) 725-1350; Implementation and Enforcement: Beth Brenner, Program Manager, P.O. Box 45530, Olympia, WA, (360) 725-1652.

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: Established under a demonstration project waiver from the federal government (Centers for Medicare and Medicaid Services, Department of Health and Human Services), the TAKE CHARGE program includes eligibility requirements, scope of care limitations, and reimbursement requirements. The rules have been written with the assistance of those who are subject to the program's requirements, using the pilot WAC process provided under RCW 34.05.313 (1) through (3). The proposed rules allow for coverage of family planning services to approximately 50,000 persons who are otherwise ineligible for MAA services. The goal of the program is to prevent unwanted pregnancies that may result in both regular program eligibility and significant program costs.

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. MAA analyzed the proposed rules and concluded that they will not place "a more than minor" impact on the businesses affected by the rules. Therefore a comprehensive small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. MAA has analyzed the proposed rules and concludes that the rules meet the definition of a "significant legislative rule." MAA evaluated the probable costs and benefits of the proposed rules, taking into account both the quantitative and qualitative benefits and costs. MAA's analysis revealed that any new costs associated with the new rules would be both minor and consistent with per capita costs for clients already being served under similar programs. MAA has determined that the probable benefits of providing consistent family planning services to the targeted population far outweigh the probable costs. A cost benefit analysis was completed and is available on request from the person listed above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on August 6, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by August 2, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@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, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., August 6, 2002.

Date of Intended Adoption: Not earlier than August 7, 2002.

June 28, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-14-066, filed 7/5/00, effective 8/5/00)

WAC 388-532-050 Family planning definitions. "Family planning services" means the services, including the use of contraceptive techniques, that a client uses to plan the number and spacing of the client's children.

AMENDATORY SECTION (Amending WSR 00-14-066, filed 7/5/00, effective 8/5/00)

WAC 388-532-100 Family planning services. (1) The department informs eligible clients about available family planning services. This service includes, but is not limited to, information about the synthetic progestin capsule implant form of contraception.

(2) For eligible clients, except those participating in the TAKE CHARGE demonstration and research program (see WAC 388-532-700 through 388-532-790 for complete program description), the department provides the following services when needed in conjunction with family planning:

- (a) Physicians' services;
- (b) Advanced registered nurse practitioners' (ARNP) services;
- (c) Clinic or hospital services;
- (d) Laboratory services; and
- (e) Contraceptive supplies and/or prescription drugs.

NEW SECTION

WAC 388-532-700 TAKE CHARGE demonstration and research program. (1) The medical assistance administration (MAA) is conducting a five-year family planning demonstration and research program called "TAKE CHARGE." The program will run from July 1, 2001, through June 30, 2006 (unless terminated or extended prior to June 30, 2006). TAKE CHARGE is approved by the federal government under a Medicaid program waiver.

- (2) The TAKE CHARGE program:
- (a) Pays for family planning services for eligible men and women as described in WAC 388-532-720;

(b) Requires providers to meet all general MAA provider requirements and the requirements of WAC 388-532-730; and

(3) Contains a research and evaluation component for clients and providers as described in WAC 388-532-730 (1)(f).

NEW SECTION

WAC 388-532-710 TAKE CHARGE—Definitions. The following definitions and abbreviations apply only to the medical assistance administration's (MAA's) TAKE CHARGE demonstration and research program.

"**Ancillary services**" means those family planning services that are given to TAKE CHARGE clients that are performed by the medical assistance administration's contracted providers who are not TAKE CHARGE providers. These services include, but are not limited to, family planning pharmacy services, family planning laboratory services and sterilization surgical services.

"**Application assistance**" means the process a TAKE CHARGE provider follows in helping a client be determined eligible for the TAKE CHARGE demonstration and research program.

"**Education, counseling and risk reduction service**" or "**ECRR**" means a set of medical assistance administration designated services (see WAC 388-532-740 (1)(c)) that strengthen a client's decision-making skills to make the best choice of contraceptive method and reduce the risk of unintended pregnancy.

"**Family planning services**" means medical care and educational services, which enable individuals to plan and space the number of children by using contraceptive methods to avoid an unintended pregnancy.

"**Good cause**" means that the medical assistance administration (MAA) has determined that an applicant for TAKE CHARGE has a valid reason for not using comprehensive third party family planning coverage that is available to the applicant for TAKE CHARGE. When good cause has been determined by MAA, the applicant is considered for TAKE CHARGE without regard to the available third party family planning coverage.

"**Intensive follow-up services**" or "**IFS**" means those supplemental services specified in some TAKE CHARGE provider contracts that support clients in the successful use of contraceptive methods. DSHS-selected TAKE CHARGE providers perform IFS as part of the research component of the TAKE CHARGE demonstration and research program (see WAC 388-532-730 (1)(f)).

"**Principal purpose diagnosis**" means the reason given by the licensed medical provider for the TAKE CHARGE service. The TAKE CHARGE program is limited to a principal purpose diagnosis of family planning.

"**TAKE CHARGE**" means the medical assistance administration's five-year demonstration and research program approved by the federal government under a Medicaid program waiver to provide family planning services. See WAC 388-532-700.

"**TAKE CHARGE provider**" means a provider who is approved by the medical assistance administration (MAA) to participate in TAKE CHARGE by:

- (1) Having a core provider agreement with MAA;
- (2) Being approved to participate in MAA's long-standing family planning programs; and
- (3) Having a supplemental TAKE CHARGE agreement to provide TAKE CHARGE demonstration and research program family planning services to eligible clients under the terms of the federally approved Medicaid waiver for the TAKE CHARGE demonstration and research program.

NEW SECTION

WAC 388-532-720 TAKE CHARGE—Client eligibility.

(1) To be eligible for the TAKE CHARGE program, a client must:

- (a) Be a United States citizen, U.S. national, or qualified alien of the U.S.A. as described in WAC 388-424-0005(1);
- (b) Be a resident of the state of Washington as described in WAC 388-468-0005;
- (c) Have income at or below two hundred percent of the federal poverty level as described in WAC 388-478-0075;
- (d) Apply voluntarily for family planning services with a TAKE CHARGE provider; and
- (e) Need family planning services but have:
 - (i) No family planning coverage through health insurance or another medical assistance administration (MAA) program;
 - (ii) Family planning coverage that does not cover all family planning methods or services; or
 - (iii) Good cause for not using family planning coverage through health insurance. See WAC 388-532-790 for information on good cause.

(2) To be eligible for the TAKE CHARGE program, a client must not be:

- (a) Eligible for the requested TAKE CHARGE family planning services under another MAA medical program;
- (b) Pregnant; or
- (c) Currently sterilized.

(3) A client is authorized for TAKE CHARGE coverage for one year from the date MAA determines eligibility. Upon reapplication for TAKE CHARGE by the client, MAA may renew the coverage for additional periods of up to one year each, for the duration of the demonstration and research program.

NEW SECTION

WAC 388-532-730 TAKE CHARGE—Provider requirements. (1) A TAKE CHARGE provider must:

- (a) Have a current medical assistance administration (MAA) core provider agreement to provide family planning services to eligible MAA clients;
- (b) Sign the supplemental TAKE CHARGE agreement to participate in the TAKE CHARGE demonstration and research program according to MAA's TAKE CHARGE program guidelines;

(c) Participate in MAA's specialized training for the TAKE CHARGE demonstration and research program prior to providing TAKE CHARGE services;

(d) Comply with the required general MAA and TAKE CHARGE provider policies, procedures, and administrative practices as detailed in MAA's billing instructions;

(e) Obtain both:

(i) Authorization from clients for release of information related to this program; and

(ii) Informed consents as defined in WAC 388-531-0050 and as required by WAC 388-531-1550, as necessary.

(f) If requested by MAA, participate in the research and evaluation component of the TAKE CHARGE demonstration and research program. If selected by DSHS for the research and evaluation component, the provider must accept assignment to either:

(i) A randomly selected group of providers that give intensive follow-up service (IFS) to TAKE CHARGE clients under a TAKE CHARGE research component client services contract. See WAC 388-532-740(3) for a related limitation; or

(ii) A randomly selected control group of providers subject to a TAKE CHARGE research component client services contract.

(2) MAA providers (e.g., pharmacies, laboratories, surgeons performing sterilization procedures) who are not TAKE CHARGE providers may furnish family planning ancillary services, as defined in this chapter, to eligible TAKE CHARGE clients. MAA reimburses for these services under the rules and fee schedules applicable to the specific services provided under MAA's other programs.

NEW SECTION

WAC 388-532-740 TAKE CHARGE—Covered services. (1) The medical assistance administration (MAA) covers the following TAKE CHARGE services for men and women:

(a) One session of application assistance per client, per year;

(b) All Food and Drug Administration (FDA) approved prescription and non-prescription contraceptives as provided in chapter 388-530 WAC;

(c) One initial education, counseling, and risk reduction (ECRR) service to include the following elements:

(i) Assisting the client evaluate contraceptive methods;

(ii) Preconception counseling if no contraceptive method is chosen or planned;

(iii) Planning for contingencies including emergency contraception;

(iv) Evaluation of client risk factors;

(v) Scheduling of follow-up visits; and

(vi) Assisting male clients understand their role in contraception.

(d) Follow-up ECRR services as described above and at intervals specified in subsection (2) of this section;

(e) One surgical sterilization service that meets the requirements of WAC 388-531-1550(1), if the service is:

(i) Requested by the TAKE CHARGE client; and

(ii) Performed in an ambulatory surgery center or hospital outpatient setting only.

(f) Testing for sexually transmitted diseases/infections (STD-I) when performed in conjunction with a principal purpose diagnosis of family planning;

(g) Treatment of STD-I when medically required as part of the client's selected contraceptive method(s).

(2) MAA covers follow-up ECRR services under the TAKE CHARGE demonstration and research program at the following intervals:

(a) For women, one ECRR service ten months after the initial ECRR service and one every ten months thereafter; and

(b) For men, one ECRR service per calendar year, after the initial ECRR service.

(3) MAA covers intensive follow-up services (IFS) for certain clients as part of the research component of the TAKE CHARGE demonstration and research program. Only those clients served by MAA's randomly selected research sites receive IFS (see WAC 388-532-730 (1)(f)(i)). The specific elements of IFS are negotiated with each research site.

NEW SECTION

WAC 388-532-750 TAKE CHARGE—Noncovered services. The medical assistance administration (MAA) does not cover certain services under the TAKE CHARGE demonstration and research program. These services include, but are not limited to, the following:

(1) Hospital inpatient services of any kind (see WAC 388-532-780(8) for related information);

(2) Pregnancy services, with the exception of an initial pregnancy test performed by a TAKE CHARGE provider to rule out an existing pregnancy. Excluded pregnancy services include:

(a) Services that are ancillary to an existing pregnancy; or

(b) Abortions, services related to pregnancy termination, or services required due to complications from pregnancy termination.

(3) Reproductive health services not performed in relation to a principal purpose diagnosis of family planning, such as:

(a) Infertility diagnosis, treatments, or drugs;

(b) Hysterectomies;

(c) Treatment for menopause; or

(d) Cancer screening or treatment, other than those services that are related to a contraceptive method or other service with a principal purpose diagnosis of family planning.

(4) Testing or treatment for sexually transmitted diseases/infections (STD-I), AIDS, or HIV unless the testing and/or treatment is:

(a) Done in conjunction with a principal purpose diagnosis of family planning; and

(b) Required as an essential component of the family planning services being delivered to the client.

(5) Genetic counseling; and

(6) Any service not specifically listed in MAA's TAKE CHARGE program billing instructions unless MAA's specific advance approval is obtained in writing.

NEW SECTION

WAC 388-532-760 TAKE CHARGE—Documentation requirements. In addition to the documentation requirements in WAC 388-502-0020, the medical assistance administration (MAA) requires a TAKE CHARGE provider to keep the following records:

- (1) TAKE CHARGE pre-application worksheet form(s) and application(s);
- (2) The reason for the visit (the principal reason for the visit must be for family planning to be covered under TAKE CHARGE);
- (3) Contraceptive methods discussed with the client;
- (4) Notes on any discussions of emergency contraception and needed prescription(s);
- (5) The client's plan for the contraceptive method to be used, or the reason for no client plan;
- (6) Documentation of the education, counseling and risk reduction (ECRR) service, including all elements in WAC 388-532-740 (1)(c);
- (7) Copies of referrals to or from other providers as necessary;
- (8) An MAA approved form signed by the client authorizing release of information for referral purposes, as necessary; and
- (9) Copies of the informed consent for sterilization form (see WAC 388-531-1550) signed by the client, as necessary.

NEW SECTION

WAC 388-532-780 TAKE CHARGE—Payment limitations. (1) The medical assistance administration (MAA) limits reimbursement under the TAKE CHARGE program to those services that are the result of client visits having a principal purpose diagnosis of family planning. The diagnosis must be made by a qualified licensed medical practitioner.

(2) Except as noted in subsection (3) of this section, MAA reimburses providers for covered TAKE CHARGE services according to the same fee schedules used under MAA's primary programs (e.g., resource based relative value system (RBRVS), pharmacies, laboratories).

(3) For those TAKE CHARGE services not listed in MAA's primary fee schedules described in subsection (2) of this section, MAA provides a TAKE CHARGE fee schedule.

(4) MAA limits reimbursement for TAKE CHARGE intensive follow-up services (IFS) to those randomly selected research sites described in WAC 388-532-740(3). See WAC 388-532-730 (1)(f)(i) for related information.

(5) Federally qualified health centers (FQHCs), rural health centers (RHCs), and Indian health providers who choose to become TAKE CHARGE providers must bill MAA for TAKE CHARGE services without regard to their special rates and fee schedules. MAA does not reimburse FQHCs, RHCs or Indian health providers under the encounter rate structure for TAKE CHARGE services.

(6) MAA requires TAKE CHARGE providers to meet the billing requirements of WAC 388-502-0150 (billing time limits). In addition, all final billings and billing adjustments related to the TAKE CHARGE demonstration and research program must be completed no later than June 30, 2008, or no

later than two years after the demonstration and research program terminates, whichever occurs first. MAA will not accept any new billings or any billing adjustments that increase expenditures for the TAKE CHARGE demonstration and research program after the cut-off date in this subsection.

(7) Providers are responsible to identify and refund to MAA any erroneous, excessive, or inappropriate payments. The time limits in subsection (6) of this section do not apply to overpayments owed to MAA.

(8) MAA does not cover inpatient services under the TAKE CHARGE program. However, inpatient charges may be incurred as a result of complications arising directly from a covered TAKE CHARGE service. Providers of TAKE CHARGE related inpatient services that are not otherwise covered by third parties or other medical assistance programs must submit to MAA a complete report of the circumstances and conditions that caused the need for inpatient services. From the complete report, MAA makes a determination of the extenuating circumstances and the potential payment sources (e.g., the TAKE CHARGE provider, the ancillary service provider(s) and/or MAA).

NEW SECTION

WAC 388-532-790 TAKE CHARGE—Good cause for coverage despite third party availability. (1) The medical assistance administration (MAA) requires applicants for TAKE CHARGE who have comprehensive third party family planning coverage but who choose not to use that third party coverage to demonstrate to MAA good cause for MAA not to consider that third party coverage in determining eligibility for TAKE CHARGE.

(2) Applicants may apply for a good cause exclusion of available and comprehensive third party coverage by demonstrating that the use of the third party coverage would violate the applicant's privacy. Privacy is violated if:

(a) The third party routinely or randomly sends verification of services to the third party subscriber and that subscriber is other than the applicant;

(b) The third party requires the applicant to use a primary care provider who is likely to report the applicant's request for family planning services to another party.

WSR 02-14-161

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed July 3, 2002, 11:44 a.m.]

Supplemental Notice to WSR 02-03-117.

Preproposal statement of inquiry was filed as WSR 00-07-057.

Title of Rule: Amending WAC 388-76-535, 388-76-61510 and 388-76-710; adopting new sections WAC 388-76-64005, 388-76-64010, 388-76-64015, 388-76-64020, 388-76-64025, 388-76-64030, 388-76-64035, 388-76-64040,

388-76-64045, 388-76-64050 and 388-76-64055; and repealing WAC 388-76-640.

Purpose: Amending, adding and repealing rules on adult family homes to be consistent with current statute, and to make corrections. The subject matter in these rules was previously proposed as WSR 02-03-117.

Statutory Authority for Adoption: RCW 70.128.040, 69.41.085.

Statute Being Implemented: RCW 70.128.040, 69.41.085.

Summary: These rules on adult family homes add new statutory authority, increase the number of days allowed to prepare a negotiated care plan, and make corrections to outdated information. WAC 388-76-640 is repealed and replaced with new WAC subsections to provide greater clarity and to be consistent with chapter 246-888 WAC, Medication assistance. The subject matter in these rules was previously proposed as WSR 02-03-117. A public hearing was held on February 26, 2002. As a result of public comments, we have revised the rules and are reproposing them for public review and comment.

Reasons Supporting Proposal: The Board of Pharmacy promulgated chapter 246-888 WAC, Medication assistance in 1999 changing several medication practices allowed in community-based settings. These rules have been updated to be consistent with RCW 69.41.085 and chapter 246-888 WAC, Medication assistance, providing clarification for adult family home providers related to resident medications.

Name of Agency Personnel Responsible for Drafting: Robert Stroh, AASA, 640 Woodland Square Loop S.E., P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2587; Implementation and Enforcement: Joyce Stockwell, AASA, 640 Woodland Square Loop S.E., P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2404.

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: Chapter 69.41 RCW has been amended and chapter 246-888 WAC, Medication assistance, has been promulgated by the Board of Pharmacy. These changes allow individuals residing in community-based, long-term care facilities to receive assistance with medications from a nonpractitioner under defined circumstances. Therefore, the department needs to update WAC 388-76-640 Resident medications (adult family home rules) to reflect these new changes. WAC 388-76-640 is repealed and replaced with eleven new WAC sections to provide clarity for providers and to be consistent with chapter 246-888 WAC, Medication assistance. Outdated information in WAC 388-76-535 and 388-76-710 is updated. WAC 388-76-61510 changes the timeline required for developing negotiated care plans for new admissions from fourteen to thirty days.

Proposal Changes the Following Existing Rules: WAC 388-76-61510 changes the timeline required for developing a negotiated care plan from fourteen to thirty days from date of a resident's admission. This change has resulted from stakeholder input (the RCW does not specify timelines).

WAC 388-76-640 is repealed and replaced by new sections on resident medications: WAC 388-76-64005, 388-76-64010, 388-76-64015, 388-76-64020, 388-76-64025, 388-76-64030, 388-76-64035, 388-76-64040, 388-76-64045, 388-76-64050, and 388-76-64055.

WAC 388-76-535 is amended to include RCW 69.41.085 as authority.

WAC 388-76-710 is amended to correct the Board of Appeals mailing address.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Residential care services has analyzed its proposed rules and concluded that the rules do not impose an increase in existing costs, an imposition of a new cost, or a decrease in benefit. Amended and new sections provide clarification of existing requirements, or update existing rules to conform to changes in state law. No new costs to small businesses are incurred.

RCW 34.05.328 does not apply to this rule adoption. A cost benefit analysis (CBA) review has been completed and it has been determined that the proposed rules "do not make significant changes to a policy or regulatory program," the rules are not "significant legislative rules" as defined in RCW 34.05.328 (5)(c)(iii). Therefore, under chapter 34.05 RCW, the proposed changes in chapter 388-76 WAC, Adult family home minimum licensing requirements, are exempt from requiring a cost-benefit analysis.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on August 6, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by August 2, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@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, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., August 6, 2002.

Date of Intended Adoption: Not earlier than August 7, 2002.

June 28, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

RESIDENT MEDICATIONS

NEW SECTION

WAC 388-76-64005 Definitions. For purposes of this chapter, these definitions apply:

"Enablers" means a physical device used to facilitate a resident's self-administration of a prescribed or over-the-counter medication. Physical devices include, but are not limited to a medicine cup, glass, cup, spoons, bowl, pre-filled syringes, syringes used to measure oral liquids, specially adapted table surfaces, drinking straw, piece of cloth, and the resident's hand.

"Prescribed medication" refers to any medication (legend drug, controlled substance, and over-the-counter) that is prescribed by an authorized practitioner.

"Medication organizer" is a container with separate compartments for storing oral medications organized in daily doses.

"Over-the-counter (OTC) medication" is any medication that can be purchased without a prescriptive order, including but not limited to vitamin, mineral, or herbal preparations.

"Practitioner" includes a physician, osteopathic physician, pediatric physician, pharmacist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, dentist, and physician assistant. Refer to chapter 69.42 RCW for a complete listing of practitioners.

NEW SECTION

WAC 388-76-64010 What are the rules the provider must follow in all situations involving resident medications? (1) The provider must ensure that all prescribed and OTC medications are kept in locked storage.

(2) The provider must ensure that all prescribed and OTC medications are stored in the original containers with legible and original labels. When medication organizers are used, refer to WAC 388-76-64050.

(3) The resident always has the right to refuse any medications.

(4) When a resident who is receiving medication assistance or administration refuses or does not receive a prescribed medication, the provider must notify the prescribing practitioner unless the provider, acting within their scope of practice, is able to make a judgment about the significance of the resident's refusal.

(5) If a provider becomes aware that a resident who is independent is refusing a prescribed medication, the provider must notify the prescribing practitioner unless the provider, acting within their scope of practice, is able to make a judgment about the significance of the resident's refusal.

(6) The provider must ensure that the negotiated care plan addresses how residents will get their medications when they absent from the adult family home or when a family member assisting with medications is not available.

(7) The provider must have a policy addressing the disposition of resident prescribed medications that are unused, leftover, or remaining after the resident leaves the adult family home.

NEW SECTION

WAC 388-76-64015 What defines the type of help a resident may need when taking their medication? (1) The resident assessment must identify the individual's functional level related to the management of medications as referenced in WAC 388-76-61020(9).

(2) Independent with self-administration is when the resident is independently able to directly apply prescribed and OTC medications by ingestion, inhalation, injection or other means.

(3) Self-administration with assistance as described in chapter 246-888 WAC, Medication assistance is when a resident is independent with self-administration but requires assistance from a non-practitioner when taking prescribed or OTC medications. This assistance does not include injectable or intravenous medications as defined in WAC 246-888-020.

(4) Medication administration is required when a resident cannot safely perform independent self-administration or self-administration with assistance. Medication administration must be performed by a practitioner as defined in chapter 69.41 RCW or by nurse delegation (WAC 246-840-910 through 246-840-970) unless performed by a family member or surrogate decision maker.

(5) If a resident's circumstances require a combination of independent with self-administration, self-administration with assistance, or medication administration, the reason(s) for this combination must be explained in the resident's negotiated care plan.

NEW SECTION

WAC 388-76-64020 What must the provider's house policies address for residents who are independent with self-administration? (1) Residents who are independent with self-administration:

(a) May administer their own prescribed and OTC medications unless otherwise stipulated in their negotiated care plan.

(b) May keep their prescribed and OTC medications securely locked in their room or in an area otherwise agreed upon and documented in their negotiated care plan.

(2) Residents who are independent with self-administration are not required to keep a daily medication log unless otherwise stipulated in their negotiated care plan.

(3) For purposes of emergency situations, the provider must maintain a current list of prescribed and OTC medications including name, dosage, frequency, and the name and phone number of the prescribing practitioner as needed. The provider must coordinate with the resident when there is a medication change or new order(s) and must document the changes in the resident's negotiated care plan.

NEW SECTION

WAC 388-76-64025 How do a resident and provider initiate self-administration with assistance? (1) A resident or their representative and the provider consult with a practitioner to determine the appropriateness for self-administration with assistance.

(2) The practitioner, in consultation with the resident or their representative and the provider, considers such factors as the physical and mental limitations of the resident and the setting or environment where the resident lives.

(3) While no additional separate assessment or documentation of the resident's needs is required for initiating self-administration with assistance, the provider must amend the resident's negotiated care plan to reflect this service documenting the decision making process.

(4) The provider must ensure that the practitioner reassesses the resident if there is a change in the health status, medications, physical or mental limitations, or environment.

NEW SECTION

WAC 388-76-64030 What must the provider monitor when implementing self-administration with assistance?

(1) The provider must ensure that self-administration with assistance is occurring when a resident needs assistance from a non-practitioner to safely facilitate self-administration of a medication.

(2) The resident must be able to put the prescribed or OTC medication into their own mouth or apply or instill the medications.

(3) The resident must be aware that they are receiving a prescribed or OTC medication, but does not necessarily need to be able to state the name of the medication, intended effects or side effects.

(4) Self-administration with assistance must occur immediately prior to the ingestion or application of a prescribed or OTC medication.

(5) Self-administration with assistance may include steadying or guiding a resident's hand while applying or instilling prescribed or OTC medications such as ointments, eye, ear and nasal preparations, but does not include the practice of "hand-over-hand" (total physical assistance) administration.

(6) Self-administration with assistance does not include direct assistance with intravenous and injectable medications, however, delivering a pre-filled syringe to the resident is allowed providing that the resident independently self-administers the injection per WAC 246-888-020.

NEW SECTION

WAC 388-76-64035 What other situations must the provider monitor when self-administration with assistance occurs for a resident? A nonpractitioner may assist the resident to self-administer a prescribed or OTC medication through a gastronomy or "g-tube" provided that:

(1) The resident is able to independently self-administer through the "g-tube";

(2) The prescription is written as an oral medication via "g-tube";

(3) The practitioner has determined that the prescribed or OTC medication can be altered, if necessary, for use via "g-tube."

NEW SECTION

WAC 388-76-64040 What must the provider do when there is a need to alter medications during self-administration with assistance? (1) If the prescribed or OTC medication is altered, the provider must have documentation for the alteration by the approving practitioner on the prescription container or in the resident's record.

(2) Alteration of a prescribed or OTC medication for self-administration with assistance includes, but is not limited to, crushing tablets, cutting tablets in half, opening capsules, mixing powdered medications with food or liquids.

(3) Residents must be aware that the prescribed or OTC medication is being altered and/or added to their food.

NEW SECTION

WAC 388-76-64045 What other types of assistance can a nonpractitioner provide? Prescribed or OTC medication can be transferred from one container to another for the purpose of an individual dose such as pouring a liquid medication from the medication container to a calibrated spoon or medication cup.

NEW SECTION

WAC 388-76-64050 Who can fill medication organizers and what is required? (1) A registered nurse (RN), licensed practical nurse (LPN), the resident, or the resident's family members may fill medication organizers.

(2) Prescribed medications being placed into an organizer for the resident must have already been dispensed by a pharmacist and are being removed from an original container that has been labeled for the resident by a pharmacist or pharmacy service.

(3) The medication organizer must allow prescribed and OTC medications to be readily identifiable by residents, caregivers, and the RN and LPN.

(4) Medication organizers must carry a label that clearly identifies the following information:

(a) Name of the resident;

(b) Name of the medication(s);

(c) Dosage and dosage frequency.

(d) Name and phone number of the prescribing practitioner when it is a prescribed medication.

(5) When a resident has a change in medications by the prescribing practitioner, the person filling the medication organizers must replace labels with required updated information immediately.

NEW SECTION

WAC 388-76-64055 What documentation is the provider required to include in the resident's daily medication log? (1) The provider must ensure that every resident (unless WAC 388-76-64015(2) applies) has a daily medication log that includes the following information:

(a) A listing of all prescribed and OTC medications, the frequency, and the dosage;

(b) The time the medication was taken by the resident;

(c) The time of medication refusal if the resident refused to take a prescribed medication.

(2) The provider must ensure that the person (including family members) who assisted or administered prescribed or OTC medication to the resident initials the daily medication log within one hour after the medication was taken.

(3) If a resident refuses to take prescribed medications, the requirements in subsection (2) of this section apply including a note indicating the resident's refusal.

(4) When the prescribing practitioner makes a change to any current medications, the provider must:

(a) Ensure that the change and the date of the change are immediately documented on the daily medication log;

(b) Request from the prescribing practitioner written verification of the change by mail, facsimile, other electronic means, or a new original labeled container from the pharmacy;

(c) Coordinate with the resident's pharmacy service to ensure that the changed medication is received from the pharmacy to begin the change consistent with the new order.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-76-640 Resident medications.



WSR 02-14-001
EXPEDITED RULES
DEPARTMENT OF LICENSING

[Filed June 19, 2002, 2:29 p.m.]

Title of Rule: Requests for adjudicative proceedings.

Purpose: To clarify language.

Statutory Authority for Adoption: RCW 34.05.413(3).

Statute Being Implemented: RCW 34.05.413(3).

Summary: Language has been clarified and made more specific.

Reasons Supporting Proposal: The assistant attorney generals' representing the departments programs suggested the rule changes in order to clarify the process.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Walt Fahrer, 1125 Washington Street S.E., Olympia, WA 98507-9020, (360) 902-3640.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule gives details on how the department processes applications for adjudicative proceedings. The purpose is to make it clear to the departments customers what they need to do in the process. The anticipated effects of this amendment will be that there is less confusion.

Proposal does not change 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 Walt Fahrer, Department of Licensing, 1125 Washington Street S.E., Olympia, WA 98507-9020, AND RECEIVED BY September 3, 2002.

June 18, 2002

Walt Fahrer

Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-03-129, filed 1/23/01, effective 2/23/01)

WAC 308-08-085 Requests for adjudicative proceedings. (1) All applications requesting that the department of licensing conduct an adjudicative proceeding, including but not limited to requests for a hearing in a proceeding initiated by the department shall be made on the ~~((applicable))~~ form ~~((for such requests))~~ provided by the department or ~~((on))~~ in a form which is substantially similar.

(2) Applications to the department for an adjudicative proceeding shall be made within the following time limitations:

(a) Within twenty calendar days of service ~~((as defined in WAC 10-08-110 (2) and (3);))~~ upon the applicant of a written notice of an opportunity to request a hearing ~~((upon))~~ on the agency action ~~((or contemplated agency action; or)).~~

(b) Within twenty calendar days ~~((from))~~ of notice to the applicant from any source of ~~((administrative))~~ agency action by the department which the applicant believes has or will adversely affect the applicant.

(c) For purposes of this subsection, the time limitations begin upon actual notice, personal service or deposit in the U.S. mail, whichever occurs first.

(3) Failure of an applicant to file an application for an adjudicative proceeding within the time limits set forth in subsection ~~((s))~~ (2) ~~((a) or (b) above))~~ of this section, constitutes a default and results in the loss of the applicant's right to an adjudicative proceeding ~~((and)).~~ The department may proceed to resolve the case pursuant to RCW 34.05.440(1).

(4) The department shall not grant any request for an adjudicative proceeding to an applicant who ~~((does, or will, not have standing to request judicial review of the agency actions, or contemplated agency actions, pursuant to))~~ is not aggrieved or adversely affected by the agency action as defined by RCW 34.05.530.

(5) The department shall process applications for adjudicative proceedings as provided in RCW 34.05.416 and 34.05.419.

WSR 02-14-054
EXPEDITED RULES
DEPARTMENT OF HEALTH

[Filed June 27, 2002, 8:46 a.m.]

Title of Rule: WAC 246-328-200 HIV/AIDS prevention and information education requirements and 246-328-990 Adult family home provider or resident manager fees and renewal cycle.

Purpose: The proposal repeals rules to implement chapter 223, Laws of 2002. New legislation repealed the Department of Health credential for adult family home providers and resident managers. Repeal of the rules is part of the implementation of the legislation.

Statutory Authority for Adoption: Chapter 223, Laws of 2002.

Statute Being Implemented: Chapter 18.48 RCW.

Summary: The HIV/AIDS rule requires that adult family home providers and resident managers take seven hours of AIDS education. The fee and renewal rule requires providers and resident managers to pay an application fee, renew the credential annually, and pay a renewal fee. Since the credential has been repealed and no longer exists, the rule requirements should be repealed as well.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: P. Lovinger, 1300 S.E. Quince Street, Olympia, WA, (360) 236-4985.

Name of Proponent: Department of Health, governmental.

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

EXPEDITED

Explanation of Rule, its Purpose, and Anticipated Effects: The HIV/AIDS rule requires that adult family home providers and resident managers take seven hours of AIDS education. The fee and renewal cycle rule requires providers and resident managers to pay an application fee, renew the credential annually, and pay a renewal fee. Since the credential has been repealed and no longer exists, the rule requirements should be repealed as well. Repeal of the adult family home credential will improve government efficiency.

Proposal Changes the Following Existing Rules: The proposal repeals WAC 246-328-200 and 246-328-990, eliminating the HIV/AIDS requirement and application and renewal fees for adult family home providers and resident managers.

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 Pamela Lovinger, Department of Health, P.O. Box 47860, Olympia, WA 98504-7860, AND RECEIVED BY September 4, 2002.

June 26, 2002
Mary C. Selecky
Secretary

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 246-328-200 HIV/AIDS prevention and information education requirements.
- WAC 246-328-990 Adult family home provider or resident manager fees and renewal cycle.

WSR 02-14-057
EXPEDITED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed June 27, 2002, 10:35 a.m.]

Title of Rule: Technical corrections to WAC 460-21B-060, 460-22B-090, 460-24A-145.

Purpose: Currently, the introductory paragraphs to WAC 460-21B-060, 460-22B-090 both refer to RCW 21.20.110(7). This statute was revised in 1998 to the effect that RCW 21.20.110(7) is now RCW 21.20.110 (1)(g). This rule proposal would correct WAC 460-21B-060 and 460-

22B-090 so that they refer to RCW 21.20.110 (1)(g). WAC 460-24A-145 (5)(a) contains a typographical error. In the first sentence, "or" should read "of." This proposal would correct this typographical error.

Other Identifying Information: WAC 460-21B-060, 460-22B-090, and 460-24A-145.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: Chapter 21.20 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: Erroneous cross references and typographical errors cause confusion and should be corrected.

Name of Agency Personnel Responsible for Drafting: William M. Beatty, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760; Implementation: Mark Thomson, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760.

Name of Proponent: Department of Financial Institutions, Securities Division, 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: Corrects erroneous cross-references and a typographical error.

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 William M. Beatty, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, fax (360) 704-6923, e-mail bbeatty@dfi.wa.gov, AND RECEIVED BY September 4, 2002.

June 26, 2002
Mark Thomson
Acting Director

AMENDATORY SECTION (Amending WSR 99-12-043, filed 5/26/99, effective 7/9/99)

WAC 460-21B-060 Dishonest or unethical business practices—Broker-dealers. The phrase "dishonest or unethical practices" as used in RCW 21.20.110(~~(7)~~) (1)(g) as applied to broker-dealers is hereby defined to include any of the following:

(1) Engaging in a pattern of unreasonable and unjustifiable delays in the delivery of securities purchased by any of its customers and/or in the payment upon request of free credit balances reflecting completed transactions of any of its customers;

(2) Inducing trading in a customer's account which is excessive in size or frequency in view of the financial resources and character of the account;

(3) Recommending to a customer to purchase, sell or exchange any security without reasonable grounds to believe that such transaction or recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other relevant information known by the broker-dealer;

(4) Executing a transaction on behalf of a customer without authorization to do so;

(5) Exercising any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time and/or price for the execution of orders;

(6) Executing any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account;

(7) Failing to segregate customers' free securities or securities held in safekeeping;

(8) Hypothecating a customer's securities without having a lien thereon unless the broker-dealer secures from the customer a properly executed written consent promptly after the initial transaction, except as permitted by rules of the securities and exchange commission;

(9) Entering into a transaction with or for a customer at a price not reasonably related to the current market price of the security or receiving an unreasonable commission or profit;

(10) Failing to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of the transaction, a final or preliminary prospectus, and if the latter, failing to furnish a final prospectus within a reasonable period after the effective date of the offering;

(11) Charging unreasonable and inequitable fees for services performed, including miscellaneous services such as collection of monies due for principal, dividends or interest, exchange or transfer of securities, appraisals, safekeeping, or custody of securities and other services related to its securities business;

(12) Offering to buy from or sell to any person any security at a stated price unless such broker-dealer is prepared to purchase or sell, as the case may be, at such price and under such conditions as are stated at the time of such offer to buy or sell;

(13) Representing that a security is being offered to a customer "at the market" or a price relevant to the market price unless such broker-dealer knows or has reasonable grounds to believe that a market for such security exists other than that made, created or controlled by such broker-dealer, or by any person for whom he/she is acting or with whom he/she is associated in such distribution, or any person controlled by, controlling or under common control with such broker-dealer;

(14) Effecting any transaction in, or inducing the purchase or sale of, any security by means of any manipulative, deceptive or fraudulent device, practice, plan, program,

design or contrivance, which may include but not be limited to:

(a) Effecting any transaction in a security which involves no change in the beneficial ownership thereof;

(b) Entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same price, for the sale of any such security, has been or will be entered by or for the same or different parties for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security; provided, however, nothing in this subsection shall prohibit a broker-dealer from entering bona fide agency cross transactions for its customer;

(c) Effecting, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others;

(15) Guaranteeing a customer against loss in any securities account of such customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer with or for such customer;

(16) Publishing or circulating, or causing to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind which purports to report any transaction as a purchase or sale of any security unless such broker-dealer believes that such transaction was a bona fide purchase or sale of such security; or which purports to quote the bid price or asked price for any security, unless such broker-dealer believes that such quotation represents a bona fide bid for, or offer of, such security;

(17) Using any advertising or sales presentation in such a fashion as to be deceptive or misleading. An example of such practice would be a distribution of any nonfactual data, material or presentation based on conjecture, unfounded or unrealistic claims or assertions in any brochure, flyer, or display by words, pictures, graphs or otherwise designed to supplement, detract from, supersede or defeat the purpose or effect of any prospectus or disclosure;

(18) Failing to disclose that the broker-dealer is controlled by, controlling, affiliated with or under common control with the issuer of any security before entering into any contract with or for a customer for the purchase or sale of security, the existence of such control to such customer, and if such disclosure is not made in writing, it shall be supplemented by the giving or sending of written disclosure at or before the completion of the transaction;

(19) Failing to make bona fide public offering of all of the securities allotted to a broker-dealer for distribution, whether acquired as an underwriter, a selling group member or from a member participating in the distribution as an underwriter or selling group member;

(20) Failure or refusal to furnish a customer, upon reasonable request, information to which he is entitled, or to respond to a formal written request or complaint;

(21) In connection with the solicitation of a sale or purchase of an OTC non-NASDAQ security, failing to promptly provide the most current prospectus or the most recently filed

periodic report filed under Section 13 of the Securities Exchange Act, when requested to do so by a customer;

(22) Marking any order ticket or confirmation as unsolicited when in fact the transaction is solicited;

(23) For any month in which activity has occurred in a customer's account, but in no event less than every three months, failing to provide each customer with a statement of account which with respect to all OTC non-NASDAQ equity securities in the account, contains a value for each such security based on the closing market bid on a date certain: Provided, That this subsection shall apply only if the firm has been a market maker in such security at any time during the month in which the monthly or quarterly statement is issued;

(24) Failing to comply with any applicable provision of the Conduct Rules of the National Association of Securities Dealers or any applicable fair practice or ethical standard promulgated by the Securities and Exchange Commission or by a self-regulatory organization approved by the Securities and Exchange Commission; or

(25) Any acts or practices enumerated in WAC 460-21B-010.

The conduct set forth above is not inclusive. Engaging in other conduct such as forgery, embezzlement, nondisclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall also be grounds for denial, suspension or revocation of registration.

AMENDATORY SECTION (Amending WSR 99-12-043, filed 5/26/99, effective 7/9/99)

WAC 460-22B-090 Dishonest and unethical business practices-salespersons. The phrase "dishonest or unethical practices" as used in RCW 21.20.110(~~(7)~~) (1)(g) as applied to salespersons, is hereby defined to include any of the following:

(1) Engaging in the practice of lending or borrowing money or securities from a customer, or acting as a custodian for money, securities or an executed stock power of a customer;

(2) Effecting securities transactions not recorded on the regular books or records of the broker-dealer which the agent represents, unless the transactions are authorized in writing by the broker-dealer prior to execution of the transaction;

(3) Establishing or maintaining an account containing fictitious information in order to execute transactions which would otherwise be prohibited;

(4) Sharing directly or indirectly in profits or losses in the account of any customer without the written authorization of the customer and the broker-dealer which the agent represents;

(5) Dividing or otherwise splitting the agent's commissions, profits or other compensation from the purchase or sale of securities with any person not also registered for the same broker-dealer, or for a broker-dealer under direct or indirect common control;

(6) Inducing trading in a customer's account which is excessive in size or frequency in view of the financial resources and character of the account;

(7) Recommending to a customer the purchase, sale or exchange of any security without reasonable grounds to

believe that such transaction or recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other relevant information known by the broker-dealer;

(8) Executing a transaction on behalf of a customer without authorization to do so;

(9) Exercising any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time and/or price for the execution of orders;

(10) Executing any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account;

(11) Entering into a transaction with or for a customer at a price not reasonably related to the current market price of the security or receiving an unreasonable commission or profit;

(12) Failing to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of the transaction, a final or preliminary prospectus, and if the latter, failing to furnish a final prospectus within a reasonable period after the effective date of the offering;

(13) Effecting any transaction in, or inducing the purchase or sale of, any security by means of any manipulative, deceptive or fraudulent device, practice, plan, program, design or contrivance, which may include but not be limited to:

(a) Effecting any transaction in a security which involves no change in the beneficial ownership thereof;

(b) Entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same time and substantially the same price, for the sale of any such security, has been or will be entered by or for the same or different parties for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security;

(c) Effecting, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others;

(14) Guaranteeing a customer against loss in any securities account for such customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer with or for such customer;

(15) Publishing or circulating, or causing to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind which purports to report any transaction as a purchase or sale of any security unless such broker-dealer believes that such transaction was a bona fide purchase or sale of such security; or which purports to quote the bid price or asked price for any security, unless such broker-dealer believes that such quotation presents a bona fide bid for, or offer of, such security;

(16) Using any advertising or sales presentation in such a fashion as to be deceptive or misleading. An example of

such practice would be a distribution of any nonfactual data, material or presentation based on conjecture, unfounded or unrealistic claims or assertions of any brochure, flyer, or display by words, pictures, graphs or otherwise designed to supplement, detract from, supersede or defeat the purpose or effect of any prospectus or disclosure;

(17) In connection with the solicitation of a sale or purchase of an OTC non-NASDAQ security, failing to promptly provide the most current prospectus or the most recently filed periodic report filed under Section 13 of the Securities Exchange Act, when requested to do so by a customer;

(18) Marking any order ticket or confirmation as unsolicited when in fact the transaction is solicited;

(19) Failing to comply with any applicable provision of the Conduct Rules of the National Association of Securities Dealers or any applicable fair practice or ethical standard promulgated by the Securities and Exchange Commission or by a self-regulatory organization approved by the Securities and Exchange Commission; or

(20) Any act or practice enumerated in WAC 460-21B-010.

The conduct set forth above is not inclusive. Engaging in other conduct such as forgery, embezzlement, nondisclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall also be grounds for denial, suspension or revocation of registration.

AMENDATORY SECTION (Amending WSR 01-16-125, filed 7/31/01, effective 10/24/01)

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, offer and deliver to each advisory client and prospective advisory client written disclosure materials containing at least the information then so required by Part II of Form ADV and such other information as the 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 (b) of this subsection, shall deliver the 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 materials required by (a) of this subsection need not be made in connection with entering into a contract for impersonal advisory services.

(3) Offer to deliver.

(a) An investment adviser, except as provided in (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 materials required by this section.

(b) The delivery or offer required by (a) of this subsection need not be made to advisory clients receiving advisory services solely pursuant to 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 (a) of this subsection shall also be made at the time of entering into an advisory contract.

(d) Any 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)) of 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 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.

(8) Other disclosure obligations. Nothing in this section shall relieve any investment adviser from any obligation to disclose any information to its advisory clients or prospective

advisory clients not specifically required by this rule under chapter 21.20 RCW, the rules and regulations thereunder, or any other federal or state law.

(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) "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.

WSR 02-14-149
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 3, 2002, 9:54 a.m.]

Title of Rule: WAC 296-20-02001 Penalties, 296-23-225 Work hardening, 296-23-170 Nursing services and attendant care, 296-23-175 Stimulators, and 296-23-185 Drug and alcohol rehabilitation services.

Purpose: These WACs will be deleted as housekeeping changes. They either are duplicative of another WAC or only refer to another WAC or RCW.

Statutory Authority for Adoption: RCW 51.04.020.

Statute Being Implemented: RCW 51.04.020.

Summary: All of these rules are being deleted as housekeeping changes. None of the rules contains substantive information that is not contained elsewhere.

Name of Agency Personnel Responsible for Drafting: Jami Lifka, 7273 Linderson Way S.W., Tumwater, WA, (360) 902-4941; Implementation: Gary Franklin, MD, MPH, Office of the Medical Director, (360) 902-5020; and Enforcement: Doug Connell, Assistant Director for Insurance Services, (360) 902-4209.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 296-20-02001 Penalties, this WAC will be

deleted because it only refers to chapter 51.48 RCW and is duplicative of WAC 296-20-015(5).

WAC 296-23-225 Work hardening, this WAC will be deleted because it is a duplicate of WAC 296-23-235.

WAC 296-23-170 Nursing services and attendant care, 296-23-175 Stimulators and 296-23-185 Drug and alcohol rehabilitation services, these WACs will be deleted because there is no substantive information contained within them. They only refer to other WACs.

Proposal Changes the Following Existing Rules: The proposal would delete the WACs listed 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 Jami Lifka, Department of Labor and Industries, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321, AND RECEIVED BY September 4, 2002.

July 3, 2002

Gary Moore

Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-20-02001 Penalties.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-23-170 Nursing services.

WAC 296-23-175 Stimulators.

WAC 296-23-185 Drug and alcohol rehabilitation services.

WAC 296-23-225 Work hardening.

WSR 02-13-074
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed June 14, 2002, 3:34 p.m.]

Date of Adoption: June 12, 2002.

Purpose: Chapter 388-535 WAC, Dental-related services. To clarify and update existing policy, including: Updating (and deleting where necessary) definitions; clarifying provider requirements and adding cross-references to other provider information; clarifying services that are covered and not covered; clarifying policy regarding dentures (including replacements for lost dentures), partials, and laboratory fees; and reorganize and rewrite sections within the chapter to improve readability and understanding to meet the requirements of Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-535-1010, 388-535-1150, and 388-535-1260; and amending WAC 388-535-1050, 388-535-1060, 388-535-1080, 388-535-1100, 388-535-1200, 388-535-1220, 388-535-1230, 388-535-1240, 388-535-1350, 388-535-1400, 388-535-1450, 388-535-1500, and 388-535-1550.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.035, 74.09.500, 74.09.520, 42 U.S.C. 1396d(a), 42 C.F.R. 440.100 and 440.225.

Adopted under notice filed as WSR 02-08-088 on April 3, 2002.

Changes Other than Editing from Proposed to Adopted Version: (a) WAC 388-535-1060 (1)(f), after "Children's health (the state-only funded program)," added, "through September 30, 2002 only;"

(b) WAC 388-535-1070 (1)(a)(v), after "Practice," replaced "anesthesiology" with, "anesthesia;"

Changes were made as a result of stakeholder input.

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 2, Amended 13, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 13, Repealed 3.

Effective Date of Rule: Thirty-one days after filing.

June 12, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-02-076, filed 12/29/00, effective 1/29/01)

WAC 388-535-1050 Dental-related definitions. ((This section contains definitions of words and phrases in bold that the department uses in this chapter. See also chapter 388-500 WAC for other)) The following definitions and abbreviations and those found in WAC 388-500-0005 apply to this chapter. ((Further)) The medical assistance administration (MAA) also uses dental definitions ((used by the department may be)) found in the American Dental Association's Current Dental Terminology (((CPT-2)) CDT-3) and the American Medical Association's Physician's Current Procedural Terminology 2002 (CPT™ 2002). Where there is any discrepancy between the ((CPT-2)) CDT-2 or ((CPT)) CPT 2002 and this section, this section prevails. (CPT™ is a trademark of the American Medical Association.)

"**Access to baby and child dentistry (ABCD)**" is a ~~((demonstration project))~~ program to increase access to dental services in targeted areas for Medicaid eligible infants, toddlers, and preschoolers up through the age of five. See WAC 388-535-1300 for specific information.

"**Adult**" for the general purposes of the medical assistance administration's (MAA) dental program, means a client ((nineteen)) twenty-one years of age or older (MAA's payment structure changes at age nineteen, which affects specific program services provided to adults or children).

"**Anterior**" means teeth in the front of the mouth. ~~((In relation to crowns, only these permanent teeth are considered anterior for laboratory processed crowns:))~~

(1) "**Lower anterior**," teeth twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven; and

(2) "**Upper anterior**," teeth six, seven, eight, nine, ten, and eleven.

~~((**Arch** means the curving structure formed by the crowns of the teeth in their normal position, or by the residual ridge after loss of the teeth.))~~

"**Asymptomatic**" means having or producing no symptoms.

~~((**Banding** means the application of orthodontic brackets to the teeth for the purpose of correcting dentofacial abnormalities.))~~

"**Base metal**" means dental alloy containing little or no precious metals.

"**Behavior management**" means managing the behavior of a client during treatment using the assistance of additional professional staff, and professionally accepted restraints or sedative agent, to protect the client from self-injury.

~~((**Bicuspid** means teeth four, five, twelve, thirteen, twenty, twenty one, twenty eight, and twenty nine.))~~

"**By report**" - a method of payment for a covered service, supply, or equipment which:

- (1) Has no maximum allowable established by MAA,
- (2) Is a variation on a standard practice, or
- (3) Is rarely provided.

"**Caries**" means tooth decay through the enamel.

"**Child**" for the general purposes of the medical assistance administration's (MAA) dental program, means a client

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((eighteen)) twenty years of age or younger. (MAA's payment structure changes at age nineteen, which affects specific program services provided to children or adults.)

((**"Cleft"** means an opening or fissure involving significant dental processes, especially one occurring in the embryo. These can be:

- (1) Cleft lip;
- (2) Cleft palate (at the roof of the mouth), or
- (3) Transverse facial cleft (macrostomia:))

"Comprehensive oral evaluation" means a thorough evaluation and recording of the hard and soft tissues in and around the mouth, including the evaluation and recording of the ((patient's)) client's dental and medical history and a general health assessment.

((**"Corona"**) **"Coronal"** is the portion of a tooth that is covered by enamel, and is separated from the root or roots by a slightly constricted region, known as the cemento-enamel junction.

((**"Craniofacial anomalies"** means abnormalities of the head and face, either congenital or acquired, involving significant dental processes.

"Craniofacial team" means a department of health and MAA recognized cleft palate/maxillofacial team which is: Responsible for management (review, evaluation, and approval) of patients with cleft palate craniofacial anomalies to provide integrated case management, promote parent-professional partnership, making appropriate referrals to implement and coordinate treatment plans:))

"Crown (artificial)" means a restoration covering or replacing the major part, or the whole of, the clinical crown of a tooth.

"Current dental terminology (CDT), ((second)) third edition ((CDT-2)) CDT-3," a systematic listing of descriptive terms and identifying codes for reporting dental services and procedures performed by dental practitioners. CDT is published by the Council on Dental Benefit Programs of the American Dental Association (ADA).

"Current procedural terminology 2002 (CPT 2002)," means a description of medical procedures and is available from the American Medical Association of Chicago, Illinois.

"Dental general anesthesia" means the use of agents to induce loss of feeling or sensation, a controlled state of unconsciousness, in order to allow dental services to be rendered to the client.

((**"Dentally necessary"** means diagnostic, preventive, or corrective services that are accepted dental procedures appropriate for the age and development of the client to prevent the incidence or worsening of conditions that endanger teeth or periodontium (tissues around the teeth) or cause significant malfunction or impede reasonable development or homeostasis (health) in the stomatognathic (mouth and jaw) system:

- (1) Which may include simple observation with no treatment, if appropriate; and
- (2) Includes use of less costly, equally effective services.

"Dentin" is the mineralized tissue of the teeth, which surrounds the tooth pulp and is covered by enamel on the crown and by cementum on the roots of the teeth:))

"Dentures" are a set of ((prosthetic)) artificial teeth, including overdentures. See WAC 388-535-1240 for specific information.

((**"Dysplasia"** means an abnormality in the development of the teeth.

"Enamel" is the white, compact, and very hard substance that covers and protects the dentin of the crown of a tooth:))

"Endodontic" means a root canal treatment and related follow-up.

"EPSDT((healthy kids))" means the department's early and periodic screening, diagnosis, and treatment program for clients twenty years of age and younger as described in chapter 388-534 WAC.

"Fluoride varnish or gel" means a substance containing dental fluoride, ((for painting onto)) applied to teeth. ((When painted onto teeth, it sticks to tooth surfaces.

"Gingiva" means the gums.

"Hemifacial microsomia" means half or part of the face is smaller sized.

"High noble metal" means dental alloy containing at least sixty percent pure gold.

"High risk child" means any child who has been identified through an oral evaluation or assessment as being at a high risk for developing dental disease because of caries in the child's dentin; or a child identified by the department as developmentally disabled.

"Hypoplasia" means the incomplete or defective development of the enamel of the teeth.

"Low risk child" means any child who has been identified through an oral evaluation or assessment as being at a low risk for dental disease because of the absence of white spots or caries in the enamel or dentin. This category includes children with restorations who are otherwise without disease:))

"Limited oral evaluation" means an evaluation limited to a specific oral health condition or problem.

"Major bone grafts" means a transplant of solid bone tissue(s)((, such as buttons or plugs.

"Malocclusion" means the contact between the upper and lower teeth that interferes with the highest efficiency during the movements of the jaw that are essential to chewing. The abnormality is categorized into four classes, graded by Angle's classification. For coverage, see WAC 388-535-1250.

"Maxillofacial" means relating to the jaws and face:))

"Medically necessary" see WAC 388-500-0005.

"Minor bone grafts" means a transplant of nonsolid bone tissue(s), such as powdered bone, buttons, or plugs.

((**"Moderate risk child"** means a child who has been identified through an oral evaluation or assessment as being at a moderate risk for dental disease, based on presence of white spots, enamel caries or hypoplasia.

"Molars" means:

- (1) Permanent teeth one, two, three, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, thirty, thirty one, and thirty two; and

(2) Primary teeth A, B, I, J, K, L, S and T.)

"Noble metal" means a dental alloy containing at least twenty-five percent but less than sixty percent pure gold.

(("Occlusion" means the relation of the upper and lower teeth when in functional contact during jaw movement.))

"Oral evaluation" is a comprehensive oral health and developmental history; an assessment of physical and oral health development and nutritional status; and health education, including anticipatory guidance.

"Oral health assessment or screening" means a screening of the hard and soft tissues in the mouth.

"Oral hygiene instruction" means instruction for home oral hygiene care, such as tooth brushing techniques or flossing.

"Oral health status" refers to the client's risk or susceptibility to dental disease at the time an oral evaluation or assessment is done by a dental practitioner. This risk is designated as low, moderate or high based on the presence or absence of certain indicators.

(("Orthodontic" is a treatment involving the use of any appliance, in or out of the mouth, removable or fixed, or any surgical procedure designed to redirect teeth and surrounding tissues.))

"Partials" or "partial dentures" means a ((prosthetic)) removable appliance replacing one or more missing teeth in one jaw, and receiving its support and retention from both the underlying tissues and some or all of the remaining teeth. See WAC 388-535-1240 for specific information.

"Posterior" means teeth and tissue towards the back of the mouth. Specifically, only these permanent teeth: One, two, three, four, five, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, and thirty-two.

(("Prophylaxis" means intervention which includes the sealing and polishing of teeth to remove coronal plaque, calculus, and stains.))

"Reline" means to resurface the tissue side of a denture with new base material in order to achieve a more accurate fit.

"Root planing" is a procedure designed to remove microbial flora, bacterial toxins, calculus, and diseased cementum or dentin from the teeth's root surfaces and pockets.

"Scaling" means the removal of calculus material from the exposed tooth surfaces and that part of the teeth covered by the marginal gingiva.

"Sealant" is a material applied to teeth to prevent dental caries.

(("Sequestrectomy" means removal of dead or dying bone that has separated from healthy bone.))

"Symptomatic" means having symptoms (e.g., pain, swelling, and infection).

"Therapeutic pulpotomy" means the surgical removal of a portion of the pulp (inner soft tissue of a tooth), to retain the healthy remaining pulp.

"Usual and customary" means the fee that the provider usually charges non-Medicaid customers for the same service

or item. This is the maximum amount that the provider may bill MAA.

"Wisdom teeth" means teeth one, sixteen, seventeen, and thirty-two.

"Xerostomia" means a dryness of the mouth.

AMENDATORY SECTION (Amending WSR 99-07-023, filed 3/10/99, effective 4/10/99)

WAC 388-535-1060 Clients who are eligible for dental-related ((clients)) services. (1) Subject to the specific limitations described in WAC 388-535-1080, Covered services, clients ((of)) who receive services under the following ((MAA)) programs are eligible for the dental-related services described in this chapter:

(a) Categorically needy program (CN or CNP)((including:

(i) Children's health; and

(ii) Pregnant undocumented aliens.

(b) Medically needy (MN));

(c) Children's health insurance program (CNP-CHIP);

(d) Qualified Medicare beneficiary (CNP-QMB);

(e) Limited casualty program/medically needy program (LCP-MNP);

(f) Medically needy program - qualified Medicare beneficiary (MNP-QMB);

(g) Children's health (the state-funded only program) through September 30, 2002 only; and

(h) Pregnant undocumented aliens.

(2) Clients ((with)) who receive services under the following state-((only)) funded ((eligibility)) only programs ((receive the coverage)) are covered as described in WAC ((388-535-1260)) 388-535-1120:

(a) General assistance unemployable (GAU); and

(b) Alcohol and drug abuse treatment and support act (ADATSA).

(3) Clients ((of)) who receive services under the medically indigent (MI) program are ((limited to emergency hospital-based services only)) covered for only those medical conditions that are acute and emergent and treated in a hospital.

(4) Clients who are enrolled in a managed care plan are eligible for medical assistance administration (MAA)-covered dental services that are not covered by their plan, under fee-for-service.

NEW SECTION

WAC 388-535-1070 Dental-related services provider information. (1) The following providers are eligible to enroll with the medical assistance administration (MAA) to furnish and bill for dental-related services to eligible clients:

(a) Persons currently licensed by the state of Washington to:

(i) Practice dentistry or specialties of dentistry;

(ii) Practice medicine and osteopathy for:

(A) Oral surgery procedures; or

(B) Providing fluoride varnish under EPSDT;

(iii) Practice as dental hygienists;

- (iv) Provide denture services;
- (v) Practice ~~((anesthesiology))~~ anesthesia; or
- (vi) Provide conscious sedation, when certified by the department of health and when providing that service in dental offices for dental treatments.

(b) Facilities that are:

- (i) Hospitals currently licensed by the department of health;
 - (ii) Federally-qualified health centers (FQHCs);
 - (iii) Medicare-certified ambulatory surgical centers (ASCs);
 - (iv) Medicare-certified rural health clinics (RHCs); or
 - (v) Community health centers.
- (c) Participating local health jurisdictions; and
- (d) Border area or out-of-state providers of dental-related services who are qualified in their states to provide these services.

(2) MAA pays licensed providers participating in the MAA dental program for only those services that are within their scope of practice.

(3) See WAC 388-502-0020 for provider documentation and record retention requirements. MAA may require additional documentation under specific sections in this chapter.

(4) See WAC 388-502-0100 and 388-502-0150 for provider billing and payment requirements.

(5) See WAC 388-502-0160 for regulations concerning charges billed to clients.

(6) See WAC 388-502-0230 for provider review and appeal.

(7) See WAC 388-502-0240 for provider audits and the audit appeal process.

Reviser's note: The unnecessary strike-through and underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 99-07-023, filed 3/10/99, effective 4/10/99)

WAC 388-535-1080 Covered dental-related services.

(1) The medical assistance administration (MAA) pays ~~((only))~~ for covered dental and dental-related services ~~((equipment, and supplies))~~ listed in this section only when they are:

- (a) Within the scope of an eligible client's medical care program;
- (b) ~~((Dentally))~~ Medically necessary; and
- (c) Within accepted dental or medical practice standards and are:
 - (i) Consistent with a diagnosis of dental disease or condition; and
 - (ii) Reasonable in amount and duration of care, treatment, or service.

(2) MAA covers the following dental-related services ~~((are covered):~~

- ~~(a) Oral health evaluations and assessments.~~
- ~~(i) Oral health evaluations no more than once every six months.~~
- ~~(ii) The evaluation services must be documented in the client's dental file.~~
- ~~(iii) These evaluations must include:~~

~~(A) A comprehensive oral health and developmental history;~~

~~(B) An assessment of physical and oral health development status;~~

~~(C) Health education, including anticipatory guidance; and~~

~~(D) **Oral health status.**~~

~~(b) Dentally necessary services for the identification of dental problems or the prevention of dental disease subject to limitations of this chapter;~~

~~(e) Prophylaxis treatment is allowed:~~

~~(i) Once every twelve months for **adults** including nursing facility clients.~~

~~(ii) Once every six months for **children.**~~

~~(iii) Three times a calendar year for clients of the division of developmental disabilities.~~

~~(d) Dental services or treatment necessary for the relief of pain and infections, including removal of symptomatic **wisdom teeth.** Routine removal of **asymptomatic wisdom teeth** without justifiable medical indications is not covered;~~

~~(e) Restoration of teeth and maintenance of dental health subject to limitations of WAC 388-535-1100, Dental services not covered;~~

~~(f) Complex **orthodontic** treatment for severe handicapping dental needs as specified in WAC 388-535-1250, Orthodontic coverage for DSHS clients;~~

~~(g) Complete and partial dentures, and necessary modifications, repairs, rebasing, **relining** and adjustments of dentures subject to the limitations of WAC 388-535-1240, Dentures;~~

~~(h) **Dentally necessary** oral surgery when coordinated with the client's managed care plan (if any);~~

~~(i) **Endodontic** (root canal) therapies for permanent teeth except for **wisdom teeth**;~~

~~(j) Nitrous oxide only when medically justified and a component of **behavior management**;~~

~~(k) Crowns as described in WAC 388-535-1230, Crowns;~~

~~(l) **Therapeutic pulpotomies**, once per tooth; and~~

~~(m) Sealants for:~~

~~(i) Occlusal surfaces of only these:~~

~~(A) Permanent teeth two, three, fourteen, fifteen, eighteen, nineteen, thirty and thirty one; and~~

~~(B) Primary teeth A, B, I, J, K, L, S and T.~~

~~(ii) Lingual pits of teeth seven and ten;~~

~~(iii) Teeth with no decay;~~

~~(iv) **Children** only; and~~

~~(v) Once per tooth in a three-year period.));~~

(a) Medically necessary services for the identification of dental problems or the prevention of dental disease, subject to the limitations of this chapter;

(b) Oral health evaluations and assessments, which must be documented in the client's file according to WAC 388-502-0020, as follows:

(i) MAA allows a comprehensive oral evaluation once per provider as an initial examination, and it must include:

(A) An oral health and developmental history;

(B) An assessment of physical and oral health status; and

(C) Health education, including anticipatory guidance.
 (ii) MAA allows periodic oral evaluations once every six months. Six months must elapse between the comprehensive oral evaluation and the first periodic oral evaluation.

(iii) MAA allows limited oral evaluations only when the provider performing the limited oral evaluation is not providing pre-scheduled dental services for the client. The limited oral evaluation must be:

(A) To provide limited or emergent services for a specific dental problem; or

(B) To provide an evaluation for a referral.

(c) Radiographs (x-rays) for children and adults, as follows:

(i) Intraoral (complete series, including bitewings) - once in a three-year period;

(ii) Bitewings - total of four every twelve months;

(iii) Panoramic, for oral surgical purposes only, as follows:

(A) Not allowed with an intraoral complete series; and

(B) Once in a three-year period, except for preoperative or postoperative surgery cases. Preoperative x-rays must be provided within fourteen days prior to surgery, and postoperative x-rays must be provided within thirty days after surgery.

(d) Fluoride treatment (either gel or varnish, but not both) as follows (additional applications require prior authorization):

(i) For children through age eighteen, topical application of:

(A) Fluoride gel, once every six months; or

(B) Fluoride varnish, up to three times in a twelve-month period.

(ii) For adults age nineteen through sixty-four, topical application of fluoride gel or varnish for xerostomia only; this requires prior authorization. See subsection (3) of this section for clients of the division of developmental disabilities;

(iii) For adults age sixty-five and older, topical application of fluoride gel or varnish for only:

(A) Rampant root surface decay; or

(B) Xerostomia.

(e) Sealants for children only, once per tooth in a three-year period for:

(i) The occlusal surfaces of:

(A) Permanent teeth two, three, fourteen, fifteen, eighteen, nineteen, thirty, and thirty-one only; and

(B) Primary teeth A, B, I, J, K, L, S, and T only.

(ii) The lingual pits of teeth seven and ten; and

(iii) Teeth with no decay.

(f) Prophylaxis treatment, which is allowed:

(i) Once every twelve months for adults age nineteen and older, including nursing facility clients;

(ii) Once every six months for children age eight through eighteen;

(iii) Only as a component of oral hygiene instruction for children through age seven; and

(iv) For clients of the division of developmental disabilities, see subsection (3) of this section.

(g) Space maintainers, for children through age eighteen only, as follows:

(i) Fixed (unilateral type), one per quadrant;

(ii) Fixed (bilateral type), one per arch; and

(iii) Recementation of space maintainer, once per quadrant or arch.

(h) Amalgam or composite restorations, as follows:

(i) Once in a two-year period; and

(ii) For the same surface of the same tooth.

(i) Crowns as described in WAC 388-535-1230, Crowns;
 (j) Restoration of teeth and maintenance of dental health, subject to limitations of WAC 388-535-1100 and as follows:

(i) Multiple restorations involving the proximal and occlusal surfaces of the same tooth are considered to be a multisurface restoration, and are reimbursed as such; and

(ii) Proximal restorations that do not involve the incisal angle in the anterior tooth are considered to be a two-surface restoration, and are reimbursed as such;

(k) Endodontic (root canal) therapies for permanent teeth except for wisdom teeth;

(l) Therapeutic pulpotomies, once per tooth, on primary teeth only;

(m) Pulp vitality test, as follows:

(i) Once per day (not per tooth);

(ii) For diagnosis of emergency conditions only; and

(iii) Not allowed when performed on the same date as any other procedure, with the exception of an emergency examination or palliative treatment.

(n) Periodontal scaling and root planing as follows:

(i) For clients age nineteen and older only. See subsection (3) of this section for clients of the division of developmental disabilities;

(ii) Only when the client has radiographic (x-ray) evidence of periodontal disease. There must be supporting documentation, including complete periodontal charting and a definitive periodontal diagnosis;

(iii) Once per quadrant in a twenty-four month period; and

(iv) Not allowed when performed on the same date of service as adult prophylaxis, gingivectomy, or gingivoplasty.

(o) Subject to WAC 388-535-1240 and as follows, complete and partial dentures, and necessary modifications, repairs, rebasing, relining, and adjustments of dentures (includes partial payment in certain situations for laboratory and professional fees for dentures and partials as specified in WAC 388-535-1240(5)). MAA covers:

(i) One set of dentures per client in a ten-year period, with the exception of replacement dentures which may be allowed as specified in WAC 388-535-1240(4); and

(ii) Partial dentures as specified in WAC 388-535-1240(2), once every five years.

(p) Complex orthodontic treatment for severe handicapping dental needs as specified in chapter 388-535A WAC, Orthodontic services;

(q) Occlusal orthotic appliance for temporomandibular joint disorder (TMJ) or bruxism, one in a two-year period;

(r) Medically necessary oral surgery when coordinated with the client's managed care plan (if any);

(s) Dental services or treatment necessary for the relief of pain and infections, including removal of symptomatic wisdom teeth. MAA does not cover routine removal of asymptomatic wisdom teeth without justifiable medical indications;

(t) Behavior management for children through age eighteen only, whose documented behavior requires the assistance of more than one additional dental professional staff to protect the client from self-injury during treatment. See subsection (3) of this section for clients of the division of developmental disabilities.

(u) Nitrous oxide for children through age eighteen only, when medically necessary. See subsection (3) of this section for clients of the division of developmental disabilities.

(v) Professional visits, as follows:

(i) Bedside call at a nursing facility or residence, at the physician's request - one per day (see subsection (7) of this section).

(ii) Hospital call, including emergency care - one per day.

(w) Emergency palliative treatment, as follows:

(i) Allowed only when no other definitive treatment is performed on the same day; and

(ii) Documentation must include tooth designation and a brief description of the service.

(3) For clients ((identified by the department as developmentally disabled, the following preventive services may be allowed more frequently than the limits listed in (3) of this section)) of the division of developmental disabilities, MAA allows services as follows:

(a) Fluoride application, either varnish or gel, but not both - three times per calendar year;

(b) Periodontal scaling and root planing - once every six months; ((and))

(c) ((Prophylaxis scaling and coronal polishing-)) Prophylaxis - three times per calendar year;

(d) Nitrous oxide;

(e) Behavior management that requires the assistance of more than one additional dental professional staff and the use of advanced behavior techniques; and

(f) Panoramic radiographs, with documentation that behavior management is required.

(4) ((Panoramic radiographs are allowed only for oral surgical or orthodontic purposes.

(5) The department)) MAA covers ((dentally)) medically necessary services provided in a hospital under the direction of a physician or dentist for:

(a) The care or treatment of teeth, jaws, or structures directly supporting the teeth if the procedure requires hospitalization; and

(b) Short stays when the procedure cannot be done in an office setting. See WAC ((388-550-1100(4))) 388-550-1100(6), Hospital coverage.

(5) MAA covers anesthesia for medically necessary services as follows:

(a) The anesthesia must be administered by:

(i) An oral surgeon;

(ii) An anesthesiologist;

(iii) A Certified Registered Nurse Anesthetist (CRNA);

or

(iv) A general dentist who has a current conscious sedation permit from the department of health (DOH).

(b) MAA reimburses for anesthesia services per WAC 388-535-1350.

(6) For clients residing in nursing facilities or group homes:

(a) Dental services must be requested by the client or a referral for services made by the attending physician, ((facility)) the director of nursing or the nursing facility supervisor, or the client's legal guardian;

(b) Mass screening for dental services of clients residing in a facility is not permitted; and

(c) Nursing facilities must provide dental-related necessary services per WAC ((388-97-225)) 388-97-012, Nursing facility care.

(7) A request to exceed stated limitations or other restrictions on covered services is called a limitation extension (LE), which is a form of prior authorization. MAA evaluates and approves requests for LE for dental-related services when medically necessary, under the provisions of WAC 388-501-0165.

AMENDATORY SECTION (Amending WSR 99-07-023, filed 3/10/99, effective 4/10/99)

WAC 388-535-1100 Dental-related services not covered. (1) The medical assistance administration (MAA) does not cover dental-related services described in subsection (2) of this section ((are not covered)) unless the services are:

(a) Required by a physician as a result of an EPSDT((Healthy Kids)) screen((:

(i) Except that all of the orthodontic limitations of WAC 388-535-1250, Orthodontic coverage for DSHS clients, still apply; and

(ii) Such services must be ~~dentally necessary~~) as provided under chapter 388-534 WAC;

(b) Included in ((a)) an MAA waived program; or

(c) Part of one of the Medicare programs for qualified Medicare beneficiaries (QMB) except for QMB-only, which is not covered.

(2) MAA does not cover:

(a) ((Services, procedures, treatment, devices, drugs, or application of associated services which MAA or the Health Care Financing Administration (HCFA) consider investigative or experimental on the date the services are provided;

(b) Cosmetic treatment or surgery, except for medically or ~~dentally necessary~~ reconstructive surgery to correct defects attributable to an accident, birth defect, or illness;

(c) Teeth whitening;

(d) ~~Orthodontic~~ care for adults;

(e) ~~Orthodontic~~ care for cosmetic reasons and for ~~children~~ who do not meet the criteria in WAC 388-535-1250, Orthodontic coverage for DSHS clients;

(f) Any service specifically excluded by statute;

(g) More costly services when less costly equally effective services as determined by the department are available;

(h) Nonmedical equipment, supplies, personal or comfort items and/or services;

(i) ~~Root planing~~ for children unless clients of the division of developmental disabilities;

(j) Root canal services for primary teeth;

(k) Routine fluoride treatments for adults, unless clients of the division of developmental disabilities;

- (l) Extraction of asymptomatic teeth:
- (i) Except as a necessary part of orthodontic treatment, or
- (ii) Unless their removal is the most cost effective dental procedure related to dentures;
- (m) Crowns for wisdom teeth; and
- (n) Amalgam or acrylic build-up for wisdom teeth.
- (3) MAA does not pay for the following services/supplies:
- (a) Missed or canceled appointments;
- (b) Provider mileage or travel costs;
- (c) Take-home drugs;
- (d) Dental supplies such as toothbrushes (manual, automatic, or electric), toothpaste, floss, or whiteners;
- (e) Educational supplies;
- (f) Reports, client charts, insurance forms, copying expenses;
- (g) Service charges/delinquent payment fees;
- (h) Dentist's time writing prescriptions or calling in prescriptions or prescription refills to a pharmacy;
- (i) Supplies used in conjunction with an office visit;
- (j) Transitional/immediate dentures;
- (k) Teeth implants including follow up and maintenance;
- (l) Bridges;
- (m) Nonemergent oral surgery for adults performed in an inpatient setting;
- (n) Minor bone grafts; or
- (o) Temporary crowns)) Any service specifically excluded by statute;
- (b) More costly services when less costly, equally effective services as determined by the department are available;
- (c) Services, procedures, treatment, devices, drugs, or application of associated services which the department or the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)) consider investigative or experimental on the date the services were provided;
- (d) Routine fluoride treatments (gel or varnish) for adults, unless the clients are:
- (i) Clients of the division of developmental disabilities;
- (ii) Diagnosed with xerostomia, in which case the provider must request prior authorization; or
- (iii) High-risk adults sixty-five and over. High-risk means the client has at least one of the following:
- (A) Rampant root surface decay; or
- (B) Xerostomia.
- (e) Crowns, as follows:
- (i) For wisdom and peg teeth;
- (ii) Laboratory processed crowns for posterior teeth;
- (iii) Temporary crowns, including stainless steel crowns placed as temporary crowns; and
- (iv) Post and core for crowns.
- (f) Root canal services for primary or wisdom teeth;
- (g) Root planing for children, unless they are clients of the division of developmental disabilities;
- (h) Bridges;
- (i) Transitional or treatment dentures;
- (j) Teeth implants, including follow up and maintenance;

(k) Cosmetic treatment or surgery, except for medically necessary reconstructive surgery to correct defects attributable to an accident, birth defect, or illness;

(l) Porcelain margin extensions (also known as crown lengthening), due to receding gums;

(m) Extraction of asymptomatic teeth;

(n) Minor bone grafts;

(o) Nonemergent oral surgery for adults performed in an inpatient setting, except for the following:

(i) For clients of the division of developmental disabilities, or for children eighteen years of age or younger whose surgeries cannot be performed in an office setting. This requires written prior authorization for the inpatient hospitalization; or

(ii) As provided in WAC 388-535-1080(4).

(p) Dental supplies such as toothbrushes (manual, automatic, or electric), toothpaste, floss, or whiteners;

(q) Dentist's time writing prescriptions or calling in prescriptions or prescription refills to a pharmacy;

(r) Educational supplies;

(s) Missed or canceled appointments;

(t) Nonmedical equipment, supplies, personal or comfort items or services;

(u) Provider mileage or travel costs;

(v) Service charges or delinquent payment fees;

(w) Supplies used in conjunction with an office visit;

(x) Take-home drugs;

(y) Teeth whitening; or

(z) Restorations for anterior or posterior wear with no evidence of decay.

(3) MAA evaluates a request for any service that is listed as noncovered under the provisions of WAC 388-501-0165.

NEW SECTION

WAC 388-535-1120 Coverage limits for dental-related services provided under state-only funded programs. (1) Clients who receive services under the following state-funded only programs receive only the limited coverage described in this section:

(a) General assistance unemployable (GAU); and

(b) Alcohol and drug abuse treatment and support act (ADATSA) (GAU-W).

(2) The medical assistance administration (MAA) covers the dental services described and limited in this chapter for clients eligible for GAU or GAU-W only when those services are provided as part of a medical treatment for:

(a) Apical abscess verified by clinical examination, and treated by:

(i) Open and drain palliative treatment;

(ii) Tooth extraction; or

(iii) Root canal;

(b) Cysts or tumor therapies;

(c) Maxillofacial fracture;

(d) Radiation therapy for cancer of the mouth, only for a total dental extraction performed prior to and because of that radiation therapy;

(e) Sequestrectomies;

(f) Systemic or presystemic cancer, only for oral hygiene related to those conditions; or

(g) Tooth fractures (limited to extraction).

(3) MAA may require prior authorization for any dental treatment provided to a GAU or GAU-W client.

AMENDATORY SECTION (Amending WSR 99-07-023, filed 3/10/99, effective 4/10/99)

WAC 388-535-1200 Dental services requiring prior authorization. The following services require prior ~~((approval))~~ authorization:

(1) Nonemergent inpatient hospital dental admissions as described under WAC ~~((388-550-1100(1) Hospital coverage))~~ 388-535-1100 (2)(o) and 388-550-1100(1);

(2) ~~((Orthodontic treatment as described under WAC 388-535-1250))~~ Crowns as described in WAC 388-535-1230;

(3) Dentures as described in WAC 388-535-1240;

(4) ~~((Crowns as described in WAC 388-535-1230))~~ Routine fluoride treatment (gel or varnish) for adults age nineteen through sixty-four who are diagnosed with xerostomia; and

(5) Selected procedures identified by the medical assistance administration (MAA(;;)) and published in its current dental billing instructions, which are available from MAA ~~((at))~~ in Olympia, Washington.

AMENDATORY SECTION (Amending WSR 99-07-023, filed 3/10/99, effective 4/10/99)

WAC 388-535-1220 Obtaining prior authorization for dental services. ~~((Authorization by MAA only indicates that the specific treatment is dentally necessary. Authorization for dental services does not guarantee payment))~~ When the medical assistance administration (MAA) authorizes a service, that authorization indicates only that the specific service is medically necessary; it is not a guarantee of payment. The client must be eligible for covered services at the time those services are provided.

~~((When requesting prior authorization, the dental provider must submit to MAA, in writing, sufficient objective clinical information to establish dental necessity including, but not limited to))~~ MAA requires a dental provider who is requesting prior authorization to submit sufficient objective clinical information to establish medical necessity. The request must be submitted in writing on an American Dental Association (ADA) claim form, which may be obtained by writing to the American Dental Association, 211 East Chicago Avenue, Chicago, Illinois 60611. The request must include at least all of the following:

(a) Physiological description of the disease, injury, impairment, or other ailment;

(b) X-ray(s);

(c) Treatment plan;

(d) Study model, if requested; and

(e) Photographs, if requested.

~~((When the requested service meets the criteria in WAC 388-535-1080, Covered services, it will be autho-~~

~~ized))~~ MAA authorizes requested services that meet the criteria in WAC 388-535-1080.

(3) MAA denies a request for dental services ~~((will be denied))~~ when the requested service is:

(a) Not ~~((dentally))~~ medically necessary; or

(b) A service, procedure, treatment, device, drug, or application of associated service which ~~((MAA))~~ the department or the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)) consider investigative or experimental on the date the service is provided.

(4) MAA may require second opinions and/or consultations ~~((may be required))~~ before ~~((the authorization of))~~ authorizing any ~~((elective))~~ procedure.

(5) Authorization is valid only if the client is eligible for covered services on the date of service.

~~((6) Miscellaneous or unspecified procedures may require prior authorization at MAA's discretion.))~~

AMENDATORY SECTION (Amending WSR 01-07-077, filed 3/20/01, effective 4/20/01)

WAC 388-535-1230 Crowns. (1) Subject to the limitations in WAC 388-535-1100, the medical assistance administration (MAA) covers the following crowns without prior authorization:

(a) Stainless steel(;;). MAA considers these as permanent crowns, and does not cover them as temporary crowns; and

(b) Nonlaboratory resin for primary anterior teeth.

(2) MAA does not cover laboratory-processed crowns for posterior teeth.

(3) MAA requires prior authorization for the following crowns, which are limited to single restorations for permanent anterior (upper and lower) teeth:

(a) ~~((Porcelain fused to a high noble metal))~~ Resin (laboratory);

(b) Porcelain ~~((fused to a predominately base metal))~~ with ceramic substrate;

(c) Porcelain fused to ~~((a))~~ high noble metal;

(d) Porcelain ~~((with ceramic substrate))~~ fused to predominantly base metal; and

(e) ~~((Full cast high noble metal;~~

~~Full cast predominately base metal;~~

~~Full cast noble metal; and~~

~~Resin (laboratory)))~~ Porcelain fused to noble metal.

(4) Criteria for covered crowns as described in subsections (1) and (3) of this section:

(a) Crowns may be authorized when the crown is ~~((dentally))~~ medically necessary.

(b) Coverage is based upon a supportable five year prognosis that the client will retain the tooth if the tooth is crowned. The provider must submit the following client information:

(i) The overall condition of the mouth;

(ii) Oral health status;

(iii) ~~((Patient))~~ Client maintenance of good oral health status;

(iv) Arch integrity; and

(v) Prognosis of remaining teeth (that is, no more involved than periodontal case type II).

(c) Anterior teeth must show traumatic or pathological destruction to loss of at least one incisal angle.

(5) The laboratory processed crowns described in subsection (3) are covered:

(a) Only when a lesser service will not suffice because of extensive coronal destruction, and treatment is beyond intra-coronal restoration;

(b) Only once per permanent tooth in a five year period;

(c) For endodontically treated anterior teeth only after satisfactory completion of the root canal therapy. Post-endodontic treatment X-rays must be submitted for prior authorization of these crowns.

(6) MAA reimburses only for covered crowns as described in subsections (1) and (3) of this section. The reimbursement is full payment; all of the following are included in the reimbursement and must not be billed separately:

(a) Tooth and soft tissue preparation;

(b) Amalgam or acrylic build-ups;

(c) Temporary restoration;

(d) Cement bases;

(e) Insulating bases;

(f) Impressions;

(g) Seating; and

(h) Local anesthesia.

AMENDATORY SECTION (Amending WSR 99-07-023, filed 3/10/99, effective 4/10/99)

WAC 388-535-1240 Dentures, partials, and overdentures. (1) ~~((Initial dentures do not require prior authorization except as described in subsection (4)))~~ Subject to the limitations in WAC 388-535-1100, the medical assistance administration (MAA) covers only one set of dentures per client in a ten-year period, and considers that set to be the first set. The exception to this is replacement dentures, which may be allowed as specified in subsection (4) of this section. Except as described in subsection (5) of this section, MAA does not require prior authorization for the first set of dentures. The first set of dentures may be any of the following:

(a) An immediate set (constructed prior to removal of the teeth);

(b) An initial set (constructed after the client has been without teeth for a period of time); or

(c) A final set (constructed after the client has received immediate or initial dentures).

(2) ~~((Partial dentures are covered under these limits))~~ The first set of dentures must be of the structure and quality to be considered the primary set. MAA does not cover transitional or treatment dentures.

(3) MAA covers partials (resin and cast base) once every five years, except as noted in subsection (4) of this section, and subject to the following limits:

(a) Cast base partials only when replacing three or more teeth per arch excluding wisdom teeth; and

(b) No partials are covered when they replace wisdom teeth only.

~~((3))~~ (4) Except as stated below, MAA does not require prior authorization for replacement dentures or partials ~~((is not required))~~ when:

(a) The client's existing dentures or partials ~~((are))~~ meet any of the following conditions. MAA requires prior authorization for replacement dentures or partials requested within one year of the seat date. The dentures or partials must be:

(i) No longer serviceable and cannot be relined or rebased; or

(ii) ~~((Are lost; or~~

~~((iii) Are))~~ Damaged beyond repair.

(b) The client's health would be adversely affected by absence of dentures;

(c) The client has been able to wear dentures successfully; ~~((and))~~

(d) The ~~((denture meets))~~ dentures or partials meet the criteria of ~~((dentally))~~ medically necessary~~((-~~

~~((4) Payment (which may be partial) for laboratory and professional fees for dentures and partials requires prior authorization when the client)); and~~

(e) The dentures are replacing lost dentures, and the replacement set does not exceed MAA's limit of one set in a ten-year period as stated in subsection (1) of this section.

(5) MAA does not reimburse separately for laboratory and professional fees for dentures and partials. However, MAA may partially reimburse for these fees when the provider obtains prior authorization and the client:

(a) Dies;

(b) Moves from the state;

(c) Cannot be located; or

(d) Does not participate in completing the dentures.

~~((5))~~ (6) The provider must document in the client's medical or dental record:

(a) Justification for replacement of dentures; ~~((and))~~

(b) Charts of missing teeth, for replacement of partials; and

(c) Receipts for laboratory costs or laboratory records and notes.

~~((6))~~ (7) For billing purposes, the provider may use the impression date ~~((may be used))~~ as the service date for dentures, including partials, only when:

(a) Related dental services including laboratory services were provided during a client's eligible period; and

(b) The client is not eligible at the time of delivery.

(8) For billing purposes, the provider may use the delivery date as the service date when the client is using the first set of dentures in lieu of noncovered transitional or treatment dentures after oral surgery.

(9) MAA includes the cost of relines and adjustments that are done within six months of the seat date in the reimbursement for the dentures.

(10) MAA covers one rebase in a five-year period; the dentures must be at least three years old.

(11) The requirements in this section also apply to overdentures.

AMENDATORY SECTION (Amending WSR 99-07-023, filed 3/10/99, effective 4/10/99)

WAC 388-535-1350 Payment methodology for dental-related services~~(Payment methodology)~~. The ~~(department)~~ medical assistance administration (MAA) uses the description of dental services described in the American Dental Association's Current Dental Terminology, ~~(2nd)~~ third edition (~~(CDT-2)~~) CDT-3, and the American Medical Association's Physician's Current Procedure Terminology (~~(CPT)~~) 2002 (CPT 2002). MAA uses state-assigned procedure codes to identify services not fully described in the ~~(CDT-2)~~ CDT-3 or CPT 2002 descriptions. (CPT is a trademark of the American Medical Association.)

(1) For covered dental-related services provided to eligible clients, MAA pays dentists and related providers on a fee-for-service or contractual basis, subject to the exceptions and restrictions listed under WAC 388-535-1100~~(Dental services not covered, and WAC)~~ and 388-535-1400~~(Dental payment limits)~~.

(2) ~~(MAA may pay providers a higher reimbursement rate for selected dental services provided to children in order to increase children's access to dental services.)~~

~~(3)~~ MAA sets maximum allowable fees for dental services provided to children ~~(are set)~~ as follows:

(a) ~~(The department's)~~ MAA's historical reimbursement rates for various procedures are compared to usual and customary charges.

(b) ~~(The department)~~ MAA consults with ~~(and seeks input from)~~ representatives of the provider community to identify program areas and concerns that need to be addressed.

(c) ~~(The department)~~ MAA consults with dental experts and public health professionals to identify and prioritize dental services and procedures ~~(in terms of)~~ for their effectiveness in improving or promoting children's dental health.

(d) Legislatively authorized vendor rate increases and/or earmarked appropriations for children's dental services are allocated to specific procedures based on ~~(this priority list)~~ the priorities identified in (c) of this subsection and considerations of access to services.

(e) Larger percentage increases may be given to those procedures which have been identified as most effective in improving or promoting children's dental health.

(f) Budget-neutral rate adjustments are made as appropriate based on the department's evaluation of utilization trends, effectiveness of interventions, and access issues.

~~(4)~~ (3) MAA reimburses dental general anesthesia services for ~~(all)~~ eligible clients ~~(are reimbursed)~~ on the basis of base anesthesia units plus time. Payment for dental general anesthesia is calculated as follows:

(a) Dental procedures are assigned an anesthesia base unit of five;

(b) ~~(Twelve)~~ Fifteen minutes constitute one unit of time. When a dental procedure requiring dental general anesthesia results in multiple time units and a remainder (less than

~~(twelve)~~ fifteen minutes), the remainder or fraction is considered as one time unit;

(c) Time units are added to the anesthesia base unit of five and multiplied by the anesthesia conversion factor;

(d) The formula for determining payment for dental general anesthesia is: (5.0 base anesthesia units + time units) x conversion factor = payment.

(4) When billing for anesthesia, the provider must show the actual beginning and ending times on the claim. Anesthesia time begins when the provider starts to physically prepare the client for the induction of anesthesia in the operating room area (or its equivalent), and ends when the provider is no longer in constant attendance (i.e., when the client can be safely placed under post-operative supervision).

(5) MAA may pay anesthesiologists ~~(may be paid)~~ for general dental anesthesia provided in dental offices. Only anesthesiologists specially contracted by ~~(MAA will be)~~ the department are paid an additional fee for that service.

(6) Dental hygienists who have a contract with MAA are paid at the same rate as dentists who have a contract with MAA, for services allowed under The Dental Hygienist Practice Act, which is available from the department of health, Olympia, Washington.

(7) Licensed denturists ~~(or dental laboratories billing independently are paid at MAA's allowance for prosthetics (dentures and partials) services)~~ who have a contract with MAA are paid at the same rate as dentists who have a contract with MAA, for providing dentures and partials.

(8) MAA makes fee schedule changes ~~(are made)~~ whenever the legislature authorizes vendor rate increases or decreases ~~(are authorized by the legislature)~~.

(9) ~~(The department)~~ MAA may adjust maximum allowable fees to reflect changes in ~~(the)~~ services or procedure code descriptions.

AMENDATORY SECTION (Amending WSR 99-07-023, filed 3/10/99, effective 4/10/99)

WAC 388-535-1400 Payment for dental ~~(payment limits)~~ -related services. (1) ~~(Provision of)~~ The medical assistance administration (MAA) considers that a provider who furnishes covered dental services to an eligible client ~~(constitutes acceptance by the provider of the department's)~~ has accepted MAA's rules and fees.

(2) Participating providers must bill ~~(the department)~~ MAA their usual and customary fees.

(3) Payment for dental services is based on ~~(the department's)~~ MAA's schedule of maximum allowances. Fees listed in the MAA fee schedule are the maximum allowable fees.

(4) ~~(Payment to)~~ MAA pays the provider ~~(will be)~~ the lesser of the billed charge (usual and customary fee) or ~~(the department's)~~ MAA's maximum allowable fee.

(5) ~~(If a covered service is performed for which no fee is listed, the service is paid)~~ MAA pays "by report" on a case-by-case basis ~~(as determined by MAA)~~, for a covered service that does not have a set fee.

(6) If the client's eligibility for dental services ends before the conclusion of the dental treatment, payment for any remaining treatment is the client's responsibility. The

exception to this is dentures and partials as stated in WAC 388-535-1240.

(7) The client is responsible for payment of any dental treatment or service received during any period of ineligibility with the exception described in WAC 388-535-1240(4) even if the treatment was started when the client was eligible.

AMENDATORY SECTION (Amending WSR 99-07-023, filed 3/10/99, effective 4/10/99)

WAC 388-535-1450 Payment for denture laboratory services~~(-Payment)). ((A dentist using the services of an independent denture laboratory must bill MAA for the services of the laboratory.~~

~~No payment will be made to a dentist for services performed and billed by an independent dentist.)~~ The medical assistance administration (MAA) does not directly reimburse denture laboratories. MAA's reimbursement for dentures, partials, and overdentures includes laboratory fees. The provider is responsible to pay a denture laboratory for services furnished to the provider.

AMENDATORY SECTION (Amending WSR 99-07-023, filed 3/10/99, effective 4/10/99)

WAC 388-535-1500 Payment for dental-related hospital services~~(-Payment)).~~ The medical assistance administration (MAA) pays for ((dentally)) medically necessary dental-related hospital inpatient and outpatient services in accord with WAC 388-550-1100.

AMENDATORY SECTION (Amending WSR 99-07-023, filed 3/10/99, effective 4/10/99)

WAC 388-535-1550 Payment for dental care provided out-of-state~~(-Payment)).~~ (1) Clients, except those receiving ~~((medical care))~~ services ~~((f))~~ under state-((only funding)) funded only programs, who are temporarily outside the state receive the same dental care services as clients in the state, subject to the same exceptions and limitations.

(2) The medical assistance administration (MAA) does not cover out-of-state dental care ((received by)) for clients receiving ((medical care)) services ((f)) under state-((only funding) is not covered) funded only programs.

(3) Eligible clients in MAA-designated border areas may receive the same dental services as if provided in state.

(4) Dental providers who are out-of-state must meet the same criteria for payment as in-state providers, including the requirements to contract with MAA. See WAC 388-535-1070, Dental-related services provider information.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-535-1010 Dental-related program introduction.

WAC 388-535-1150

Becoming a DSHS dental provider.

WAC 388-535-1260

Dental-related limits of state-only funded programs.

WSR 02-14-006

PERMANENT RULES

BELLEVUE COMMUNITY COLLEGE

[Filed June 20, 2002, 8:31 a.m.]

Date of Adoption: June 18, 2002.

Purpose: This rule amends the existing section WAC 132H-152-135 to include members of the general public using college facilities for the purposes of the college's discrimination complaint procedure.

Citation of Existing Rules Affected by this Order: Amending WAC 132H-152-135.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 02-08-082 on April 3, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 19, 2002

Elise J. Erickson

Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-01-057, filed 1/15/96 [12/15/95])

WAC 132H-152-135 Discrimination complaint procedure. Introduction. Bellevue Community College, through its affirmative action policy and general policy on sexual harassment, and in accordance with state and federal regulations, prohibits discrimination against students and employees on the basis of race or ethnicity, creed, color, national origin, sex, marital status, sexual orientation, age, religion, the presence of sensory, mental or physical disability, or status as a disabled or Vietnam-era veteran.

All members of Bellevue Community College are responsible for ensuring that their conduct does not discriminate against any other member of the college community. If administrators or supervisors become aware that discrimina-

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tion is occurring, receive a complaint, or obtain other information indicating possible discrimination, they must notify the vice president of human resources as soon as reasonably possible, to ensure that the matter is addressed, even if the problem or alleged problem is not within their area of responsibility and authority.

These procedures pertain to currently registered students, college employees, ~~(and)~~ applicants for admission and employment, and members of the public participating in college activities or events held in Bellevue Community College facilities. Complaints should be filed within one year after the incident(s) which form(s) the basis of the complaint occurred. This procedure takes precedence over all other student complaint procedures whenever the complaint alleges discrimination or sexual harassment.

Section I: Process overview. Any Bellevue Community College student, employee, or applicant who feels that he/she has been discriminated against, is encouraged to bring his/her concerns to the attention of the college for assistance.

Complaints may be filed with the dean of student services or the vice president of human resources. All allegations of sexual harassment will be referred to the vice president of human resources. All allegations of discrimination related to employment or promotion will be referred to the dean of student services.

The college will act promptly to investigate any complaint. Such action will attempt to protect the rights of the individual bringing the complaint (the complainant), the alleged discriminator, and any witnesses involved, including the right to protection from any retaliating behavior by the alleged discriminator or any college employee. All complaints shall be kept as confidential as is reasonably possible during the investigation/resolution process. However, all complaints may be subject to public disclosure under the state's Public Disclosure Act, and therefore the college cannot assure confidentiality to any participant in the process.

An individual who seeks assistance because he/she believes he/she is being discriminated against may choose to begin with the informal or formal complaint procedure. Use of the informal procedure is not required prior to initiating a formal complaint.

Both complainants and individuals charged may be represented by an individual of their selection throughout the complaint process. The individual charged will be informed that his/her bargaining unit representative will be notified that a complaint has been filed against her/him, unless she/he requests that no notification be made.

Section II: Informal complaint procedure. The purpose of the informal procedure is to resolve the complaint by achieving a resolution that both the complainant and the accused discriminator agree upon.

An informal complaint may be filed with the dean of student services or the vice president of human resources, as indicated in Section I. That college administrator will investigate the complaint or will appoint a designee to investigate the complaint. Within five working days after the complaint is filed, the investigator will discuss the complaint with the individual charged, that person's supervisor and area dean/vice president, and initiate action to protect the complainant from harm or reprisal. The investigator will meet

separately with the complainant and the individual charged to outline the proposed resolution process.

The investigator, after consultation with the appropriate area dean/vice president, will attempt to obtain a resolution of the problem between the parties and will inform the complainant of any proposed resolution. The complainant may either accept the resolution or initiate a formal complaint. If the investigator has not been able to achieve a resolution, he/she will inform the complainant of this and advise the complainant of the option of filing a formal complaint.

Reasonable efforts will be made to complete the informal process within thirty working days after the complaint is filed.

If the investigation and/or resolution indicate that disciplinary action is warranted, the investigator will recommend appropriate disciplinary action which is consistent with college procedure and collective bargaining agreements, as appropriate.

Section III: Formal complaint procedure. The complainant may choose to file a formal complaint instead of first filing an informal complaint. In addition, the complainant may choose to file a formal complaint if a satisfactory resolution cannot be obtained through the informal process. The formal complaint must be made in writing and should include the times, dates, places, and circumstances surrounding the allegation of discrimination. The formal complaint should be filed with the vice president of human resources. Within five working days after the formal complaint has been filed, the individual charged in the complaint, his/her immediate supervisor and area dean/vice president will be notified that a complaint has been filed. Complainants, individuals charged, and any witnesses are entitled to representation throughout the complaint process.

The dean of student services/vice president of human resources will investigate the complaint or assign a designee to investigate the complaint as follows:

(1) The investigator will conduct an interview with the complainant and any witnesses to the complainant's allegations. Reasonable efforts will be made to complete such interviews within ten working days.

(2) After the completion of step 1 above, the investigator will interview the alleged discriminator and any witnesses to the alleged discriminator's allegations. Reasonable efforts will be made to complete such interviews within ten working days after the completion of step 1.

(3) After the completion of the investigation, a preliminary report summarizing the findings of the investigation and the investigator's determination as to whether or not discrimination has occurred shall be produced, after consultation with the appropriate area dean/vice president. Reasonable efforts will be made to complete the preliminary report within ten working days after completion of the investigation. Copies of this draft report shall be given to the complainant and the alleged discriminator who shall have ten working days to prepare responses to the report. Once each of them has prepared a response, or declined to take advantage of the opportunity to respond to the draft report, the investigator shall prepare the final report. Copies of the final report shall be provided the complainant, the alleged discriminator, the alleged discriminator's supervisor and area dean/vice presi-

dent, the dean of student services if the alleged discriminator is a student, the vice president of human resources, and the college president.

(4) The decision regarding what action to take on the complaint, including, but not limited to, appropriate corrective measures and/or disciplinary action, remanding the complaint for further investigation, appointing an alternate investigator, shall be made by the president or his/her designee. Reasonable efforts will be made to take action on the complaint within thirty days after receipt of the report.

(5) If a decision is made to take disciplinary action, such action shall be taken in accordance with appropriate college procedures and collective bargaining agreements.

Section IV: Appeal process.

(1) Appeal of disciplinary action. Appeals of any disciplinary action, including any finding that discrimination occurred, may be made through college procedures, as defined by the appropriate employee contract or student policy.

(2) Complainant appeal. If the complainant is not satisfied with the disposition of the complaint, s/he may file a written request for reconsideration to the president within ten working days after notification of the disposition of the complaint. This request should include any and all additional information s/he wants the president to consider.

The decision regarding what action to take regarding the request for reconsideration, including appropriate corrective measures, shall be made in writing by the president within fifteen working days after receipt of a request for reconsideration.

Section V: External complaint process. Any registered student, employee, or applicant for admission or employment, who believes he/she has been discriminated against has the right to bypass the internal college process (sections I through III, above) and file a discrimination complaint with one of the agencies listed below or any other agency with the jurisdiction to hear such complaints. Other individuals who believe they have been discriminated against by college action may file a discrimination complaint with one of the agencies listed below or any other agency with the jurisdiction to hear such complaints:

Equal Employment Opportunity Commission
909 First Avenue, Suite 400
Seattle, WA 98104-1061

Human Rights Commission
1511 Third Avenue, Suite 921
Seattle, WA 98101

U.S. Office of Civil Rights
Department of Education
915 Second Avenue
Seattle, WA 98174-1099

Individuals seeking assistance from state and federal agencies need to be aware that many agencies have strict timelines regarding the filing of complaints. •

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

WSR 02-14-007

PERMANENT RULES

BELLEVUE COMMUNITY COLLEGE

[Filed June 20, 2002, 8:32 a.m.]

Date of Adoption: June 18, 2002.

Purpose: This rule amends the several sections of chapter 132H-140 WAC concerning facilities usage and related services at Bellevue Community College.

Citation of Existing Rules Affected by this Order: Amending chapter 132H-140 WAC.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 02-09-071 on April 16, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 6, Repealed 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 6, Repealed 5.

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 3, Amended 6, Repealed 5.

Effective Date of Rule: Thirty-one days after filing.

June 19, 2002

Elise J. Erickson
Rules Coordinator

Chapter 132H-140 WAC Fees—Facility Rental—Additional Services for Community College District VIII

AMENDATORY SECTION (Amending WSR 82-11-039, filed 5/12/82)

WAC 132H-140-020 Statement of purpose. Bellevue Community College District VIII is an educational institution provided and maintained by the people of the state of Washington. The college reserves its facilities, buildings and grounds for those activities that are related to its broad educational mission. At other times, the college facilities ~~((with))~~ may be made available to other individuals and organizations.

The purpose of these regulations is to establish ~~((a basic facility fee structure and additional services regulations))~~ procedures and reasonable controls for the use of college facilities for non-college groups and for college groups where applicable.

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In keeping with this general purpose, and consistent with RCW 28B.50.140(7) and 28B.50.140(9), facilities should be available for a variety of uses which are of benefit to the general public if such general uses substantially relate to and do not interfere with the mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

Primary consideration shall be given at all times to activities specifically related to the college's mission, and no arrangements shall be made that may interfere with, or operate to the detriment of, the college's own teaching, or public service programs.

Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Such arrangements by both organizations and individuals must be made through campus operations.

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 79-10-51 [79-10-051], filed 9/17/79)

WAC 132H-140-030 Request for use of facilities. Requests by non-college groups for utilization of college facilities shall be made to the director of campus operations ~~((and services)) or a designee, who shall be the agent of the college in consummating rental and use agreements. ((Application for use of college facilities Form BCC 040-026 is to be completed by noncollege groups requesting facilities or college groups which use facilities under circumstances where a service charge would be levied.))~~

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

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

AMENDATORY SECTION (Amending WSR 82-11-039, filed 5/12/82)

WAC 132H-140-040 Facility usage board policy. The board of trustees of Bellevue Community College District VIII provides college personnel, students, ~~((faculty, staff,))~~ college ~~((formal and informal))~~ organizations and the general public ~~((other outside individuals and organizations for the purpose other than in connection with BCC's regular educational, public service or support programs))~~ the opportunity to use the college grounds and buildings subject to WAC 132H-140-010 through 132H-140-110 and in compliance with local, state and federal laws if

- (1) ~~((F))~~the individual or organization requesting the space is ~~((eligible))~~ approved to use it and
- (2) ~~((F))~~the space is available and has been reserved for the activity.

AMENDATORY SECTION (Amending WSR 82-11-039, filed 5/12/82)

WAC 132H-140-050 Scheduling and reservation practices. The primary purpose of college facilities is to serve the instructional program of the college. However, the facilities, when not required for scheduled college use, may be available for rental by the public in accordance with current fee schedules and other relevant terms and conditions for such use.

No college facilities may be used by individuals or groups from outside the college unless the facilities including buildings, equipment and facilities land have been reserved. ~~((Facilities will be scheduled according to the following priorities:))~~

In determining whether to accept a request for the use of college facilities, the administration shall use the college mission statement and the following items, listed in priority order, as guidelines:

- (1) Bellevue Community College scheduled programs and activities.
- (2) Major college events.
- (3) Foundation related events.
- (4) Non-college (outside individual or organization) events.

Arrangements for use of college facilities must be made through the campus operations office.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132H-140-060 Limitations

NEW SECTION

WAC 132H-140-065 Limitations and denial of use. Bellevue Community College is a state agency and exists to serve the public. However, the college may deny use of its facilities to any individual, group or organization if the requested use would

- (1) interfere or conflict with the college's instructional, student services or support programs;
- (2) interfere with the free flow of pedestrian or vehicular traffic on campus;
- (3) involve illegal activity;
- (4) create a hazard or result in damage to college facilities; or
- (5) create undue stress on college resources (e.g., a request for a major event may be denied if another major event is already scheduled for the same time period, because of demands for parking, security coverage, etc.).

Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions or service related activities), groups must obey or comply with directions of the designated administrative officer or individual in charge of the meeting.

Any individual or group granted permission to use college facilities shall agree in advance to abide by all college rules and regulations. The college reserves the right to deny use of college facilities to any individual or group whose past conduct indicates a likelihood that college rules and regulations will not be obeyed. The college may also deny use to a requesting individual or organization which has used the facilities in the past and has damaged college property, left college buildings and grounds in excessive disorder, or failed to cooperate with college staff concerning use of the facilities.

No person or group may use or enter onto college grounds or facilities having in their possession firearms or other dangerous weapons, even if licensed to do so, except commissioned police officers as prescribed by law.

College facilities may be used for purposes of political campaigning by or for candidates who have filed for public office, directed to members of the public, only when the full rental cost of the facility is paid. Use of state funds to pay for facility rental costs for political campaigns is prohibited. No person may solicit contributions on college property for political uses, except where this limitation conflicts with federal law regarding interference with the mails.

Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises when such premises are open to public use. However, interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits. While peaceful dissent is acceptable, violence or disruptive behavior is not a legitimate means of dissent. If any person, group, or organization attempts to resolve differences by means of violence, the college retains the right to take steps to protect the safety of individuals, the continuity of the educational process, and the property of the state.

If at any time actual use of college facilities by an individual or group constitutes an unreasonable disruption of the normal operation of the college, such use shall immediately terminate, all persons engaged in such use shall immediately vacate the premises, and leave the college property upon command of the appropriate college official.

Advertising or promotional materials for any event being held in a college facility must follow the same procedure as applies to students outlined in WAC 132H-120-050.

Use of audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of college affairs.

BCC facilities may not be used for private or commercial purposes unless such activities clearly serve the educational mission of the college, are either sponsored by an appropriate college unit or conducted by contractual agreement with the college. Commercial uses may also be made as noted in WAC 132H-133-050.

Alcoholic beverages will not be served without the approval of the president or his/her designee. It shall be the responsibility of the event sponsor to obtain all necessary licenses from the Washington State Liquor Control Board and adhere to their regulations, and those of Bellevue Community College.

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

AMENDATORY SECTION (Amending WSR 82-11-039, filed 5/12/82)

WAC 132H-140-070 Other requirements. (1) ~~((When deemed advisable by the dean of administrative services,))~~ When using college facilities, an individual or organization may be required to make an advance deposit, post a bond and/or obtain insurance to protect the college against cost or other liability.

(2) When the college grants permission to an individual or organization to use its facilities it is with the expressed understanding and condition that the individual or organization assumes full responsibility for any loss or damage resulting from such use and agrees to hold harmless and ~~((indemnity))~~ indemnify the college against any loss or damage claim arising out of such use.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132H-140-080	Basic facility fee structure
WAC 132H-140-090	Services and equipment fees.
WAC 132H-140-100	Delegation of authority

NEW SECTION

WAC 132H-140-085 Facility rental/use fees. Fees will be charged in accordance with a schedule available at the campus operations office. The college reserves the right to make pricing changes without prior written notice, except that such price changes shall not apply to facility use agreements already approved by the administration.

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

AMENDATORY SECTION (Amending WSR 82-11-039, filed 5/12/82)

WAC 132H-140-110 ((Pet)) Animals policy. ~~((Pets (dogs, cats, birds, etc.) are prohibited from entering buildings operated by Bellevue Community College.))~~

Pets on the grounds of Bellevue Community College shall be in the physical control of their owner in accordance with the city of Bellevue "leash law" ordinance, chapter 8.04.

~~((Exceptions to these regulations are animals used for the following purposes:~~

- ~~(1) Assisting the visual or hearing impaired persons~~
- ~~(2) As part of an authorized BCC program purpose requiring their use.~~
- ~~(3) As part of a law enforcement agency in the performance of its duties.~~
- ~~(4) Participation in authorized special events.~~

~~Animals found to be in violation of these regulations shall be impounded and turned over to the King County animal control or a citation issued and a fine imposed on the owner. Exceptions to these regulations other than those listed above shall be directed to the dean of administrative services.)~~ Animals, except for service animals, are prohibited from entering buildings operated by Bellevue Community College.

NEW SECTION

WAC 132H-140-120 Trespass. (1) Individuals who are not students or members of the faculty or staff and who violate these rules will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the president, or his or her designee, to leave the college property. Such a request prohibits the entry of and withdraws the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of persons requested to leave. Such persons shall be subject to arrest under the provisions of chapter 9A.52 RCW. Individuals requested to leave college property may appeal that decision by submitting to the college president by certified mail, return receipt requested, a letter stating the reasons the person should not be barred from college facilities. The college president or designee shall respond in writing within 15 calendar days with a final decision of the college. Persons shall continue to be barred from college property while an appeal is pending.

(2) Students, faculty, and staff of the college who do not comply with these regulations will be reported to the appropriate college office or agency for action in accordance with this chapter or with other applicable rules, regulations, or policies.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132H-140-900 Application for use of college facilities.

WSR 02-14-008
PERMANENT RULES
BELLEVUE COMMUNITY COLLEGE

[Filed June 20, 2002, 8:33 a.m.]

Date of Adoption: June 18, 2002.

Purpose: This rule amends the sections WAC 132H-122-020 and 132H-160-190 to clarify for students with outstanding debts owed to Bellevue Community College that services and refunds will be withheld until their obligations have been satisfied.

Citation of Existing Rules Affected by this Order:
Amending WAC 132H-122-020 and 132H-160-190.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 02-09-038 on April 10, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 19, 2002

Elise J. Erickson

Rules Coordinator

AMENDATORY SECTION (Amending WSR 92-19-054, filed 9/10/92)

WAC 132H-122-020 Withholding services for outstanding debts. (1) Where there is an outstanding debt owed to the college and upon ((Upon)) receipt of a written request inquiring as to the reason(s) for services or refund being withheld ((where there is an outstanding debt owed to the college from the requesting person,)) the college shall reply in writing to ((notify)) the person((, in writing by certified mail to the last known address,)) that the services and/or refund will not be provided. The college will include the amount of the ((since there is an)) outstanding debt, and further explain that until that debt is satisfied((;)) (or stayed by bankruptcy proceedings or discharged in bankruptcy), no such services and/or refund will be provided to the individual.

(a) The notice shall include a statement to inform the ((college)) individual that he or she has a right to a hearing before a person designated by the president of the college if he or she believes that no debt is owed. The notice shall state that the request for the hearing must be made within twenty-one days from the date of notification.

(2) Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the college available for review and, at that time, shall hold a brief adjudicative proceeding concerning whether the individual owes or owed any outstanding debts to the institution. After the brief adjudicative proceeding, a decision shall be rendered by the president's designee indicating whether the college is correct in withholding services and/or applying off-set for the outstanding debt.

(a) If the outstanding debt is found to be owed by the individual involved, no further services shall be provided.

(b) Notice of the decision shall be sent to the individual within five days after the hearing.

AMENDATORY SECTION (Amending Order 14, filed 4/18/73)

WAC 132H-160-190 Financial obligation. Community College District VIII board of trustees has authorized the registrar to place a hold on the records of any student who has a financial obligation due the college. Until this financial obligation is cleared (or stayed by bankruptcy proceedings or discharged in bankruptcy), the college((:)) 1) will not release the student's record or any information based upon the record(((-ØF))); 2) will not prepare transcript(s)(((-ØF))); and 3) will deny registration for a subsequent quarter as well as graduation from the college.

WSR 02-14-009
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed June 20, 2002, 8:35 a.m.]

Date of Adoption: June 17, 2002.

Purpose: Technical additions to PERS, SERS, and TRS Plans 2/3: The Internal Revenue Service (IRS) has requested that Department of Retirement Systems make technical additions to its public employees' retirement system, school employees' retirement system, and teachers' retirement system Plans 2 and 3.

Statutory Authority for Adoption: RCW 41.50.050(5).

For the technical additions only: For WAC 415-108-181, 415-108-182, and 415-108-183 is chapter 41.40 RCW and IRS regulations.

For WAC 415-110-050, 415-110-060, and 415-110-070 is chapter 41.35 RCW and IRS regulations.

For WAC 415-112-050, 415-112-060, and 415-112-070 is chapter 41.32 RCW and IRS regulations.

Adopted under notice filed as WSR 02-10-098 on April 30, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 9, 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: Thirty-one days after filing.

June 17, 2002

John Charles

Director

NEW SECTION

WAC 415-108-181 How does the department comply with Internal Revenue Code distribution rules? (1) This section applies only to the public employees' retirement system (PERS) Plans 2 and 3.

(2) All benefits paid from the PERS Plans 2 and 3 retirement plans shall be distributed in accordance with the requirements of section 401 (a)(9) of the Federal Internal Revenue Code and the regulations under that section. In order to meet these requirements, these retirement plans shall be administered in accordance with the following provisions:

(a) Distribution of a member's benefit must begin by the later of the April 1 following the calendar year in which a participant attains age 70 1/2 or the April 1 of the year following the calendar year in which the member retires;

(b) The life expectancy of a member or the member's spouse may not be recalculated after the benefits commence;

(c) If a member dies before the distribution of the member's benefits has begun, distributions to beneficiaries must begin no later than December 31 of the calendar year immediately following the calendar year in which the member died;

(d) The amount of benefits payable to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of the Federal Internal Revenue Code; and

(e) If a member dies after the distribution of the member's benefits has begun, the remaining portion of the member's interest will be distributed at least as rapidly as under the method of distribution being used for the member as of the date of the member's death.

(3) A distributee may elect to have eligible rollover distributions paid in a direct rollover to an eligible retirement plan the distributee specifies, pursuant to section 401 (a)(31) of the Federal Internal Revenue Code.

NEW SECTION

WAC 415-108-182 What are the IRS limitations on maximum benefits and maximum contributions? (1) This section applies only to the public employees' retirement system (PERS) Plans 2 and 3. Subject to the provisions of this section, benefits paid from, and employee contributions made to, these plans shall not exceed the maximum benefits and the maximum annual addition, respectively, as applicable under section 415 of the Federal Internal Revenue Code.

(2) A participant may not receive an annual benefit that exceeds the dollar amount specified in section 415 (b)(1)(A) of the Federal Internal Revenue Code, subject to the applicable adjustments in section 415 of the Federal Internal Revenue Code. For purposes of applying IRC 415(b) when a participant retires before age 62 or after age 65, the determination as to whether the benefit satisfies the IRC 415(b) limitations is made by comparing the equivalent annual benefit determined in Step 1 below with the age-adjusted dollar limit determined in Step 2 below.

Step 1: Under IRC 415 (b)(2)(B), determine the annual benefit in the form of a straight life annuity commencing at the same age that is actuarially equivalent to the plan benefit.

PERMANENT

In general, IRC 415 (b)(2)(E)(i) and (v) require that the equivalent annual benefit be the greater of (a) or (b) below.

(a) The equivalent annual benefit computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial equivalence for the particular form of benefit payable (plan rate and plan mortality table, or plan tabular factor, respectively).

(b) The equivalent annual benefit computed using a 5 percent interest rate assumption and the applicable mortality table.

This step does not apply to a benefit that is not required to be converted to a straight life annuity under IRC 415 (b)(2)(B), for example, a qualified joint and survivor annuity.

Step 2: Under IRC 415 (b)(2)(C) or (D), determine the IRC 415(b) dollar limitation that applies at the age the benefit is payable (age-adjusted dollar limit).

If the age at which the benefit is payable is less than 62, the age-adjusted dollar limit is determined by reducing the dollar limit on an actuarially equivalent basis. In general, IRC 415 (b)(2)(E)(i) and (v) require that the age-adjusted dollar amount be the lesser of (a) or (b) below.

(a) The equivalent amount computed using the plan rate and plan mortality table (or plan tabular factor) used for actuarial equivalence for early retirement benefits under the plan.

(b) The amount computed using 5 percent interest and the applicable mortality table described in Revenue Ruling 95-6. (This is used only to the extent described in Q & A 6 of Revenue Ruling 98-1, which provides that, for purposes of adjusting any limitation under IRC 415 (b)(2)(C) or (D), to the extent a forfeiture does not occur upon death, the mortality decrement may be ignored prior to age 62 and must be ignored after SSRA.)

If the age at which the benefit is payable is greater than age 65, the age-adjusted dollar limit is determined by increasing the IRC 415(b) dollar limitation on an actuarially equivalent basis. In general, IRC 415 (b)(2)(E)(i) and (v) require that the increased age-adjusted dollar limit be the lesser of (a) or (b) below.

(a) The equivalent amount computed using the plan rate and plan mortality table (or plan tabular factor) used for actuarial equivalence for early retirement benefits under the plan.

(b) The equivalent amount computed using 5 percent interest and the applicable mortality table (used to the extent described in Q&A 6, as described in the prior paragraph).

The dollar limit will be reduced proportionally for less than ten years of participation.

The plan will satisfy the IRC 415(b) limitations only if the equivalent annual benefit determined in Step 1 is less than the age-adjusted dollar limit determined in Step 2.

(3) Effective for limitation years beginning after December 31, 2001, the maximum annual addition that may be contributed or allocated to a participant's account for any limitation year may not exceed the lesser of (a) \$40,000, as adjusted for increases in the cost-of-living under section 415(d) of the Federal Internal Revenue Code, or (b) one hundred percent of the member's compensation, within the meaning of section 415 (c)(3) of the Federal Internal Revenue Code, for the limitation year.

(4) Notwithstanding any other provision of law to the contrary, the department may modify a request by a partici-

pant to make a contribution to the retirement plans if the amount of the contributions would exceed the limits under section 415(c) or 415(n) of the Federal Internal Revenue Code. An eligible participant in a retirement plan, as defined by section 1526 of the Federal Taxpayer Relief Act of 1997, may purchase service credit as provided by state law in effect on August 5, 1997, without regard to the limitations of section 415 (c)(1) of the Federal Internal Revenue Code.

(5) Prior to January 1, 1998, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code does not include the amount of any elective deferral, as defined in section 402 (g)(3) of the Federal Internal Revenue Code, or any contribution which is contributed or deferred by the employer at the election of the employee and which is not includible in the gross income of the employee by reason of section 125 or 457 of the Federal Internal Revenue Code.

(6) For limitation years beginning on and after January 1, 1998, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code does include the amount of any elective deferral, as defined in section 402 (g)(3) of the Federal Internal Revenue Code, or any contribution which is contributed or deferred by the employer at the election of the employee and which is not includible in the gross income of the employee by reason of section 125 or 457 of the Federal Internal Revenue Code.

(7) For limitation years beginning on and after January 1, 2001, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code shall also include elective amounts that are not includible in the gross income of the employee by reason of section 132 (f)(4).

NEW SECTION

WAC 415-108-183 Assets for exclusive benefit of members and beneficiaries. No assets of the public employees' retirement system Plans 2 and 3 may be used for or diverted to a purpose other than the exclusive benefit of the members and their beneficiaries at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries.

NEW SECTION

WAC 415-110-050 How does the department comply with Internal Revenue Code distribution rules? (1) This section applies only to the school employees' retirement system (SERS) Plans 2 and 3.

(2) All benefits paid from the SERS Plans 2 and 3 retirement plans shall be distributed in accordance with the requirements of section 401 (a)(9) of the Federal Internal Revenue Code and the regulations under that section. In order to meet these requirements, these retirement plans shall be administered in accordance with the following provisions:

(a) Distribution of a member's benefit must begin by the later of the April 1 following the calendar year in which a par-

participant attains age 70 1/2 or the April 1 of the year following the calendar year in which the member retires;

(b) The life expectancy of a member or the member's spouse may not be recalculated after the benefits commence;

(c) If a member dies before the distribution of the member's benefits has begun, distributions to beneficiaries must begin no later than December 31 of the calendar year immediately following the calendar year in which the member died;

(d) The amount of benefits payable to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of the Federal Internal Revenue Code; and

(e) If a member dies after the distribution of the member's benefits has begun, the remaining portion of the member's interest will be distributed at least as rapidly as under the method of distribution being used for the member as of the date of the member's death.

(3) A distributee may elect to have eligible rollover distributions paid in a direct rollover to an eligible retirement plan the distributee specifies, pursuant to section 401 (a)(31) of the Federal Internal Revenue Code.

NEW SECTION

WAC 415-110-060 What are the IRS limitations on maximum benefits and maximum contributions? (1) This section applies only to the school employees' retirement system (SERS) Plans 2 and 3. Subject to the provisions of this section, benefits paid from, and employee contributions made to, these plans shall not exceed the maximum benefits and the maximum annual addition, respectively, as applicable under section 415 of the Federal Internal Revenue Code.

(2) A participant may not receive an annual benefit that exceeds the dollar amount specified in section 415 (b)(1)(A) of the Federal Internal Revenue Code, subject to the applicable adjustments in section 415 of the Federal Internal Revenue Code. For purposes of applying IRC 415(b) when a participant retires before age 62 or after age 65, the determination as to whether the benefit satisfies the IRC 415(b) limitations is made by comparing the equivalent annual benefit determined in Step 1 below with the age-adjusted dollar limit determined in Step 2 below.

Step 1: Under IRC 415 (b)(2)(B), determine the annual benefit in the form of a straight life annuity commencing at the same age that is actuarially equivalent to the plan benefit. In general, IRC 415 (b)(2)(E)(i) and (v) require that the equivalent annual benefit be the greater of (a) or (b) below.

(a) The equivalent annual benefit computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial equivalence for the particular form of benefit payable (plan rate and plan mortality table, or plan tabular factor, respectively).

(b) The equivalent annual benefit computed using a 5 percent interest rate assumption and the applicable mortality table.

This step does not apply to a benefit that is not required to be converted to a straight life annuity under IRC 415 (b)(2)(B), for example, a qualified joint and survivor annuity.

Step 2: Under IRC 415 (b)(2)(C) or (D), determine the IRC 415(b) dollar limitation that applies at the age the benefit is payable (age-adjusted dollar limit).

If the age at which the benefit is payable is less than 62, the age-adjusted dollar limit is determined by reducing the dollar limit on an actuarially equivalent basis. In general, IRC 415 (b)(2)(E)(i) and (v) require that the age-adjusted dollar amount be the lesser of (a) or (b) below.

(a) The equivalent amount computed using the plan rate and plan mortality table (or plan tabular factor) used for actuarial equivalence for early retirement benefits under the plan.

(b) The amount computed using 5 percent interest and the applicable mortality table described in Revenue Ruling 95-6. (This is used only to the extent described in Q & A 6 of Revenue Ruling 98-1, which provides that, for purposes of adjusting any limitation under IRC 415 (b)(2)(C) or (D), to the extent a forfeiture does not occur upon death, the mortality decrement may be ignored prior to age 62 and must be ignored after SSRA.)

If the age at which the benefit is payable is greater than age 65, the age-adjusted dollar limit is determined by increasing the IRC 415(b) dollar limitation on an actuarially equivalent basis. In general, IRC 415 (b)(2)(E)(i) and (v) require that the increased age-adjusted dollar limit be the lesser of (a) or (b) below.

(a) The equivalent amount computed using the plan rate and plan mortality table (or plan tabular factor) used for actuarial equivalence for early retirement benefits under the plan.

(b) The equivalent amount computed using 5 percent interest and the applicable mortality table (used to the extent described in Q&A 6, as described in the prior paragraph).

The dollar limit will be reduced proportionally for less than ten years of participation.

The plan will satisfy the IRC 415(b) limitations only if the equivalent annual benefit determined in Step 1 is less than the age-adjusted dollar limit determined in Step 2.

(3) Effective for limitation years beginning after December 31, 2001, the maximum annual addition that may be contributed or allocated to a participant's account for any limitation year may not exceed the lesser of (a) \$40,000, as adjusted for increases in the cost-of-living under section 415(d) of the Federal Internal Revenue Code, or (b) one hundred percent of the member's compensation, within the meaning of section 415 (c)(3) of the Federal Internal Revenue Code, for the limitation year.

(4) Notwithstanding any other provision of law to the contrary, the department may modify a request by a participant to make a contribution to the retirement plans if the amount of the contributions would exceed the limits under section 415(c) or 415(n) of the Federal Internal Revenue Code. An eligible participant in a retirement plan, as defined by section 1526 of the Federal Taxpayer Relief Act of 1997, may purchase service credit as provided by state law in effect on August 5, 1997, without regard to the limitations of section 415 (c)(1) of the Federal Internal Revenue Code.

(5) Prior to January 1, 1998, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code does not include the amount of any elective deferral, as defined in section 402

(g)(3) of the Federal Internal Revenue Code, or any contribution which is contributed or deferred by the employer at the election of the employee and which is not includible in the gross income of the employee by reason of section 125 or 457 of the Federal Internal Revenue Code.

(6) For limitation years beginning on and after January 1, 1998, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code does include the amount of any elective deferral, as defined in section 402 (g)(3) of the Federal Internal Revenue Code, or any contribution which is contributed or deferred by the employer at the election of the employee and which is not includible in the gross income of the employee by reason of section 125 or 457 of the Federal Internal Revenue Code.

(7) For limitation years beginning on and after January 1, 2001, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code shall also include elective amounts that are not includible in the gross income of the employee by reason of section 132 (f)(4).

NEW SECTION

WAC 415-110-070 Assets for exclusive benefit of members and beneficiaries. No assets of the school employees' retirement system Plans 2 and 3 may be used for or diverted to a purpose other than the exclusive benefit of the members and their beneficiaries at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries.

NEW SECTION

WAC 415-112-050 How does the department comply with Internal Revenue Code distribution rules? (1) This section applies only to the teachers' retirement system (TRS) Plans 2 and 3.

(2) All benefits paid from the TRS Plans 2 and 3 retirement plans shall be distributed in accordance with the requirements of section 401 (a)(9) of the Federal Internal Revenue Code and the regulations under that section. In order to meet these requirements, these retirement plans shall be administered in accordance with the following provisions:

(a) Distribution of a member's benefit must begin by the later of the April 1 following the calendar year in which a participant attains age 70 1/2 or the April 1 of the year following the calendar year in which the member retires;

(b) The life expectancy of a member or the member's spouse may not be recalculated after the benefits commence;

(c) If a member dies before the distribution of the member's benefits has begun, distributions to beneficiaries must begin no later than December 31 of the calendar year immediately following the calendar year in which the member died;

(d) The amount of benefits payable to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of the Federal Internal Revenue Code; and

(e) If a member dies after the distribution of the member's benefits has begun, the remaining portion of the member's interest will be distributed at least as rapidly as under the method of distribution being used for the member as of the date of the member's death.

(3) A distributee may elect to have eligible rollover distributions paid in a direct rollover to an eligible retirement plan the distributee specifies, pursuant to section 401 (a)(31) of the Federal Internal Revenue Code.

NEW SECTION

WAC 415-112-060 What are the IRS limitations on maximum benefits and maximum contributions? (1) This section applies only to the teachers' retirement system (TRS) Plans 2 and 3. Subject to the provisions of this section, benefits paid from, and employee contributions made to, these plans shall not exceed the maximum benefits and the maximum annual addition, respectively, as applicable under section 415 of the Federal Internal Revenue Code.

(2) A participant may not receive an annual benefit that exceeds the dollar amount specified in section 415 (b)(1)(A) of the Federal Internal Revenue Code, subject to the applicable adjustments in section 415 of the Federal Internal Revenue Code. For purposes of applying IRC 415(b) when a participant retires before age 62 or after age 65, the determination as to whether the benefit satisfies the IRC 415(b) limitations is made by comparing the equivalent annual benefit determined in Step 1 below with the age-adjusted dollar limit determined in Step 2 below.

Step 1: Under IRC 415 (b)(2)(B), determine the annual benefit in the form of a straight life annuity commencing at the same age that is actuarially equivalent to the plan benefit. In general, IRC 415 (b)(2)(E)(i) and (v) require that the equivalent annual benefit be the greater of (a) or (b) below.

(a) The equivalent annual benefit computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial equivalence for the particular form of benefit payable (plan rate and plan mortality table, or plan tabular factor, respectively).

(b) The equivalent annual benefit computed using a 5 percent interest rate assumption and the applicable mortality table.

This step does not apply to a benefit that is not required to be converted to a straight life annuity under IRC 415 (b)(2)(B), for example, a qualified joint and survivor annuity.

Step 2: Under IRC 415 (b)(2)(C) or (D), determine the IRC 415(b) dollar limitation that applies at the age the benefit is payable (age-adjusted dollar limit).

If the age at which the benefit is payable is less than 62, the age-adjusted dollar limit is determined by reducing the dollar limit on an actuarially equivalent basis. In general, IRC 415 (b)(2)(E)(i) and (v) require that the age-adjusted dollar amount be the lesser of (a) or (b) below.

(a) The equivalent amount computed using the plan rate and plan mortality table (or plan tabular factor) used for actuarial equivalence for early retirement benefits under the plan.

(b) The amount computed using 5 percent interest and the applicable mortality table described in Revenue Ruling 95-6. (This is used only to the extent described in Q & A 6 of

Revenue Ruling 98-1, which provides that, for purposes of adjusting any limitation under IRC 415 (b)(2)(C) or (D), to the extent a forfeiture does not occur upon death, the mortality decrement may be ignored prior to age 62 and must be ignored after SSRA.)

If the age at which the benefit is payable is greater than age 65, the age-adjusted dollar limit is determined by increasing the IRC 415(b) dollar limitation on an actuarially equivalent basis. In general, IRC 415 (b)(2)(E)(i) and (v) require that the increased age-adjusted dollar limit be the lesser of (a) or (b) below.

(a) The equivalent amount computed using the plan rate and plan mortality table (or plan tabular factor) used for actuarial equivalence for early retirement benefits under the plan.

(b) The equivalent amount computed using 5 percent interest and the applicable mortality table (used to the extent described in Q&A 6, as described in the prior paragraph).

The dollar limit will be reduced proportionally for less than ten years of participation.

The plan will satisfy the IRC 415(b) limitations only if the equivalent annual benefit determined in Step 1 is less than the age-adjusted dollar limit determined in Step 2.

(3) Effective for limitation years beginning after December 31, 2001, the maximum annual addition that may be contributed or allocated to a participant's account for any limitation year may not exceed the lesser of (a) \$40,000, as adjusted for increases in the cost-of-living under section 415(d) of the Federal Internal Revenue Code, or (b) one hundred percent of the member's compensation, within the meaning of section 415 (c)(3) of the Federal Internal Revenue Code, for the limitation year.

(4) Notwithstanding any other provision of law to the contrary, the department may modify a request by a participant to make a contribution to the retirement plans if the amount of the contributions would exceed the limits under section 415(c) or 415(n) of the Federal Internal Revenue Code. An eligible participant in a retirement plan, as defined by section 1526 of the Federal Taxpayer Relief Act of 1997, may purchase service credit as provided by state law in effect on August 5, 1997, without regard to the limitations of section 415 (c)(1) of the Federal Internal Revenue Code.

(5) Prior to January 1, 1998, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code does not include the amount of any elective deferral, as defined in section 402 (g)(3) of the Federal Internal Revenue Code, or any contribution which is contributed or deferred by the employer at the election of the employee and which is not includible in the gross income of the employee by reason of section 125 or 457 of the Federal Internal Revenue Code.

(6) For limitation years beginning on and after January 1, 1998, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code does include the amount of any elective deferral, as defined in section 402 (g)(3) of the Federal Internal Revenue Code, or any contribution which is contributed or deferred by the employer at the election of the employee and which is not

includible in the gross income of the employee by reason of section 125 or 457 of the Federal Internal Revenue Code.

(7) For limitation years beginning on and after January 1, 2001, the definition of compensation, earnable compensation or other similar term when used for purposes of determining compliance with section 415 of the Federal Internal Revenue Code shall also include elective amounts that are not includible in the gross income of the employee by reason of section 132 (f)(4).

NEW SECTION

WAC 415-112-070 Assets for exclusive benefit of members and beneficiaries. No assets of the teachers' retirement system Plans 2 and 3 may be used for or diverted to a purpose other than the exclusive benefit of the members and their beneficiaries at any time prior to the satisfaction of all liabilities with respect to members and their beneficiaries.

WSR 02-14-011

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed June 20, 2002, 1:49 p.m.]

Date of Adoption: June 20, 2002.

Purpose: WAC 458-12-140 previously implemented RCW 84.09.030 and provided only generalized information about taxing district boundaries. The rule has been revised to provide additional and more detailed information regarding taxing district boundaries and boundary changes. This revised rule now also incorporates information from the following statutes:

- RCW 17.28.253, which provides information regarding the establishment of the boundaries of a mosquito control district for property tax purposes;
- RCW 84.09.035, which provides information regarding the effective date of certain boundary changes for a library district, metropolitan park district, fire protection district, or public hospital district; and
- RCW 84.09.037, which provides information about the effect of school district boundary changes on excess tax levies.

WAC 458-12-140 also now includes information previously found in WAC 458-12-135, which has been repealed in conjunction with the adoption of a revised WAC 458-12-140.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-12-135 Listing of property—Taxing district designation; and amending WAC 458-12-140 (~~Listing of property—Boundary changes.~~) Taxing district boundaries—Designation of tax code area.

Statutory Authority for Adoption: RCW 84.08.010.

Adopted under notice filed as WSR 02-09-018 and 02-09-019 on April 5, 2002.

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 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, 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 1, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

June 20, 2002

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending Order PT 68-6, filed 4/29/68)

WAC 458-12-140 (~~Listing of property—Boundary changes~~) **Taxing district boundaries—Designation of tax code area.** ((The official boundaries of all taxing districts are fixed for purposes of property taxation and levy of property taxes as of the first day of March each year.

~~The county assessor shall transmit one copy of each instrument filed with the county auditor or any other county official, which sets forth any change in taxing district boundaries, or for the establishment of any new taxing district, together with a copy of a plat showing such change, to the property tax division, department of revenue, on or before the first day of March each year. (Rule derived from RCW 84.04.120; 84.09.030; 84.40.100.))~~ (1) **Introduction.** This rule explains when the boundaries of a taxing district must be established for the purpose of levying property taxes. No property tax levy can be made for a given year on behalf of any taxing district whose boundaries are not established as of the dates provided in this rule. This rule also explains that county assessors are required to transmit taxing district boundary information to the property tax division of the department of revenue (department) when there is a change in taxing district boundaries or when a new taxing district is established. Lastly, this rule provides guidance to assessors in designating tax code areas to be used in the listing of real and personal property.

For purposes of this rule, the definition of "taxing district" is the same as in WAC 458-19-005.

(2) **Establishment of taxing district boundaries.** Except as follows, the boundaries of counties, cities, and all other taxing districts, for purposes of property taxation and the levy of property taxes, must be the established official boundaries of the taxing districts existing on March 1st of the year in which the property tax levy is made.

(a) **Boundaries of certain newly incorporated taxing districts.** The official boundaries of certain newly incorporated taxing districts will be established at a different date in the year in which the incorporation occurred as follows:

(i) **Newly incorporated cities.** Boundaries for a newly incorporated city must be the established official boundaries

existing on March 31st of the year in which the initial property tax levy is made. The boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was incorporated within the boundaries of a newly incorporated city, must be altered as of March 31st to exclude this area if the budget for the newly incorporated city is filed as provided in RCW 84.52.020 and the levy request of the newly incorporated city is made in accordance with RCW 84.52.070. Whenever a proposed city incorporation is on the March special election ballot, the county auditor must submit the legal description of the proposed city to the department on or before March 1st.

(ii) **Newly incorporated port districts.** Boundaries for a newly incorporated port district must be the established official boundaries existing on October 1st of the year in which the initial property tax levy is made if the boundaries of the newly incorporated port district are coterminous with the boundaries of another taxing district, as they existed on March 1st of that year.

(iii) **Newly incorporated water-sewer districts.** Boundaries for a newly incorporated water-sewer district must be the established official boundaries existing on June 15th of the year in which the proposition under RCW 57.04.050 is approved authorizing a water-sewer district excess levy.

(iv) **Other newly incorporated taxing districts.** Boundaries of any other newly incorporated taxing district must be the established official boundaries existing on June 1st of the year in which the initial property tax levy is made if the taxing district has boundaries coterminous with the boundaries of another taxing district, as they existed on March 1st of that year.

(b) **Mosquito control districts.** Boundaries of a mosquito control district must be the established official boundary existing on September 1st of the year in which the property tax levy is made.

(c) **Addition or removal of property from a taxing district after March 1st.** Except as otherwise provided in this rule, the boundaries of a taxing district will be established on June 1st if territory with boundaries coterminous with the boundaries of another taxing district as they existed on March 1st of that year has been added to, or removed from, the taxing district after March 1st of that year. The boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was annexed to a city or town within its boundaries, must be altered as of June 1st to exclude this area.

(3) **Withdrawal of certain areas of a library district, metropolitan park district, fire protection district, or public hospital district.** Notwithstanding the provisions of RCW 84.09.030 and subsection (2) of this rule, the boundaries of a library district, metropolitan park district, fire protection district, or public hospital district, that withdraws an area from its boundaries under RCW 27.12.355, 35.61.360, 52.04.056, or 70.44.235, which area has boundaries that are coterminous with the boundaries of a tax code area, will be established as of October 1st in the year in which the area is withdrawn.

(4) School district boundary changes. Each school district affected by a transfer of territory from one school district to another school district under chapter 28A.315 RCW must retain its preexisting boundaries for the purpose of the collection of excess tax levies authorized under RCW 84.52.053 before the effective date of the transfer. The pre-existing boundaries must be retained for such tax collection years and for such excess tax levies as the regional committee on school district organization (committee) may approve. The committee may order that the transferred territory will either be subject to or relieved of such excess levies. For the purpose of all other excess tax levies previously authorized under chapter 84.52 RCW and all excess tax levies authorized under RCW 84.52.053 subsequent to the effective date of a transfer of territory, the boundaries of the affected school districts must be modified to recognize the transfer of territory subject to RCW 84.09.030 and subsection (2) of this rule.

(5) Copy of instrument setting forth taxing district boundary changes must be provided to the department. Any instrument setting forth the official boundaries of a newly established taxing district, or setting forth any change in taxing district boundaries, that is required by law to be filed in the office of the county auditor or other county official must be filed in triplicate. The county official with whom the instrument is filed must forward two copies to the county assessor. The assessor must provide one copy of the instrument, together with a copy of a plat showing the new boundaries, to the property tax division of the department of revenue within thirty days of the establishment of the boundaries of such taxing district.

(6) Designation of tax code areas. Assessors must designate the name or number of each tax code area in which each description of real or personal property is located and assessed. The tax code area designation must be entered opposite each assessment in a column provided for that purpose in the detail and assessment list.

For purposes of this rule, the definition of "tax code area" is the same as in WAC 458-19-005.

(a) Personal property. Assessors must designate the tax code area on all listings of personal property in accordance with the applicable rules controlling "taxable situs" as of the assessment date.

(b) Property located in more than one tax code area. When real and personal property of any person is located and assessable in more than one tax code area, a separate listing must be made on the detail and assessment list and identified by the name or number of the tax code area in which each portion of the property or properties is located.

WSR 02-14-013

PERMANENT RULES

MARINE EMPLOYEES' COMMISSION

[Filed June 20, 2002, 3:50 p.m.]

Date of Adoption: June 14, 2002.

Purpose: To make housekeeping changes and reduce and simplify the language used.

Citation of Existing Rules Affected by this Order: Repealing WAC 316-02-310, 316-02-340, 316-02-350, 316-02-360 and 316-02-370; and amending WAC 316-02-001, 316-02-135, 316-02-150, 316-02-170, 316-02-300, 316-02-600, 316-02-610, 316-02-620, 316-02-630, 316-02-640, 316-02-650, 316-02-660, 316-02-820, and 316-65-005.

Statutory Authority for Adoption: RCW 34.05.230.

Adopted under notice filed as WSR 02-08-029 on June 14 [March 27], 2002.

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 10, Repealed 5.

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 19, 2002

Kathy J. Marshall

Administrator

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-001 Application and scope of chapter 316-02 WAC. Chapter 316-02 WAC has been added to the Washington Administrative Code by the marine employees' commission pursuant to the authority of RCW 47.64.280 and chapter 34.05 RCW, to promulgate comprehensive and uniform rules for practice and procedure before the commission. The provisions of chapter 1-08 WAC shall not be applicable to the proceedings before the commission. This chapter sets forth general rules applicable to all types of proceedings before the agency, and should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapters 316-25, 316-35, 316-45, 316-55, 316-65, and 316-75 WAC, except;

(a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 316-25-070, 316-25-090, 316-35-050, 316-45-050, 316-65-050, and 316-75-110;

(b) WAC 10-08-110, which is supplanted by WAC (~~316-08-120 through 316-08-180~~) 316-02-120 through 316-02-180;

(c) WAC 10-08-120, to the extent that it is further limited by WAC 316-02-040 and 316-02-310;

(d) WAC 10-08-140, to the extent that it is further limited by WAC 316-02-040 and 316-02-310;

(e) WAC 10-08-211, which is supplanted by WAC 316-25-390, 316-25-590, 316-25-630, 316-25-670, 316-35-210, 316-35-230, 316-45-350, 316-45-370, 316-65-550, 316-65-555, and 316-75-270(~~and 316-75-290~~); and

(f) WAC 10-08-230, which is supplanted by WAC 316-02-005, 316-25-150, 316-25-230, 316-25-250, 316-25-270, 316-25-310, 316-35-070, 316-35-150, 316-45-070, 316-45-090, (~~316-45-230, 316-65-505, 316-65-507~~), 316-65-515, and 316-75-210.

(2) Chapter 316-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of ferry system employees.

(3) Chapter 316-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing ferry system employees' bargaining unit.

(4) Chapter 316-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices in the Washington state ferry system.

(5) Chapter 316-55 WAC, which contains rules relating to the resolution of impasses occurring in ferry system collective bargaining.

(6) Chapter 316-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

(7) Chapter 316-75 WAC, which contains rules relating to determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.

(8) Chapter 316-85 WAC, which contains rules relating to surveys of compensation, benefits, and conditions of employment required by chapter 47.64 RCW.

In the event of a conflict between general rule in this chapter and a special rule in another chapter applicable to a particular proceeding, the special rule shall govern.

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-135 Service of process—Method and completion of service on parties. Unless otherwise provided in chapter 47.64 RCW, any notice or other paper served under this chapter shall be in writing. Service thereof is sufficient if mailed by (~~restricted~~) certified mail, return receipt requested, addressed to the last known addresses of the parties or sent by electronic facsimile transmission with transaction report verification and same-day United States postal service mailing of copies. Refusal of (~~restricted~~) certified mail by any party shall be considered service. Any party may at any time execute and deliver an acceptance of service in lieu of mailed notice.

AMENDATORY SECTION (Amending WSR 01-01-124, filed 12/19/00, effective 1/19/01)

WAC 316-02-150 Service of process—Filing with commission. (1) Papers intended to be filed with the com-

mission shall be deemed filed upon actual receipt by the commission during its regular office hours at its Olympia office.

(2) The following conditions apply for filing papers by fax:

(a) As used in this chapter, "fax" means electronic telefacsimile transmission.

(b) Papers may be filed by fax with the commission office. Filing by fax is perfected when a complete legible copy of the papers is reproduced on the commission office's fax machine during normal working hours, excluding weekends and holidays. If a transmission of papers commences after these office hours, the papers shall be deemed filed on the next succeeding business day.

(c) Any papers filed by fax with the commission office should be accompanied by a cover page or other form identifying the party making the transmission, listing the address, telephone, and fax number of the party, identifying the adjudicative proceeding to which the papers relate, and indicating the date of and the total number of pages included in the transmission.

(d) Papers filed by fax should not exceed fifteen pages in length, exclusive of any cover page.

(e) The party attempting to file the papers by fax bears the risk that the papers will not be timely received or legibly printed, regardless of the cause. If the fax is not received in legible form, it will be considered as if it had never been sent.

(f) The original of any papers filed by fax must be mailed to the commission office within twenty-four hours of the time that the fax was sent.

(3) Service of such shall be deemed to be incomplete if the party making the filing should subsequently fail, when requested to do so by the commission, to provide proof of service upon other parties required to be served.

(4) Filing a copy of the paper(s), together with one of the following shall constitute proof of service upon other parties:

(a) An acknowledgment of service; or

(b) A certificate that the person signing the certificate did serve the paper(s) upon all parties of record in the proceeding by:

(i) Mailing a copy thereof, by (~~restricted~~) certified mail, return receipt requested, to each party to the proceeding or to his or her attorney or authorized agent; or

(ii) (~~Delivery of a copy thereof in person.~~) Transmitting a copy thereof by fax, and on the same day mailing a copy, to each party to the proceeding or his or her attorney or authorized agent; or

(iii) Delivery of a copy thereof in person.

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-170 Service of process—Notice of hearing. In any contested case, all parties shall be served with a notice not less than seven days before the date set for hearing. The notice shall include:

(1) Unless otherwise ordered by the presiding officer, the names and mailing addresses of all parties to whom notice is being given and, if known, the names and addresses of their representatives;

(2) The official file or other reference number and the name of the proceeding;

(3) The name, official title, mailing address, and telephone number of the presiding officer;

(4) A statement of the time, place, and nature of the proceeding;

(5) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(6) A reference to the particular sections of the statutes and rules involved;

(7) A short and plain statement by the commission of the matters asserted (~~by the commission~~);

(8) A statement that a party who fails to attend or participate in a hearing or other stage of an adjudicative proceeding, or be represented therein by agent or counsel, may be held in default.

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-300 Subpoenas—(~~Form~~)—Discovery.

(1) Pursuant to RCW (~~34.05.446 and~~) 47.64.280, the commission (~~or~~) on its own motion or at the request of the attorney of record or a party in whose behalf the witness is required to appear may subpoena any ferry employee (~~or employees~~) or (~~their~~) designated representative(s), or any member or representative of the department, and any witness(es).

(2) The commission on its own motion or at the request of an attorney or a party may require attendance of witnesses and the production of all pertinent records in any adjudicative proceeding. Attendance of witnesses and production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

(3) Except as otherwise provided by this chapter, the (~~presiding officer~~) hearing examiner or arbitrator may decide whether to permit the taking of depositions, the requesting of admissions, and all other procedures authorized by rules 26 through 36 of the superior court civil rules.

(4) Every subpoena shall identify the party causing issuance of the subpoena and shall state the name of the commission as: State of Washington, marine employees' commission; shall state the title of the proceeding(~~, if any, shall show on its face the name and address of the party at whose request the subpoena was issued~~); and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place.

(5) Subpoenas requiring the attendance and testimony of witnesses or the production of evidence shall be issued ex parte to any party to an adjudicative proceeding. Provided, however, That no subpoena shall be issued to require the attendance and testimony of, or the production of evidence by, any member of the commission or commission staff in any proceeding before the commission. The commission or its hearing examiner or arbitrator may condition the issuance of subpoenas to parties not represented by counsel upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

(a) Witnesses in an adjudicatory proceeding shall be paid the same fees and allowances in the same manner and under the same conditions, as provided for witnesses in the courts of this state by chapter 2.40 RCW and by RCW 5.56.010, except that the commission shall have the power to fix the allowance for meals and lodging in like manner as provided in RCW 5.56.010 as to courts.

(b) The person initiating an adjudicative proceeding or the party requesting issuance of a subpoena shall pay the fees and allowances and the cost of producing records required to be produced by subpoena.

(6) A subpoena may be served by any suitable person over eighteen years of age by exhibiting and reading it to the witness, or by giving him or her a copy, or by leaving such copy at the place of his or her abode. When service is made by any other person than an officer authorized to serve process, proof of service shall be made by filing the subpoena and the affidavit or declaration under penalty of perjury with the commission. Failure to make proof of service does not affect the validity of the service.

(7) Any motion to quash a subpoena shall be filed and served on all parties within five days after the date of service of the subpoena and, shall be made at or before the time specified in the subpoena for compliance. The person making such motion shall give notice of the motion to the party to whom the subpoena was issued. The commission, hearing examiner or arbitrator may (a) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (b) condition denial of the motion upon just and reasonable conditions.

(8) Upon application and for good cause shown, and upon proof of service of the subpoena involved if such proof was not previously provided pursuant to WAC 316-02-340, the commission may seek judicial enforcement of subpoenas which have not been quashed pursuant to RCW 34.05.588(1).

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-600 (~~Contested cases includes application for~~) Adjudicative proceedings (contested cases)—

Exceptions. An application for the commission to investigate, and enter an order thereon, a question concerning (1) representation of ferry system employees, (2) clarification of an existing collective bargaining unit, (3) a complaint charging an unfair labor practice, (4) a grievance based upon alleged violation of rights granted by statute, rule or collective bargaining agreement, (5) union security dispute, or (6) other ferry system labor-management relations disputes, includes an application for the commission to conduct an appropriate adjudicative proceeding whether or not the applicant, complainant, petitioner or grievant expressly requests such proceeding: Provided, That an application for nomination of mediator(s) or arbitrators of impasse(s) in interest arbitration or grievance arbitration from a panel maintained for that purpose in accordance with RCW 47.64.210 or 47.64.240, and/or questions concerning fact-finding procedures or data shall not be deemed to be adjudicative in nature.

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-610 (~~(Contested cases)~~) **Adjudicative proceedings—Commencement.** An adjudicative proceeding commences when the commission, or assigned commissioner, or the administrative assistant to the commission notifies a party that a prehearing conference, hearing or other stage of an adjudicative proceeding will be conducted.

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-620 (~~(Contested cases)~~) **Adjudicative proceedings—Denial of application.** If the commission decides not to conduct an adjudicative proceeding in response to a complaint, petition or grievance, the commission shall serve the complainant, petitioner or grievant with a copy of its decision in writing, with a brief statement of the reason(s) for the commission's denial: Provided, That the commission shall advise said complainant, petitioner or grievant as to the appropriate review of such denial: And further provided, That unless the complainant, petitioner or grievant files a request for review within thirty days following receipt of the denial, the denial shall be entered as an order which shall be final and binding in accordance with RCW 47.64.280.

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-630 (~~(Contested cases)~~) **Adjudicative proceedings—Commission action upon filing.** Upon receipt of an application for adjudicative proceeding under WAC 316-02-600, other than a declaratory order, the commission shall proceed as follows:

(1) Except in situations governed by subsection (2) or (3) of this section, within thirty days after receipt of the application or of the response to a timely request made by the commission under subsection (2) of this section, the commission shall commence an adjudicative proceeding in accordance with the appropriate chapter of these rules, or shall deny the application in accordance with WAC 316-02-620; or

(2) Within thirty days after receipt of the application, the commission shall notify the complainant, petitioner or grievant of any obvious errors or omissions, request any additional information the commission requires to make an initial determination scope or jurisdiction and is permitted by law to require, and shall notify said complainant, petitioner or grievant of the name, mailing address, and telephone number of an office that may be contacted regarding the application; or

(3) If the application seeks relief that is not available when the application is filed but may be available in the future, the commission may maintain the application on the commission's docket awaiting the expected availability of relief and shall notify the complainant, petitioner or grievant of the status of the application.

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-640 (~~(Contested cases)~~) **Adjudicative proceedings—Ex parte communications.** (1) Unless required for the disposition of ex parte matters specifically authorized by statute or unless necessary to procedural aspects of maintaining orderly process, neither the commission nor any commissioner nor employee of the commission may communicate, directly or indirectly, regarding any issue in an adjudicative proceeding, with any person not employed by the commission who has a direct or indirect interest in the outcome of the proceeding, without notice and opportunity for all parties to participate.

(2) Unless necessary to procedural aspects of maintaining orderly process, persons to whom the commission or commissioner may not communicate under subsection (1) of this section, may not communicate with commissioners without notice and opportunity for all parties to participate.

(3) If a commissioner receives an ex parte communication of a type that cannot properly be received, that commissioner shall promptly disclose the communication in the manner prescribed in RCW 34.05.455 (5), (6), and (7).

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-650 **Commission decisions in (~~contested cases~~) adjudicative proceedings—Form and content.** Every decision and final order shall:

(1) Be correctly captioned as to name of commission and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.

AMENDATORY SECTION (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

WAC 316-02-660 **Commission decisions in (~~contested cases~~) adjudicative proceedings—Service.** Every final order issued by the commission shall be served on each party or upon the person or organization designated by the party or by law to receive service of such papers; and a copy shall be furnished to any counsel or person appearing for a party in a representative capacity.

AMENDATORY SECTION (Amending WSR 01-01-124, filed 12/19/00, effective 1/19/01)

WAC 316-02-820 Commission offices. The commission maintains its office at Evergreen Plaza Building, Suite 104, 711 Capitol Way South, PO Box 40902, Olympia, Washington 98504-0902. The telephone number is (360) 586-6354, the fax number is (360) 586-0820, the e-mail address is mec@olywa.net, and the internet address is http://www.marineempcom.org.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 316-02-310 Subpoenas—Issuance to parties.
- WAC 316-02-340 Subpoenas—Proof of service.
- WAC 316-02-350 Subpoenas—Quashing.
- WAC 316-02-360 Subpoenas—Enforcement.
- WAC 316-02-370 Subpoenas—Geographical scope.

AMENDATORY SECTION (Amending WSR 92-22-044, filed 10/27/92, effective 11/27/92)

WAC 316-65-005 Grievance defined. "Grievance" means a formal statement alleging injury, injustice, or violation of rights granted by rule, statute, collective bargaining agreement, or past practice: Provided, That any grievance involving alleged violations of rights protected by chapter 47.64 RCW may also be termed "unfair labor practices" and may also be filed and processed under chapter 316-45 WAC: And Provided Further, That ~~((because of the limitations on grievance arbitration decisions in RCW 47.64.150, requests for grievance arbitration and unfair labor practice complaints may not be consolidated))~~ when the commission is requested to provide grievance arbitration in a dispute where there is an unfair labor practice issue brought, which in the judgment of the commission raises the same or a closely related subject, and it would further the economy and efficiency of operations, the commission may consolidate such issues for hearing and decision.

**WSR 02-14-019
PERMANENT RULES
DEPARTMENT OF REVENUE**

[Filed June 21, 2002, 3:52 p.m., effective July 1, 2002]

Date of Adoption: June 21, 2002.

Purpose: WAC 458-40-660 contains the stumpage value used by harvesters of timber to calculate the timber excise tax. This rule is being revised to provide the stumpage values to be used during the second half of 2002.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-660 Timber excise tax—Stumpage value tables.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Other Authority: RCW 84.33.091.

Adopted under notice filed as WSR 02-10-136 on May 1, 2002.

Changes Other than Editing from Proposed to Adopted Version: Based upon testimony at the hearing and further data collected upon the value of Ponderosa Pine, the value of Ponderosa Pine has been reduced in Stumpage Value Areas 4, 5, 6, and 10.

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 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The stumpage value rule is required by statute (RCW 84.33.091) to be effective on July 1, 2002.

Effective Date of Rule: July 1, 2002

June 21, 2002

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 02-02-033, filed 12/24/01, effective 1/1/02)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) **Stumpage value tables.** The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ~~((January))~~ July 1 through ~~((June 30))~~ December 31, 2002:

PERMANENT

TABLE 2 - Stumpage Value Table

Stumpage Value Area 2
January 1 through June 30, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Quality	Hauling											
		Timber	Distance	Zone	Number	Code							
Douglas-Fir	DF	1	\$509	\$502	\$495	\$488	\$481	2	3	4	5		
Douglas-Fir		2	472	465	458	451	444	3	4	429	422	415	
Douglas-Fir		3	443	436	429	422	415	4	377	370	363	356	349
Western Hemlock and- Western Redcedar ⁽²⁾	RC	1	618	611	604	597	590						
Western Hemlock and- Other Conifer ⁽³⁾	WH	1	304	297	290	283	276	2	321	314	307	300	293
Red Alder	RA	1	321	314	307	300	293	2	297	290	283	276	269
Black Cottonwood	BC	1	187	180	173	166	159						
Other Hardwood	OH	1	708	701	694	687	680						
Douglas Fir Poles	DPL	1	1103	1096	1089	1082	1075						
Western Redcedar Poles	RCP	1	1103	1096	1089	1082	1075						
Chipwood	CHW	1	1	1	1	1	1						
RC Shake Blocks	RCS	1	303	296	289	282	275						
RC Shingle Blocks	RCP	1	121	114	107	100	93						
RC & Other Posts ⁽⁴⁾	RCP	1	0.45	0.45	0.45	0.45	0.45						
DF Christmas Trees ⁽⁵⁾	DFX	1	0.25	0.25	0.25	0.25	0.25						
Other Christmas Trees ⁽⁵⁾	OFX	1	0.50	0.50	0.50	0.50	0.50						

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
 (2) Includes Alaska Cedar.
 (3) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, as "White Fir."
 (4) Stumpage value per lineal foot or portion thereof.
 (5) Stumpage value per lineal foot.

PERMANENT

TABLE 1 - Stumpage Value Table

Stumpage Value Area 1
January 1 through June 30, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Quality	Hauling											
		Timber	Distance	Zone	Number	Code							
Douglas-Fir	DF	1	\$702	\$695	\$688	\$681	\$674	2	522	515	508	501	494
Douglas-Fir		2	431	424	417	410	403	3	431	424	417	410	403
Douglas-Fir		3	360	353	346	339	332	4	496	489	482	475	468
Western Hemlock and- Western Redcedar ⁽²⁾	RC	1	618	611	604	597	590						
Western Hemlock and- Other Conifer ⁽³⁾	WH	1	279	272	265	258	251	2	224	217	210	203	196
Other Hardwood	OH	1	187	180	173	166	159						
Douglas Fir Poles	DPL	1	708	701	694	687	680						
Western Redcedar Poles	RCP	1	1103	1096	1089	1082	1075						
Chipwood	CHW	1	1	1	1	1	1						
RC Shake Blocks	RCS	1	303	296	289	282	275						
RC Shingle Blocks	RCP	1	121	114	107	100	93						
RC & Other Posts ⁽⁴⁾	RCP	1	0.45	0.45	0.45	0.45	0.45						
DF Christmas Trees ⁽⁵⁾	DFX	1	0.25	0.25	0.25	0.25	0.25						
Other Christmas Trees ⁽⁵⁾	OFX	1	0.50	0.50	0.50	0.50	0.50						

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
 (2) Includes Alaska Cedar.
 (3) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, as "White Fir."
 (4) Stumpage value per lineal foot or portion thereof.
 (5) Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 January 1 through June 30, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ⁽²⁾	DF	1	\$475	\$468	\$461	\$454	\$447
		2	414	407	400	393	386
		3	397	390	383	376	369
		4	355	348	341	334	327
Western Redcedar ⁽²⁾	RC	1	618	611	604	597	590
		2	279	272	265	258	251
		3	224	217	210	203	196
		4	207	200	193	186	179
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	279	272	265	258	251
		2	224	217	210	203	196
		3	207	200	193	186	179
		4	200	193	186	179	172
Red Alder	RA	1	321	314	307	300	293
		2	297	290	283	276	269
Black Cottonwood	BC	+	+	+	+	+	
Other Hardwood	OH	+	187	180	173	166	159
Douglas Fir Poles	DFL	+	708	701	694	687	680
Western Redcedar Poles	RCL	+	1103	1096	1089	1082	1075
Chipwood	CHW	+	+	+	+	+	
RC Shake Blocks	RCS	+	303	296	289	282	275
RC Shingle Blocks	RCF	+	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	+	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	+	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 January 1 through June 30, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ⁽²⁾	DF	1	\$540	\$533	\$526	\$519	\$512
		2	447	440	433	426	419
		3	444	437	430	423	416
		4	334	327	320	313	306
Lodgepole Pine	LP	+	181	174	167	160	153
Ponderosa Pine	PP	1	357	350	343	336	329
		2	214	207	200	193	186
Western Redcedar ⁽²⁾	RC	1	618	611	604	597	590
		2	279	272	265	258	251
		3	223	216	209	202	195
		4	192	185	178	171	164
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	279	272	265	258	251
		2	223	216	209	202	195
		3	223	216	209	202	195
		4	192	185	178	171	164
Red Alder	RA	1	321	314	307	300	293
		2	297	290	283	276	269
Black Cottonwood	BC	+	+	+	+	+	
Other Hardwood	OH	+	187	180	173	166	159
Douglas Fir Poles	DFL	+	708	701	694	687	680
Western Redcedar Poles	RCL	+	1103	1096	1089	1082	1075
Chipwood	CHW	+	+	+	+	+	
RC Shake Blocks	RCS	+	303	296	289	282	275
RC Shingle Blocks	RCF	+	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	+	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	+	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

PERMANENT

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 January 1 through June 30, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			Distance Zone Number				
			1	2	3	4	5
Douglas Fir ⁽²⁾	DF	1	\$496	\$489	\$482	\$475	\$468
		2	459	452	445	438	431
		3	444	437	430	423	416
		4	396	389	382	375	368
Lodgepole Pine	LP	1	181	174	167	160	153
Ponderosa Pine	PP	1	357	350	343	336	329
		2	214	207	200	193	186
Western Redcedar ⁽³⁾	RC	1	618	611	604	597	590
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	273	266	259	252	245
		2	224	217	210	203	196
		3	223	216	209	202	195
		4	206	199	192	185	178
Red Alder	RA	1	321	314	307	300	293
		2	297	290	283	276	269
Black Cottonwood	BC	1	+	+	+	+	+
Other Hardwood	OH	1	187	180	173	166	159
Douglas Fir Poles	DFL	1	708	701	694	687	680
Western Redcedar Poles	RCL	1	1103	1096	1089	1082	1075
Chipwood	CHW	1	+	+	+	+	+
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 January 1 through June 30, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			Distance Zone Number				
			1	2	3	4	5
Douglas Fir ⁽²⁾	DF	1	\$280	\$273	\$266	\$259	\$252
Lodgepole Pine	LP	1	181	174	167	160	153
Ponderosa Pine	PP	1	357	350	343	336	329
		2	214	207	200	193	186
Western Redcedar ⁽³⁾	RC	1	426	419	412	405	398
True Firs and Spruce ⁽⁴⁾	WH	1	190	183	176	169	162
Western White Pine	WP	1	360	353	346	339	332
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	24	23	22	21	20
Chipwood	CHW	1	+	+	+	+	+
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽⁵⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁶⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁽⁷⁾ Stumpage value per lineal foot.

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

PERMANENT

TABLE 8 - Stumpage Value Table

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber		Code Number	1	2	3	4	5
		Quantity	Distance-Zone-Number						
Douglas Fir ⁽²⁾	DF	+	\$526	\$519	\$512	\$505	\$498		
		2	433	426	419	412	405		
		3	430	423	416	409	402		
		4	320	313	306	299	292		
Lodgepole Pine	LP	+	181	174	167	160	153		
Ponderosa Pine	PP	+	357	350	343	336	329		
		2	214	207	200	193	186		
Western Redcedar ⁽³⁾	RC	+	604	597	590	583	576		
Western Hemlock and Other Conifer ⁽⁴⁾	WH	+	265	258	251	244	237		
		2	209	202	195	188	181		
		3	209	202	195	188	181		
		4	178	171	164	157	150		
Red Alder	RA	+	307	300	293	286	279		
		2	283	276	269	262	255		
Black-Cornwood	BC	+	+	+	+	+	+		
Other Hardwood	OH	+	173	166	159	152	145		
Douglas Fir Poles	DPL	+	694	687	680	673	666		
Western Redcedar Poles	RCL	+	1089	1082	1075	1068	1061		
Chipwood	CHW	+	+	+	+	+	+		
RC Shake Blocks	RCS	+	303	296	289	282	275		
RC Shingle Blocks	RCF	+	121	114	107	100	93		
RC & Other Posts ⁽⁵⁾	RCP	+	0.45	0.45	0.45	0.45	0.45		
DF Christmas Trees ⁽⁶⁾	DFX	+	0.25	0.25	0.25	0.25	0.25		
Other Christmas Trees ⁽⁶⁾	OFX	+	0.50	0.50	0.50	0.50	0.50		

(1) Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
 (2) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
 (3) Includes Alaska-Cedar.
 (4) Includes Western Larch.
 (5) Stumpage value per lineal foot or portion thereof.
 (6) Stumpage value per lineal foot.

TABLE 7 - Stumpage Value Table

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber		Code Number	1	2	3	4	5
		Quantity	Distance-Zone-Number						
Douglas Fir ⁽²⁾	DF	+	\$283	\$276	\$269	\$262	\$255		
		2	283	276	269	262	255		
Ponderosa Pine	PP	+	345	338	331	324	317		
Lodgepole Pine	LP	+	238	231	224	217	210		
Western Redcedar ⁽³⁾	RC	+	426	419	412	405	398		
True Firs and Spruce ⁽⁴⁾	WH	+	213	206	199	192	185		
Western White Pine	WP	+	360	353	346	339	332		
Hardwoods	OH	+	50	43	36	29	22		
		1	516	509	502	495	488		
Western Redcedar Poles	RCL	+	516	509	502	495	488		
Small Logs	SML	+	15	14	13	12	11		
Chipwood	CHW	+	+	+	+	+	+		
RC Shake & Shingle Blocks	RCF	+	92	85	78	71	64		
LP & Other Posts ⁽⁵⁾	LPP	+	0.35	0.35	0.35	0.35	0.35		
Pine Christmas Trees ⁽⁶⁾	PX	+	0.25	0.25	0.25	0.25	0.25		
Other Christmas Trees ⁽⁶⁾	OFX	+	0.25	0.25	0.25	0.25	0.25		

(1) Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
 (2) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
 (3) Includes Alaska-Cedar.
 (4) Includes Western Larch.
 (5) Stumpage value per lineal foot or portion thereof.
 (6) Stumpage value per lineal foot.

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 July 1 through December 31, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$533	\$526	\$519	\$512	\$505
		2	474	467	460	453	446
		3	447	440	433	426	419
		4	364	357	350	343	336
Western Redcedar ⁽²⁾	RC	1	602	595	588	581	574
Western Hemlock and Other Conifer ⁽²⁾	WH	1	277	270	263	256	249
		2	232	225	218	211	204
		3	224	217	210	203	196
		4	214	207	200	193	186
Red Alder	RA	1	294	287	280	273	266
		2	249	242	235	228	221
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	172	165	158	151	144
Douglas-Fir Poles	DFL	1	708	701	694	687	680
Western Redcedar Poles	RCL	1	1094	1087	1080	1073	1066
Chipwood	CHW	1	1	1	1	1	
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁴⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁵⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁵⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Alaska-Cedar.

⁽³⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁴⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁵⁾ Stumpage value per lineal foot.

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 July 1 through December 31, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$454	\$447	\$440	\$433	\$426
		2	417	410	403	396	389
		3	416	409	402	395	388
		4	400	393	386	379	372
Western Redcedar ⁽²⁾	RC	1	602	595	588	581	574
Western Hemlock and Other Conifer ⁽²⁾	WH	1	277	270	263	256	249
		2	222	215	208	201	194
		3	219	212	205	198	191
		4	215	208	201	194	187
Red Alder	RA	1	294	287	280	273	266
		2	249	242	235	228	221
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	172	165	158	151	144
Douglas-Fir Poles	DFL	1	708	701	694	687	680
Western Redcedar Poles	RCL	1	1094	1087	1080	1073	1066
Chipwood	CHW	1	1	1	1	1	
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁴⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁵⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁵⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Alaska-Cedar.

⁽³⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁴⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁵⁾ Stumpage value per lineal foot.

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TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 July 1 through December 31, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$454	\$447	\$440	\$433	\$426
		2	412	405	398	391	384
		3	393	386	379	372	365
		4	240	233	226	219	212
Western Redcedar ⁽³⁾	RC	1	602	595	588	581	574
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	277	270	263	256	249
		2	243	236	229	222	215
		3	211	204	197	190	183
		4	195	188	181	174	167
Red Alder	RA	1	294	287	280	273	266
		2	249	242	235	228	221
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	172	165	158	151	144
Douglas-Fir Poles	DFL	1	708	701	694	687	680
Western Redcedar Poles	RCL	1	1094	1087	1080	1073	1066
Chipwood	CHW	1	1	1	1	1	
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 July 1 through December 31, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$533	\$526	\$519	\$512	\$505
		2	436	429	422	415	408
		3	408	401	394	387	380
		4	384	377	370	363	356
Lodgepole Pine	LP	1	192	185	178	171	164
Ponderosa Pine	PP	1	347	340	333	326	319
		2	212	205	198	191	184
Western Redcedar ⁽³⁾	RC	1	602	595	588	581	574
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	277	270	263	256	249
		2	240	233	226	219	212
		3	238	231	224	217	210
		4	223	216	209	202	195
Red Alder	RA	1	294	287	280	273	266
		2	249	242	235	228	221
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	172	165	158	151	144
Douglas-Fir Poles	DFL	1	708	701	694	687	680
Western Redcedar Poles	RCL	1	1094	1087	1080	1073	1066
Chipwood	CHW	1	1	1	1	1	
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

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TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 July 1 through December 31, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$454	\$447	\$440	\$433	\$426
		2	438	431	424	417	410
		3	424	417	410	403	396
		4	360	353	346	339	332
Lodgepole Pine	LP	1	192	185	178	171	164
Ponderosa Pine	PP	1	347	340	333	326	319
		2	212	205	198	191	184
Western Redcedar ⁽²⁾	RC	1	602	595	588	581	574
		2	220	213	206	199	192
		3	219	212	205	198	191
		4	217	210	203	196	189
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	277	270	263	256	249
		2	220	213	206	199	192
Red Alder	RA	1	294	287	280	273	266
		2	249	242	235	228	221
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	172	165	158	151	144
Douglas-Fir Poles	DFL	1	708	701	694	687	680
Western Redcedar Poles	RCL	1	1094	1087	1080	1073	1066
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 July 1 through December 31, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$279	\$272	\$265	\$258	\$251
Lodgepole Pine	LP	1	192	185	178	171	164
Ponderosa Pine	PP	1	347	340	333	326	319
		2	212	205	198	191	184
Western Redcedar ⁽²⁾	RC	1	467	460	453	446	439
		2	212	205	198	191	184
True Firs and Spruce ⁽⁴⁾	WH	1	181	174	167	160	153
Western White Pine	WP	1	392	385	378	371	364
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	24	23	22	21	20
Chipwood	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽⁵⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁶⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽²⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁽⁷⁾ Stumpage value per lineal foot.

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TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 July 1 through December 31, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir ⁽²⁾	DF	1	\$290	\$283
Lodgepole Pine	LP	1	230	223	216	209	202
Ponderosa Pine	PP	1	374	367	360	353	346
		2	303	296	289	282	275
Western Redcedar ⁽³⁾	RC	1	467	460	453	446	439
True Firs and Spruce ⁽⁴⁾	WH	1	219	212	205	198	191
Western White Pine	WP	1	392	385	378	371	364
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	18	17	16	15	14
Chipwood	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽⁵⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁶⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska-Cedar.
⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁶⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁽⁷⁾ Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 2002

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
			Douglas-Fir ⁽²⁾	DF	1	\$519	\$512
		2	422	415	408	401	394
		3	394	387	380	373	366
		4	370	363	356	349	342
Lodgepole Pine	LP	1	192	185	178	171	164
Ponderosa Pine	PP	1	347	340	333	326	319
		2	212	205	198	191	184
Western Redcedar ⁽³⁾	RC	1	588	581	574	567	560
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	263	256	249	242	235
		2	226	219	212	205	198
		3	224	217	210	203	196
		4	209	202	195	188	181
Red Alder	RA	1	280	273	266	259	252
		2	235	228	221	214	207
Black Cottonwood	BC	1	1	1	1	1	1
Other Hardwood	OH	1	158	151	144	137	130
Douglas-Fir Poles	DFL	1	694	687	680	673	666
Western Redcedar Poles	RCL	1	1080	1073	1066	1059	1052
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁽⁵⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
⁽²⁾ Includes Western Larch.
⁽³⁾ Includes Alaska-Cedar.
⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁶⁾ Stumpage value per lineal foot.

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(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber**—Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber**—Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ((January)) July 1 through ((June 30)) December 31, 2002:

TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
((January)) July 1 through ((June 30)) December 31, 2002

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	-\$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	-\$30.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning		
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	-\$100.00

TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
((January)) July 1 through ((June 30)) December 31, 2002

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$20.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$30.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00

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Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
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Note: A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.

III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00

TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1:	SVA's 1 through 6, and 10	\$0.00
Class 2:	SVA 7	\$0.00

Note: The adjustment will not be allowed on special forest products.

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

- (i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.
- (ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

- (i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and
- (ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

WSR 02-14-021
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed June 21, 2002, 3:56 p.m., effective June 22, 2002]

Date of Adoption: June 20, 2002.

Purpose: The purpose of this rule is to explain how we treat the income of people who cannot receive assistance because of their alien status.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0116.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Adopted under notice filed as WSR 02-09-061 on April 15, 2002.

Changes Other than Editing from Proposed to Adopted Version: The following changes were made as a result of internal comments. The changes clarify language and do not change the effect of the proposed rules:

1. At the end of the first paragraph the word "and" is deleted, and after "RCA" the period is replaced by a comma and the words, "and RMA programs." is added.

2. Also at the end of the first paragraph, the following sentences are added, "We count your income differently if you are applying for medical assistance only. See WAC 388-408-0055."

3. At the end of subsection (5), the semicolon is replaced by a period, and the following is added. "This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0005 for the number of dependents."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This WAC change is necessary to comply with a federal rule change. Immediate implementation of these rules is necessary in order to comply with federal regulation (45 C.F.R. 400.59, 400.65, 400.66, 400.67, 400.68, 400.69). The earlier effective date is necessary because of imminent peril to the public health, safety or welfare. If these rules do not go into effect, it could result in the denial or miscalculation of benefits to needy clients.

PERMANENT

Effective Date of Rule: June 22, 2002.

June 20, 2002

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 388-450-0116 (~~(Allocating)~~) How does the department count my income (~~(of a financially responsible person excluded from the)~~) if I cannot get assistance (~~(unit)~~) because (~~(of their)~~) I am an alien (~~(status)~~)? This section applies to TANF/SFA (~~(and-)~~), RCA, and RMA programs. We count your income differently if you are applying for medical assistance only. See WAC 388-408-0055.

~~((When a financially responsible person, as defined in WAC 388-450-0100(3), is excluded from the assistance unit because of their alien status, as defined in WAC 388-450-0100(4)(a), that person's income, after allowing the following deductions, is countable income available to the assistance unit:~~

~~(1) The fifty percent earned income incentive for TANF/SFA assistance units or the ninety dollar work expense deduction for RCA assistance units, if the income is earned;~~

~~(2) An amount equal to the difference between the payment standards:~~

~~(a) That would include the eligible assistance unit members and those individuals excluded from the assistance unit because of their alien status; and~~

~~(b) Only the eligible assistance unit members.~~

~~(3)) Some people cannot get assistance because they do not meet the alien requirements described in WAC 388-424-0005. If you do not meet those requirements but you are financially responsible for someone in the assistance unit, as defined in WAC 388-450-0100, we count some of your income as part of the assistance unit's income. To figure out how much we count, we take the following seven steps:~~

~~(1) We start by only counting fifty percent of your earned income, as described in WAC 388-450-0030.~~

~~(2) We add all of your unearned income, as described in WAC 388-450-0025.~~

~~(3) We subtract the difference between the following payment standards:~~

~~(a) One that includes both eligible assistance unit members and those who cannot get assistance because of their alien status; and~~

~~(b) One that includes only the eligible assistance unit members.~~

~~(4) We subtract the payment standard (~~(amount equal to)~~) for the number of people who are ineligible (~~(persons)~~) for reasons other than alien status, as defined in WAC 388-450-0100(4)(b) through (f)(;~~

~~(4) An amount not to exceed the need standard, as defined in WAC 388-478-0015, for);~~

~~(5) We subtract any court or administratively ordered (~~(current or back)~~) child support (~~(paid)~~) you pay for legal dependents(~~(; and~~~~

~~(5) The)). This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0005 for the number of dependents.~~

~~(6) We subtract any employment-related (~~(child-care)~~) childcare expenses (~~(for which the household is liable)~~) you have.~~

~~(7) Then, we count whatever is left as unearned income.~~

WSR 02-14-022

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 21, 2002, 3:58 p.m., effective June 22, 2002]

Date of Adoption: June 20, 2002.

Purpose: The purpose of these rules is to describe how we treat certain types of income, specifically income received by refugees under the Department of State or Department of Justice reception and placement programs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0015 and 388-450-0055.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Adopted under notice filed as WSR 02-09-062 on April 15, 2002.

Changes Other than Editing from Proposed to Adopted Version: 1. In WAC 388-450-0015, at the end of the first paragraph, the word "programs" is deleted.

2. In WAC 388-450-0055 (1)(b), after "payment standard," the words, "for your family size" are added.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Immediate implementation of these rules is necessary in order to comply with federal regulation (45 C.F.R. 400.59, 400.65, 400.66, 400.67, 400.68, 400.69). The earlier effective date is necessary because of imminent peril to the public health, safety or welfare. If these rules do not go into effect, it could result in the denial or miscalculation of benefits to needy children.

Effective Date of Rule: June 22, 2002.

June 20, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-006, filed 8/22/01, effective 9/22/01)

WAC 388-450-0015 (~~(Excluded and disregarded income.)~~) What types of income are not used when figuring out my benefits? This section applies to ((TANF/SFA, RCA, and GA cash programs)) cash assistance, medical programs for children, pregnant women and families, and food assistance ((programs)).

(1) (~~Excluded income is income that is not counted when determining a client's eligibility and benefit level. Types of excluded income include but are not limited to:~~) There are some types of income that we (the department) do not count when figuring out if you can get benefits and the amount you can get. Some examples of income we do not count are:

(a) Bona fide loans as defined in WAC 388-470-0025, except certain student loans as specified under WAC 388-450-0035;

(b) Federal earned income tax credit (EITC) payments;

(c) Title IV-E and state foster care maintenance payments if the foster child is not included in ((the)) your assistance unit;

(d) Energy assistance payments;

(e) Educational assistance as specified in WAC 388-450-0035;

(f) Native American benefits and payments as specified in WAC 388-450-0040;

(g) Income from employment and training programs as specified in WAC 388-450-0045;

(h) Money withheld from a client's benefit to repay an overpayment from the same income source. For food assistance, this exclusion does not apply when the money is withheld to recover an intentional noncompliance overpayment from a federal, state, or local means tested program such as TANF/SFA, GA, and SSI; (~~and~~)

(i) Child support payments received by TANF/SFA recipients; and

(j) Payments issued under the Department of State or Department of Justice Reception and Replacement Programs, such as Voluntary Agency (VOLAG) payments.

(2) (~~When determining the eligibility of a Holocaust survivor~~) For ((a)) medical ((program)) programs for children, pregnant women, or families, ((the department does)) we also do not count ((the recoveries of:

(a) Insurance proceeds; and

(b) Other income.

(3) For food assistance programs, the following income types are excluded:

(a) Emergency additional requirements authorized to TANF/SFA and RCA clients under WAC 388-436-0001 and paid directly to a third party;

(b) Cash donations based on need received directly by the household if the donations are:

(i) Made by one or more private, nonprofit, charitable organizations; and

(ii) Do not exceed three hundred dollars in any federal fiscal year quarter.

(e) Infrequent or irregular income, received during a three month period by a prospectively budgeted assistance unit, that:

(i) Cannot be reasonably anticipated as available; and

(ii) Does not exceed thirty dollars for all household members.

(4) All income that is not excluded is considered to be part of an assistance unit's gross income.

(5) For food assistance households not containing an elderly or disabled member, the assistance unit is ineligible if its gross income exceeds one hundred thirty percent of the federal poverty level as specified in WAC 388-478-0060.

(6) Disregarded income is income that is counted when determining an assistance unit's gross income but is not used when determining an assistance unit's countable income. Types of disregarded income include but are not limited to:

(a) Earned income incentives and disregards for cash assistance; and

(b) Earned income disregard and income deductions for food assistance)) any insurance proceeds or other income you have recovered as a result of being a Holocaust survivor.

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

WAC 388-450-0055 (~~(Assistance)~~) How does money from other agencies ((and)) or organizations ((+)) count against my benefits? ((Unless specifically stated, this section applies to TANF/SFA, RCA, GA, medical and food assistance programs:))

(1) (~~Funds received from other agencies and organizations are excluded when determining the amount of assistance to be paid as long as no duplication exists between the assistance provided by the other agency and that provided by the department.~~)

(2) To assure nonduplication, aid from other agencies will be considered in relation to:

(a) The different purposes for which such aid is granted;

(b) The provision of goods and services not included in the department's standards; and

(c) Conditions that preclude its use for current living costs.

(3) For TANF/SFA, RCA, GA, and TANF/SFA related medical assistance, if the assistance from another agency is available to meet need, the assistance shall be disregarded up to the difference between the need standard and the payment standard)) For cash assistance and medical programs for children, pregnant women, and families:

(a) We do not count money given to you by other agencies or organizations if the money is given to you for reasons other than ongoing living expenses. Ongoing living expenses include the following items:

(i) Clothing;

(ii) Food;

(iii) Household supplies;

- (iv) Medical supplies (nonprescription);
- (v) Personal care Items;
- (iv) Shelter;
- (vii) Transportation; and
- (viii) Utilities (e.g., lights, cooking fuel, the cost of heating or heating fuel).

(b) If the money given to you is supposed to be used for ongoing living expenses, we count the amount remaining after we subtract the difference between the need standard and the payment standard for your family size as described in chapter 388-478 WAC.

(2) For food assistance:

(a) We do not count money given to you if:

(i) It is given to you by a private, nonprofit, charitable agency or organization; and

(ii) The amount of money you get is no more than three hundred dollars in any one of the following calendar quarters:

(A) January - February - March,

(B) April - May - June,

(C) July - August - September,

(D) October - November - December.

(b) We count the entire amount if the requirements in (a) of this subsection are not met.

(3) For cash assistance, food assistance, and medical programs for children, pregnant women, and families, if we do count the money you get, we treat it as unearned income under WAC 388-450-0025.

4. WAC 388-406-0060(2), added new subsections:

"(a) You mistakenly apply for benefits you already get; or

(b) We reconsidered your eligibility under WAC 388-406-0065 and you are eligible to get benefits."

5. WAC 388-406-0065, changed the former subsection (2) to (3) added the following new subsection (2):

"(2) For medical assistance, if the thirty days to reconsider your application under subsection (1) of this section has ended you can still get benefits without a new application, if:

(a) You timely request a fair hearing; and

(b) You give us the information needed to determine eligibility and you are eligible."

6. WAC 388-406-0065, added to the following at the end of subsection (3) (formerly (2)): "For all programs the eligibility date is based on the date of your original application that was denied."

7. WAC 388-472-0005, added a new subsection: "(3) If you are eligible for necessary supplemental accommodation (NSA) services under chapter 388-472 WAC, we help you comply with the requirements of this section." This subsection was inadvertently left off of the rules as published in WSR 02-09-065, and was noted by commenters.

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 8, 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 8, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: These rules must take effect simultaneously with the July 1, 2002, effective date of rules adopted as WSR 02-11-137. The earlier effective date is necessary because of imminent peril to the public welfare. A later date could cause some clients to lose needed benefits.

Effective Date of Rule: July 1, 2002.

June 19, 2002

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 02-15 issue of the Register.

WSR 02-14-023

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Division of Employment and Assistance Programs)

[Filed June 21, 2002, 4:00 p.m., effective July 1, 2002]

Date of Adoption: June 19, 2002.

Purpose: Amending rules in chapter 388-406 WAC and WAC 388-452-0005 and 388-472-0005 to clarify and streamline policy.

Citation of Existing Rules Affected by this Order: Amending WAC 388-406-0040, 388-406-0045, 388-406-0050, 388-406-0055, 388-406-0060, 388-406-0065, 388-452-0005, and 388-472-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Adopted under notice filed as WSR 02-09-065 on April 15, 2002.

Changes Other than Editing from Proposed to Adopted Version: The following changes were made as a result of comments received:

1. WAC 388-406-0040(2), deleted the words "we discover that" after the word "If."

2. WAC 388-406-0045 (2)(c)(ii), deleted "Proof of your resources" and replaced with "For cash assistance, extensive property appraisals."

3. WAC 388-406-0060, added the word "or" at the end of subsections (a), (b) and (c).

WSR 02-14-031
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed June 24, 2002, 3:54 p.m.]

Effective Date of Rule: Thirty-one days after filing.
June 24, 2002
Alan R. Lynn
Rules Coordinator
Legislation and Policy Division

Date of Adoption: June 24, 2002.

Purpose: WAC 458-53-030, 458-53-050, 458-53-090, and 458-53-140 implement RCW 84.48.075 and 84.48.080. They explain the processes to be used by the Department of Revenue in establishing the indicated real and personal property ratios for purposes of computing the state property tax levy and equalizing centrally assessed property. These rules have been revised (repealed in the case of WAC 458-53-090) to incorporate a recent change to RCW 84.48.080, to clarify and simplify the ratio process, and to eliminate outdated information. WAC 458-53-030, which explains the stratification process for real property, has been revised to provide separate land-use codes for residential condominiums and other types of condominiums (e.g., commercial condominiums). WAC 458-53-050, which groups land-use codes into abstract categories, has been revised to reflect the changes made to WAC 458-53-030. WAC 458-53-140, which provides information about the personal property ratio study, has been revised to reflect a change in the basis for a county's personal property ratio as a result of a recent amendment to RCW 84.48.080 (chapter 185, Laws of 2001). Lastly, WAC 458-53-090, which provides information concerning sales studies generated by the department, is no longer needed and has been repealed. The department no longer generates sales studies because all counties now generate their own studies.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-53-090 Department generated sales studies; and amending WAC 458-53-030 Stratification of assessment rolls—Real property, 458-53-050 Land use stratification, sales summary and abstract report, and 458-53-140 Personal property ratio study.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, and 84.48.075.

Adopted under notice filed as WSR 02-10-032 on April 24, 2002.

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 3, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, 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 3, Repealed 1.

AMENDATORY SECTION (Amending WSR 96-05-002, filed 2/8/96, effective 3/10/96)

WAC 458-53-030 Stratification of assessment rolls—Real property. (1) ~~((Stratification—Uses for ratio study.))~~

Introduction. This rule explains the stratification process for real property. The stratification process is the grouping of real property within each county into homogeneous classifications based upon certain criteria in order to obtain representative samples. Stratification is used in determining the number of appraisals to be included in the ratio study and also for ratio calculation. The county's most current certified assessment rolls are used for stratification. Counties ~~((shall))~~ must stratify rolls using a land use code stratification system as prescribed by the department. (See RCW 36.21.100.)

(2) **Stratification—Parcel count and total value—Exclusions.** The stratification of the real property assessment rolls ~~((shall))~~ must include a parcel count and a total value of the taxable real property parcels in each stratum, excluding the following:

(a) ~~((Classified and))~~ Designated forest lands ((and timberland classified under chapter 84.34 RCW (see RCW 84.34.060))). (See chapter 84.33 RCW);

(b) ~~((State-owned game lands as defined in RCW 77.12.203(2);))~~ Timberland classified under chapter 84.34 RCW. (See RCW 84.34.060);

(c) Current use properties in those counties where a separate study is conducted pursuant to WAC 458-53-095(3); ~~((and))~~

(d) State assessed properties; and

(e) State-owned game lands as defined in RCW 77.12.203(2).

(3) **Stratification—By county.** For the real property ratio study, the assessment roll ~~((shall))~~ must be stratified for individual counties according to land use categories and sub-stratified by value classes as determined by the department. Stratification ~~((shall))~~ will be reviewed at least every other year by the department to determine if changes need to be made to improve sampling criteria. After the strata have been determined, the department ~~((shall))~~ will notify the counties of the strata limits, and each county ~~((shall))~~ must provide the department with the following, taken from the county's assessment rolls:

(a) A representative number of samples, as determined by the department, in each stratum, together with:

(i) The name and address of the taxpayer for each sample;

(ii) The land use code for each sample;

(iii) The assessed value for each sample; and

(iv) The actual number of samples;

(b) The total number of real property parcels in each stratum; and

(c) The total assessed value in each stratum.

(4) **Counties to provide information timely.** The stratification information described in subsection (3) of this (~~section shall~~) rule must be provided by the counties to the department in a timely manner to enable the department to certify the preliminary ratios in accordance with WAC 458-53-200(1). Failure to provide the information in a timely manner will result in the department using its best estimate of stratum values to calculate the real property ratio.

(5) **Standard two-digit land use code.** The following two-digit land use code (~~shall~~) will be used as the standard to identify the actual use of the land. Counties may elect to use a more detailed land use code system using additional digits, however, no county land use code system may use fewer than the standard two digits.

RESIDENTIAL

- 11 Household, single family units
- 12 Household, 2-4 units
- 13 Household, multi-units (5 or more)
- 14 Residential (~~hotels~~)condominiums
- 15 Mobile home parks or courts
- 16 Hotels/motels
- 17 Institutional lodging
- 18 All other residential not elsewhere coded
- 19 Vacation and cabin

MANUFACTURING

- 21 Food and kindred products
- 22 Textile mill products
- 23 Apparel and other finished products made from fabrics, leather, and similar materials
- 24 Lumber and wood products (except furniture)
- 25 Furniture and fixtures
- 26 Paper and allied products
- 27 Printing and publishing
- 28 Chemicals
- 29 Petroleum refining and related industries
- 30 Rubber and miscellaneous plastic products
- 31 Leather and leather products
- 32 Stone, clay and glass products
- 33 Primary metal industries
- 34 Fabricated metal products
- 35 Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks-manufacturing
- 36 Not presently assigned
- 37 Not presently assigned
- 38 Not presently assigned
- 39 Miscellaneous manufacturing

TRANSPORTATION, COMMUNICATION, AND UTILITIES

- 41 Railroad/transit transportation
- 42 Motor vehicle transportation

- 43 Aircraft transportation
- 44 Marine craft transportation
- 45 Highway and street right of way
- 46 Automobile parking
- 47 Communication
- 48 Utilities
- 49 Other transportation, communication, and utilities not classified elsewhere

TRADE

- 50 Condominiums - other than residential condominiums
- 51 Wholesale trade
- 52 Retail trade - building materials, hardware, and farm equipment
- 53 Retail trade - general merchandise
- 54 Retail trade - food
- 55 Retail trade - automotive, marine craft, aircraft, and accessories
- 56 Retail trade - apparel and accessories
- 57 Retail trade - furniture, home furnishings and equipment
- 58 Retail trade - eating and drinking
- 59 Other retail trade

SERVICES

- 61 Finance, insurance, and real estate services
- 62 Personal services
- 63 Business services
- 64 Repair services
- 65 Professional services
- 66 Contract construction services
- 67 Governmental services
- 68 Educational services
- 69 Miscellaneous services

CULTURAL, ENTERTAINMENT AND RECREATIONAL

- 71 Cultural activities and nature exhibitions
- 72 Public assembly
- 73 Amusements
- 74 Recreational activities
- 75 Resorts and group camps
- 76 Parks
- 77 Not presently assigned
- 78 Not presently assigned
- 79 Other cultural, entertainment, and recreational

RESOURCE PRODUCTION AND EXTRACTION

- 81 Agriculture (not classified under current use law)
- 82 Agriculture related activities

PERMANENT

- 83 Agriculture classified under current use chapter 84.34 RCW
- 84 Fishing activities and related services
- 85 Mining activities and related services
- 86 Not presently assigned
- 87 ~~((Classified forest land chapter 84.33 RCW))~~ Not presently assigned
- 88 Designated forest land under chapter 84.33 RCW
- 89 Other resource production

UNDEVELOPED LAND AND WATER AREAS

- 91 Undeveloped land
- 92 Noncommercial forest
- 93 Water areas
- 94 Open space land classified under chapter 84.34 RCW
- 95 Timberland classified under chapter 84.34 RCW
- 96 Not presently assigned
- 97 Not presently assigned
- 98 Not presently assigned
- 99 Other undeveloped land

AMENDATORY SECTION (Amending WSR 96-05-002, filed 2/8/96, effective 3/10/96)

WAC 458-53-050 Land use stratification, sales summary and abstract report. Stratification of the assessment rolls, the annual sales summary, and the abstract report to the department for real property will be based on the following abstract categories:

Abstract Category	Land Use Code
1. Single family residence	11, <u>14</u> , 18, 19
2. Multiple family residence	12, 13((-4))
3. Manufacturing	21 through 39
4. Commercial	15, 16, 17, 41-49, ((54)) <u>50-59</u> , 61-69, 71-79
5. Agricultural	81
6. Agricultural (current use law)	83
7. Forest lands (chapter 84.33 RCW)	((87)) 88
8. Open space (current use law)	94
9. Timberland (current use law)	95
10. Other	82, 84, 85, 89, 91,92, 93, 96-99

AMENDATORY SECTION (Amending WSR 96-05-002, filed 2/8/96, effective 3/10/96)

WAC 458-53-140 Personal property ratio study. (1) ~~((Random selection of accounts. The basis for a county's personal property ratio shall be accounts selected at random from the preceding year's assessment rolls at the January 1 value for the preceding year.))~~ Introduction. This rule provides information about the personal property ratio study, including the basis for a county's personal property ratio, the

determination of strata for each county, and the effect of the discovery of omitted property on the ratio study.

(2) Basis for personal property ratio. The basis for a county's personal property ratio will be valuation data with respect to personal property from the three years preceding the current assessment year.

(3) Stratification of rolls. Determination of strata for each county (~~(shall)~~) will be made by the department to ensure the selection of a representative audit sample and will be reviewed periodically. After the strata have been determined, the department (~~(shall)~~) will notify the counties of the strata limits and each county (~~(shall)~~) must provide the department with the following, taken from the county's assessment rolls:

(a) A representative number of samples, as determined by the department, in each stratum, together with:

(i) The name and address of the taxpayer for each sample;

(ii) The assessed value for each sample; and

(iii) The actual number of samples;

(b) The total number of personal property accounts in each stratum; and

(c) The total assessed value in each stratum.

~~((3))~~ (4) Omitted property. If the department discovers omitted property in a county, the results of the department's audit (~~(shall)~~) will be included in the ratio study.

WSR 02-14-034
PERMANENT RULES
BOARD OF TAX APPEALS
[Filed June 25, 2002, 2:22 p.m.]

Date of Adoption: June 13, 2002.

Purpose: The purpose of the amendments is to inform everyone who deals with the board how the board will consider its own decisions for purposes of deciding cases.

Citation of Existing Rules Affected by this Order: Amending WAC 456-09-950 and 456-10-750.

Statutory Authority for Adoption: RCW 82.03.170.

Adopted under notice filed as WSR 02-09-029 on April 9, 2002.

Changes Other than Editing from Proposed to Adopted Version: At the request of the Department of Revenue, the board added a phrase to WAC 456-09-950(2) and 456-10-750(2) to clarify that the board's decisions are binding only "on the board or any hearing officer" of the board.

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 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

PERMANENT

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 6, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 24, 2002

R. A. Virant

Executive Director

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-950 Final decision—Precedential decisions. (1) When an appeal has been heard or the record considered by a majority of the board, a final decision may be adopted which shall contain findings and conclusions as to each contested issue of fact and law.

(2) All final decisions signed by at least two members of the board are precedential and binding on the board or any hearing officer in accordance with the legal doctrine of *stare decisis*.

(3) All other decisions issued by the board or any hearing officer may be cited to the board and may be considered by the board or any hearing officer as persuasive, but nonbinding, authority.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-750 Final decision—Precedential decisions. (1) When an appeal has been heard or the record considered by a majority of the board, a final decision may be adopted which shall contain findings and conclusions as to each contested issue of fact and law.

(2) All final decisions signed by at least two members of the board are precedential and binding on the board or any hearing officer in accordance with the legal doctrine of *stare decisis*.

(3) All other decisions issued by the board or any hearing officer may be cited to the board and may be considered by the board or any hearing officer as persuasive, but nonbinding, authority.

WSR 02-14-035

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed June 25, 2002, 2:32 p.m.]

Date of Adoption: June 5, 2002.

Purpose: To clarify the conditions under which good cause can be established for leaving work due to illness or disability of the individual or his/her immediate family. This rule replaces existing WAC 192-16-013 and has been revised to improve understandability.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-16-013.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Adopted under notice filed as WSR 02-08-071 on April 2, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 10, 2002

Dr. Sylvia P. Mundy

Commissioner

NEW SECTION

WAC 192-150-055 Leaving work because of illness or disability—General rules and definitions—RCW 50.20.050 (2)(b). (1) **General rule.** To establish good cause for leaving work voluntarily because of your illness or disability or the illness, disability, or death of a member of your immediate family, you must demonstrate that:

(a) You left work primarily because of such illness, disability, or death; and

(b) The illness, disability, or death necessitated your leaving work; and

(c) You first exhausted all reasonable alternatives prior to leaving work, including asking that you be reemployed when you are able to return to work. (You are not required to request reemployment after the job separation has occurred to establish good cause.)

(2) **Exception.** You may be excused from failure to exhaust reasonable alternatives prior to leaving work as required by subsection (1)(c) if you can show that doing so would have been a futile act.

(3) **Definitions.** For purposes of this chapter:

(a) "Disability" means a sensory, mental, or physical condition that:

(i) Is medically recognizable or diagnosable;

(ii) Exists as a record or history; and

(iii) Substantially limits the proper performance of your job;

(b) "Immediate family" means your spouse, children (including unborn children), step-children, foster children, or parents of either spouse, whether living with you or not, and other relatives who temporarily or permanently reside in your household.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-16-013 Interpretative regulations—
Leaving work because of illness or disability of self or immediate family member—
RCW 50.20.050 (2)(b).

WSR 02-14-038
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed June 26, 2002, 2:54 p.m.]

Date of Adoption: June 25, 2002.

Purpose: To provide appropriate regulatory relief for small credit unions (those with up to \$10 million in total assets).

Statutory Authority for Adoption: RCW 31.12.516 (2), (3), (4), 43.17.060, 43.320.040.

Adopted under notice filed as WSR 02-11-010 on May 3, 2002.

Changes Other than Editing from Proposed to Adopted Version: The proposed rule required small credit unions to have at least nine board meetings per year no more than eight weeks apart. The final rule will require small credit unions to have at least nine meetings per year no more than ten weeks apart.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 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.

June 25, 2002
Mark Thomson
Acting Director

Chapter 208-424 WAC**REGULATORY RELIEF FOR SMALL CREDIT UNIONS**NEW SECTION

WAC 208-424-010 Definition of small credit union. For purposes of this chapter, a "small credit union" means a credit union with up to ten million dollars in total assets as of its most recently filed call report.

NEW SECTION

WAC 208-424-020 Timing of special membership meetings of small credit unions. In regard to timing of special membership meetings, the last sentence of RCW 31.12.195(3) states:

"The designated time of the membership meeting must be no sooner than twenty, and no later than thirty days after the request is received by the secretary."

A small credit union may vary from the last sentence of RCW 31.12.195(3) as provided in its bylaws, as long as it is a small credit union at the time the request for a special membership meeting is received by the secretary. However, the designated time of the special membership meeting must be no sooner than ten, and no later than one hundred twenty days, after the request is received by the secretary. In all other respects, a small credit union must comply with RCW 31.12.195.

NEW SECTION

WAC 208-424-030 Frequency of regular meetings of board of directors of small credit unions. In regard to timing of regular board meetings, RCW 31.12.225(5) states:

"The board will have regular meetings not less frequently than once each month."

A small credit union may vary from RCW 31.12.225(5) as provided in its bylaws. However, a small credit union must have at least nine regular board meetings each calendar year, and consecutive regular board meetings must be no more than ten weeks apart. In all other respects, a small credit union must comply with RCW 31.12.225.

WSR 02-14-049
PERMANENT RULES
DEPARTMENT OF HEALTH
(Pharmacy Board)

[Filed June 27, 2002, 8:30 a.m.]

Date of Adoption: May 21, 2002.

Purpose: Update an existing rule to designate the 2002 edition of the American Druggist Red Book as the official listing of legend drugs in the state of Washington.

Citation of Existing Rules Affected by this Order: Amending WAC 246-883-020.

Statutory Authority for Adoption: RCW 69.41.075.

PERMANENT

Other Authority: RCW 18.64.005(7).

Adopted under notice filed as WSR 02-07-086 on March 19, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 21, 2002

Donna Dockter
Chair

AMENDATORY SECTION (Amending WSR 00-06-078, filed 3/1/00, effective 4/1/00)

WAC 246-883-020 Identification of legend drugs for purposes of chapter 69.41 RCW. (1) In accordance with chapter 69.41 RCW, the board of pharmacy ~~((hereby))~~ finds that those drugs which have been determined by the Food and Drug Administration, ~~((pursuant to))~~ under the Federal Food, Drug and Cosmetic Act, to require a prescription under federal law should also be classified as legend drugs under state law ~~((for the reasons that))~~ because of their toxicity or ~~((other potentiality))~~ potential for harmful effect, the methods of their use and the collateral safeguards necessary to their use, indicate that they are ~~((not))~~ only safe for use ~~((except))~~ under the supervision of a practitioner.

(2) ~~((The board of pharmacy hereby specifically identifies as legend drugs;))~~ For the purposes of chapter 69.41 RCW, ~~((those))~~ legend drugs are drugs which have been designated as legend drugs under federal law and are listed as such in the ~~((1995-96 edition of the American Druggist Blue Book. For the period May 31, 1995, through June 1, 1996, the board adopts the 1995 edition of the Blue Book. For the period June 1, 1996, through May 31, 1997, the board adopts the 1996 edition of the Blue Book. For the period June 1, 1997, through May 31, 1998, the board adopts the 1997 edition of the Blue Book. Effective March 22, 2000, the board adopts the 1999))~~ 2002 edition of the Drug Topics Red Book. Copies of the list of legend drugs as contained in the *Drug Topics Red Book* ~~((shall be))~~ are available for public inspection at the headquarters office of the State Board of Pharmacy, 1300 Quince Street S.E., P.O. BOX 47863, Olympia, Washington 98504-7863. ~~((Copies of this list shall be available from the board of pharmacy at the above address upon request made and upon payment of a fee in the amount of seventy-six dollars per copy.))~~ To obtain copies of this list, inter-

ested persons must submit a written request and payment of seventy-six dollars for each copy to the board.

(3) There may be changes in the marketing status of drugs after the publication of the above reference. Upon application of a manufacturer or distributor, the board may grant authority for the over the counter distribution of certain drugs which had been designated as legend drugs in this reference. ~~((Such))~~ These determinations will be made after public hearing and will be published as an amendment to this chapter.

WSR 02-14-050

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed June 27, 2002, 8:32 a.m.]

Date of Adoption: April 25 [26], 2002.

Purpose: The purpose of this rule revision is to increase clarity and usability with no material change using clear rule-writing techniques.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-224-001 through 246-224-100 and 246-229-001 through 246-229-110.

Statutory Authority for Adoption: RCW 70.98.050 and [70.98.]080.

Adopted under notice filed as WSR 02-07-021 on March 11, 2002.

Changes Other than Editing from Proposed to Adopted Version: An exception, errantly removed in the proposed rule, was included in the rule prepared for adoption to be consistent with the original rule requirements.

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 24, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 24, 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 24, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 26, 2002

Mary C. Selecky
Secretary

Chapter 246-224 WAC

**RADIATION PROTECTION—RADIATION
MACHINE ASSEMBLY AND REGISTRATION**NEW SECTION

WAC 246-224-0001 Purpose. The purpose of this chapter is to regulate sources of ionizing radiation as required by RCW 70.98.050 and 70.98.080. This chapter provides for the registration of all radiation machines installed, manufactured, tested, used, or located in Washington state.

NEW SECTION

WAC 246-224-0010 Definitions. "Agent" means a person, company, or dealer; which assembles, installs, repairs, sells, or leases x-ray machines.

"Department" means the department of health.

"Facility" means the location at which one or more radiation machines are installed, manufactured, tested, or used within one building, vehicle, or in one physical complex.

"FDA" means the United States Food and Drug Administration.

"Radiation" means, for the purposes of this chapter, ionizing radiation, including x-ray, electron beam, and other machine produced particulate radiation.

"Radiation machine" means, for purposes of this chapter, a device that, when operated, produces x-ray or electron radiation, in a prescribed manner, with defined characteristics, techniques, or parameters. It does not include devices with radioactive material as the only source of radiation.

"Registrant" means the owner or controller of the radiation machine who is responsible for the safe operation of the radiation machine.

"Registration" means providing required information and continuing contact with the department.

"Storage" means the status of a radiation machine that is approved by the department as being unable to produce radiation without substantial effort at set-up, reassembly, or reinstallation. For facilities with a radiation control authority, (e.g., radiation safety office) a locking or disabling procedure may serve to provide this status.

NEW SECTION

WAC 246-224-0020 Who must register a radiation machine? Any x-ray facility within Washington state must register with the department.

NEW SECTION

WAC 246-224-0030 Are there any radiation machines within Washington state that do not have to be registered? Machines do not need to be registered when:

(1) Electronic equipment (including television receivers) produces incidental x rays provided that the dose equivalent rate does not exceed 5 μ Sv/hr (0.5 mrem/hr) at 5 cm from any

accessible equipment surface averaged over an area of 10 square centimeters;

(2) Radiation machines are in transit;

(3) Radiation machines are held for sale or lease by x-ray agents; or

(4) The department allows an exemption.

NEW SECTION

WAC 246-224-0040 What if we have separate locations with radiation machines? (1) Geographically separate facilities must register separately even if these separate facilities are under one administrative control (e.g., several satellite clinics operated by one health care institution).

(2) Each facility must designate a contact person.

(3) If machines are routinely moved between or among separate facilities, indicate this when registering.

NEW SECTION

WAC 246-224-0050 When and how do I register? (1) You must register with the department within fifteen calendar days of initial use. You may also register anytime before initial use.

(2) Registration is valid for one year from the department approval date.

(3) You must provide, at a minimum, the:

(a) Owner name;

(b) Profession and credential of user/registrant;

(c) Official contact person;

(d) Site address and phone number;

(e) Mailing address and phone number (if different from facility);

(f) Total number and type of radiation machines (tubes) at the facility;

(g) Installation date(s);

(h) Seller/installer name; and

(i) Name of former agent and address of former facility from which the machines were transferred or sold.

(4) Pay applicable registration fees according to WAC 246-254-053, Radiation machine facility registration fees.

(5) Submit registration information and applicable fees to:

Department of Health

Revenue Section

P.O. Box 1099

Olympia, WA 98507-1099

360-236-3230 or 1-800-299-XYRAY

Note: For division of radiation protection information, visit the following website:

<http://www.doh.wa.gov/ehp/rp/Default.htm>.

NEW SECTION

WAC 246-224-0060 Are there other requirements besides registration? All registrants must:

(1) Follow applicable standards according to chapter 246-225 WAC, Radiation protection—X-rays in the healing arts; chapter 246-227 WAC, Radiation protection—Industrial x-ray; chapter 246-228 WAC, Radiation protection—

Analytical x-ray equipment; and chapter 246-229 WAC, Radiation protection—Particle accelerators;

(2) Meet general radiation protection rules and standards according to chapter 246-220 WAC, Radiation protection—General provisions; chapter 246-221 WAC, Radiation protection standards; chapter 246-222 WAC, Radiation protection—Worker rights; and

(3) Pay applicable fees for radiation machine use according to WAC 246-254-053, Radiation machine facility registration fees.

NEW SECTION

WAC 246-224-0070 When and how do I report changes to my registration? (1) You must notify the department within thirty days of any change to your registration information.

(2) Submit registration changes to:

Department of Health
X-Ray Control Section
P.O. Box 47827

Olympia, WA 98504-7827

360-236-3230 or 1-800-299-XRAY

(3) You may notify the department of changes on the registration renewal notice if timely.

Note: For division of radiation protection information, visit the following website:
<http://www.doh.wa.gov/ehp/rp/Default.htm>.

NEW SECTION

WAC 246-224-0080 When and how do I renew my registration? (1) You must renew your registration annually.

(2) You must submit renewal information and the applicable registration fee as specified in WAC 246-254-053 at least thirty calendar days prior to your registration expiration date. The department provides notice of fees and current registration information ninety days prior to the registration expiration date, and anytime upon request.

(3) If registration is overdue, late fees apply according to WAC 246-254-053, Radiation machine facility registration fees.

NEW SECTION

WAC 246-224-0090 What are my obligations if I close my facility or get rid of a machine? (1) You must notify the department of the machine status within thirty days of closure or removal.

(2) If the machine is disposed of or transferred within Washington state, you must provide:

- (a) The name and contact information of the recipient;
- (b) The address of the recipient; and
- (c) The date of the disposal or transfer.

(3) If the machine is to be placed in storage and retained, contact the department for approval.

NEW SECTION

WAC 246-224-0100 What are the responsibilities of the x-ray agent? (1) Within fifteen calendar days, any agent who sells, leases, transfers, lends, disposes of, assembles, repairs, replaces, or installs radiation machines or components in Washington state must notify the department of the:

- (a) Recipient's name and facility address;
- (b) Manufacturer, model, and serial number of each radiation machine master control; and
- (c) Date of transfer of the radiation machine.

Note: An FDA form 2579 or equivalent may be used for this notification requirement.

(2) Any agent who installs x-ray systems, controls, or components must ensure that machines, accessories, or components (including exposure switch placement) meet the applicable requirements of chapter 246-225 WAC, Radiation protection—X-rays in the healing arts; chapter 246-227 WAC, Radiation protection—Industrial x-ray; chapter 246-228 WAC, Radiation protection—Analytical x-ray equipment; and chapter 246-229 WAC, Radiation protection—Particle accelerators.

(3) Agents shall not install or transfer a radiation machine if the registrant does not complete:

(a) A required plan review according to chapter 246-225 WAC, Radiation protection—X-rays in the healing arts or chapter 246-227 WAC, Radiation protection—Industrial radiography; or

(b) Shielding and/or required design construction.

(4) Agents must assemble certified x-ray systems according to 21 CFR, subchapter J so that manufacturer's specifications and intended performance designs are met.

NEW SECTION

WAC 246-224-0110 What if I want to bring a radiation machine into Washington state for temporary use from out-of-state? (1) Notify the department at least three business days prior to in-state use when bringing an x-ray machine into the state for any temporary use. The department may waive the time requirement upon hardship request by the owner. Notification to the department includes, at a minimum, the:

- (a) Type of radiation machine;
- (b) Nature, duration, and scope of use; and
- (c) Exact location where the radiation machine is to be used.

(2) All machines and assemblies must comply with all applicable regulations.

(3) Any medical or dental use radiation (e.g., x-ray) machines within the state must register with the department according to WAC 246-224-0020.

(4) For radiation (e.g., x-ray) machines not intended for patient diagnosis and treatment, you must register the machine if it is used for more than sixty calendar days. Registration is waived for sixty or fewer calendar days per year.

NEW SECTION

WAC 246-224-0120 What happens if I do not register my radiation machine? You must pay a late fee plus registration fees due for the period of time the machine has been in operation and not registered according to WAC 246-254-053, Radiation machine facility registration fees.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-224-001	Purpose and scope.
WAC 246-224-010	Exemptions.
WAC 246-224-020	Application for registration of radiation machine facilities.
WAC 246-224-050	Renewal of registration.
WAC 246-224-060	Separate locations.
WAC 246-224-070	Report of changes.
WAC 246-224-090	Repair person, assembler, or installer obligation.
WAC 246-224-100	Out-of-state radiation machines.

NEW SECTION

WAC 246-229-0001 Purpose. The purpose of this chapter is to regulate certain sources of ionizing radiation as required by RCW 70.98.050 and 70.98.080. This chapter provides for the registration and use of all particle accelerators installed and/or used in Washington state.

NEW SECTION

WAC 246-229-0010 Definitions. "Department" means the department of health.

"High radiation area" means any area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 1 mSv (100 mrem) in one hour at 30 centimeters from any source of radiation or from any surface that the radiation penetrates. For purposes of these regulations, rooms or areas in which diagnostic x-ray systems are used for healing arts purposes are not considered high radiation areas.

"Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 MeV.

"Qualified expert" means an individual who has demonstrated to the satisfaction of the department that he or she is knowledgeable, trained, and/or experienced to measure ionizing radiation, evaluate safety techniques, and/or advise appropriately on matters of radiation protection. The depart-

ment reserves the right to recognize qualifications in specific areas of radiation protection.

"Radiation machine" means any device capable of producing ionizing radiation except those devices with radioactive materials as the only source of radiation.

"Radiation safety committee" means a registrant-appointed committee of at least three members to evaluate and approve all proposals for research, diagnostic, and therapeutic use of a particle accelerator. Committee members should include, at a minimum, persons with expertise related to the intended use of the accelerator, and a person experienced in depth dose calculations and radiation safety.

"Radiation safety officer" means a knowledgeable and responsible person assigned by the registrant who provides radiation protection expertise to facilities and users of radiation machines.

"Radioactive material" means any material that emits radiation energy spontaneously. A machine that emits x-rays is not considered a radioactive material.

"Registrant" means an owner or controller of a radiation machine who is responsible for the safe operation of the radiation machine.

"Restricted area" means any area with limited access for the purposes of protecting individuals from undue risks of radiation exposure. A restricted area cannot be a residential area; a building may contain both restricted areas and residential areas.

"Unrestricted area" means any area freely available to the public, workers, or other persons; and where a person may receive less than 1 mSv (100 mrem) per year or be subject to any dose rate less than 20 μ Sv/hr (2 mrem/hr).

NEW SECTION

WAC 246-229-0020 How do I get approval for particle accelerator installation and use? (1) Anyone installing or using particle accelerators in Washington state must get department approval by registering with the department according to chapter 246-224 WAC, Radiation protection—Radiation machine assembly and registration, prior to installation or use of the particle accelerator.

(2) A registrant must submit the following information:

(a) A membership list showing the establishment of a radiation safety committee;

(b) An identified radiation safety officer;

(c) A qualified expert's radiation shielding and safety plan review for approval according to chapter 246-225 WAC, Radiation protection—X-rays in the healing arts; and

(d) Operating and emergency procedures.

(3) If the particle accelerator is intended for human use:

(a) The designated user must be a physician with training and experience in deep therapy techniques or in the use of particle accelerators to treat humans; and

(b) The registrant must appoint a radiation safety committee.

(4) To submit registration and questions, contact the department by phone or mail at:

Washington State Health Department
Division of Radiation Protection

Attn: X-Ray Registration
 P.O. Box 47827
 Olympia, WA 98504-7827
 360-236-3230 or 1-800-299-XRAY

(5) A facility may not operate a particle accelerator:

- (a) Without approval from the department; and
- (b) If any applicable requirement in this chapter is not met.

NEW SECTION

WAC 246-229-0030 What are the training requirements for particle accelerator use? (1) The registrant must:

(a) Ensure training for operators to use the particle accelerator that meets the requirements of subsection (2) of this section; and

(b) Maintain training records that demonstrate compliance with the requirements of subsection (2) of this section for two years after the last employment or operation date for the operator.

(2) At a minimum, operators must:

- (a) Demonstrate radiation safety expertise and other skills required by the facility training program;
- (b) Understand applicable requirements and the registrant's operating and emergency procedures; and
- (c) Demonstrate competence to use the particle accelerator, related equipment, and survey instruments, which are required by the operator's assignment.

NEW SECTION

WAC 246-229-0040 Are there other requirements that apply to the use of particle accelerators? (1) Registrants must meet the radiation standards of chapter 246-220 WAC, Radiation protection—General provisions; chapter 246-221 WAC, Radiation protection standards; and chapter 246-222 WAC, Radiation protection—Worker rights; for public, operator, and user protection.

(2) Depending on the installation, type of machine, and intended use, registrants may also need to meet:

- (a) Industrial radiographic operations, chapters 246-243 and 246-227 WAC;
- (b) X-ray in the healing arts, chapter 246-225 WAC; and
- (c) Medical therapy, chapter 246-240 WAC.

(3) Registrants using particle accelerators to produce radioactive material must meet the requirements of chapter 246-232 WAC, Radioactive material—Licensing applicability; and chapter 246-235 WAC, Radioactive materials—Specific licenses.

NEW SECTION

WAC 246-229-0050 Who is authorized to terminate a registrant's use of a particle accelerator? The radiation safety committee, the radiation safety officer of the facility, and the department are authorized to terminate the particle accelerator operations at a facility if the action is determined necessary to protect health and minimize danger to public health and safety or property.

NEW SECTION

WAC 246-229-0060 What are the minimum requirements for particle accelerator installation? (1) Shielding and safety design. The installation must include:

(a) Primary and secondary radiation barriers to comply with the radiation protection standards of WAC 246-221-010 and 246-221-060.

(b) If necessary, a ventilation system designed to limit exposure to airborne radioactive materials as follows:

(i) For restricted areas, limits are specified in WAC 246-221-040;

(ii) For unrestricted areas, limits are specified in WAC 246-221-070; and/or

(iii) For unrestricted areas, the facility must prohibit releases, venting, or otherwise discharging airborne radioactive material which exceeds the limits of WAC 246-247-040 or 246-221-290 Appendix A - Table II, unless authorized in WAC 246-221-180 or 246-221-070(2). To calculate, concentrations may be averaged over a period not greater than one year. Every reasonable effort should be made to prohibit releases of radioactive material to unrestricted areas.

(2) Controls, instrumentation, and readouts. All controls, instrumentation, and readouts must be clearly identified and functional on the particle accelerator control console.

(3) Safety interlocks. All entrances into a target room or other high radiation area must have interlocks that shut down the machine if a door is opened (e.g., barrier penetrated) during irradiation.

(a) Manual reset. If the interlock engages (shuts the machine off), the machine must stay off until manually reset at the console.

(b) Independent function. Each safety interlock must function independently of any other safety interlocks.

(c) Failsafe. All safety interlocks must ensure that any defect or component failure in the interlock system prevents operation of the accelerator.

(4) Emergency power cutoff switch system. An identifiable "scram" button or emergency power cutoff switch which stops irradiation must exist in all high radiation areas. If the switch is engaged (shuts off the machine), the system must prohibit the accelerator from restarting until the switch in the room is reset and the main console restarted manually. Use of this system is limited to emergency situations.

(5) High radiation area warning devices. For areas designated as high radiation areas, the registrant must:

(a) Identify barriers (including temporary) for and pathways to high radiation areas according to WAC 246-221-120, Caution signs and labels.

(b) Except inside treatment rooms in facilities designed for human exposure, install easily observable warning lights at area entrances that activate when radiation is being produced.

(c) Except in facilities designed for human exposure, install an audible warning device which activates for fifteen seconds prior to accelerator use in all high radiation areas. Instruct all personnel in the area as to the signal's meaning.

(d) Except in facilities designed for human exposure, install continuous radiation detection monitoring equipment. The equipment must be electrically independent of the accel-

PERMANENT

erator control and interlock systems and be calibrated every six months at a minimum. The equipment must provide:

- (i) A remote and local readout; and
- (ii) Visual and/or audible alarms at the control panel, entrances to high radiation areas, and other appropriate locations.

NEW SECTION

WAC 246-229-0070 What are the minimum requirements for operating and emergency procedure documentation? At a minimum, the procedures must include instruction on:

- (1) Securing the accelerator to prevent unauthorized use.
- (2) Operating the accelerator.
- (3) Responding to an emergency involving the accelerator.
- (4) Performing safety and warning device (including interlocks) checks at least every three months.
- (5) Performing radiation surveys.
- (6) Performing monitoring equipment calibration (if applicable).
- (7) Recordkeeping and/or documentation.
- (8) Bypassing safety interlocks.

NEW SECTION

WAC 246-229-0080 What are the requirements for bypassing safety interlocks? Bypassing a safety interlock or interlocks is allowed only if:

- (1) Authorized by the radiation safety committee and/or radiation safety officer;
- (2) Recorded in a permanent log and a notice posted at the accelerator control console; and
- (3) The bypass procedure is terminated as soon as possible.

NEW SECTION

WAC 246-229-0090 What are the minimum requirements for particle accelerator use? The minimum requirements for the registrant to use a particle accelerator are to:

- (1) Register the accelerator with the department;
- (2) Submit plan review/shielding design to the department and receive written approval;
- (3) Train operators and users;
- (4) Complete a qualified expert's radiation protection survey of the room/area initially and after any changes in shielding, equipment, or occupancy of adjacent areas;
- (5) Provide appropriate portable radiation monitoring equipment that is operable and tested daily, and calibrated every six months, or after any service/repair;
- (6) Develop operating and emergency procedures and keep a copy of the current procedures at the accelerator control panel; and
- (7) If applicable, provide the means and guidance to determine airborne particulate radioactivity present in areas of airborne hazards, and/or particulate radiation contamination (smear surveys) in target and other pertinent areas.

NEW SECTION

WAC 246-229-0100 What are the recordkeeping requirements for particle accelerator use?

Records	Retention time
Operator training and qualifications	Two years past last employment/operation
Safety and warning device checks	Two years
Area radiation monitors	Two years (if necessary)
Instrumentation tests	Two years
Smear results	Two years (if necessary)
Qualified expert radiation protection surveys	Life of the accelerator
Electrical circuit diagrams	Life of the accelerator
Permanent log of bypassing interlocks	Life of the accelerator

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-229-001	Purpose and scope.
WAC 246-229-020	General requirements for the issuance of a registration for particle accelerators.
WAC 246-229-030	Human use of particle accelerators.
WAC 246-229-050	Limitations.
WAC 246-229-060	Shielding and safety design requirements.
WAC 246-229-070	Particle accelerator controls and interlock systems.
WAC 246-229-080	Warning devices.
WAC 246-229-090	Operating procedures.
WAC 246-229-100	Radiation monitoring requirements.
WAC 246-229-110	Ventilation systems.

**WSR 02-14-051
PERMANENT RULES
DEPARTMENT OF HEALTH**

[Filed June 27, 2002, 8:34 a.m.]

Date of Adoption: June 14, 2002.

Purpose: The proposed changes adjust the certificate of need review fees. The fee increase is needed to defray the cost of administering the certificate of need program as mandated under RCW 70.38.105.

Citation of Existing Rules Affected by this Order: Amending WAC 246-310-990.

Statutory Authority for Adoption: RCW 70.38.105.

Other Authority: Chapter 371, Laws of 2002.

Adopted under notice filed as WSR 02-10-064 on April 26, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 2, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 26, 2002

Mary C. Selecky
Secretary

• Nursing Home Capital Threshold under RCW 70.38.105 (4)(e) (Excluding Replacement/Renovation Authorizations)	\$((925)) <u>1,101</u>
• Rural Hospital/Rural Health Care Facility	\$((925)) <u>1,101</u>
Extensions	
• Bed Banking	\$((414)) <u>489</u>
• Certificate of Need/Replacement Renovation Authorization Validity Period	\$((414)) <u>489</u>
Home Health Agency	\$((43,155)) <u>15,654</u>
Hospice Agency	\$((41,716)) <u>13,942</u>
Hospital (Excluding Transitional Care Units-TCUs, Ambulatory Surgical Center/Facilities, Home Health, Hospice, and Kidney Disease Treatment Centers)	\$((21,583)) <u>25,684</u>
Kidney Disease Treatment Centers	\$((43,364)) <u>15,900</u>
Nursing Homes (Including CCRCs and TCUs)	\$((24,667)) <u>29,354</u>

AMENDATORY SECTION (Amending WSR 01-15-094, filed 7/18/01, effective 8/18/01)

WAC 246-310-990 Certificate of need review fees. (1)

An application for a certificate of need under chapter 246-310 WAC shall include payment of a fee consisting of the following:

- (a) A review fee based on the facility/project type;
- (b) When more than one facility/project type applies to an application, the review fee for each type of facility/project must be included.

Facility/Project Type	Review Fee
Ambulatory Surgical Centers/Facilities	\$((10,894)) <u>12,964</u>
Amendments to Issued Certificates of Need	\$((6,866)) <u>8,171</u>
Emergency Review	\$((4,419)) <u>5,259</u>
Exemption Requests	
• Continuing Care Retirement Communities (CCRCs)/Health Maintenance Organization (HMOs)	\$((4,419)) <u>5,259</u>
• Bed Banking/Conversions	\$((719)) <u>856</u>
• Determinations of Nonreviewability	\$((1,027)) <u>1,222</u>
• Hospice Care Center	\$((925)) <u>1,101</u>
• Nursing Home Replacement/Renovation Authorizations	\$((925)) <u>1,101</u>

(2) The fee for amending a pending certificate of need application shall be as follows:

(a) When an amendment to a pending certificate of need application results in the addition of one or more facility/project types, the review fee for each additional facility/project type must accompany the amendment application;

(b) When an amendment to a pending certificate of need application results in the removal of one or more facility/project types, the department shall refund to the applicant the difference between the review fee previously paid and the review fee applicable to the new facility/project type; or

(c) When an amendment to a pending certificate of need application results in any other change as identified in WAC 246-310-100, a fee of one thousand ~~(one)~~ three hundred nine dollars must accompany the amendment application.

(3) When a certificate of need application is returned by the department in accordance with the provisions of WAC 246-310-090 (2)(b) or (e), the department shall refund seventy-five percent of the review fees paid.

(4) When an applicant submits a written request to withdraw a certificate of need application before the beginning of review, the department shall refund seventy-five percent of the review fees paid by the applicant.

(5) When an applicant submits a written request to withdraw a certificate of need application after the beginning of review, but before the beginning of the ex parte period, the department shall refund one-half of all review fees paid.

(6) When an applicant submits a written request to withdraw a certificate of need application after the beginning of the ex parte period the department shall not refund any of the review fees paid.

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(7) Review fees for exemptions and extensions shall be nonrefundable.

WSR 02-14-052
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Hearing and Speech)
[Filed June 27, 2002, 8:36 a.m.]

Date of Adoption: March 6, 2002.

Purpose: The rule identifies the rescision amount determined by the Board of Hearing and Speech and restates the required language and format of the required purchase agreement used by hearing instrument fitter/dispensers in the sale of hearing instruments.

Citation of Existing Rules Affected by this Order: Amending WAC 246-828-290 Purchaser rescision right.

Statutory Authority for Adoption: RCW 18.35.161.

Adopted under notice filed as WSR 02-02-045 on December 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 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.

June 12, 2002

Robert Nicoloff
Executive Director

AMENDATORY SECTION (Amending WSR 99-08-103, filed 4/6/99, effective 7/5/99)

WAC 246-828-290 Purchaser rescision rights. In addition to the receipt and disclosure information required by RCW 18.35.030, 18.35.185, 63.14.040 and 63.14.120, every retail agreement for the sale of hearing instruments shall contain or have attached the following notice to buyer in twelve point type or larger. The language in part 1 under "Notice to Buyer" is intended to have the same legal effect as the notices required in RCW 63.14.040(2) and 63.14.120(3) and may be substituted for those notices.

The rights summarized in the "Notice to Buyer" must be made known to the purchaser before the contract is executed. The licensee or certificate holder must provide this "Notice to Buyer" in writing to the purchaser. The purchaser must demonstrate knowledge of these rights by initialing each num-

bered section of the "Notice to Buyer" and by signing his or her name in the appropriate space following the "Notice to Buyer."

Notice to Buyer

Do not sign this agreement before you read it or if any spaces intended for the agreed terms are blank.

You are entitled to receive a copy of this agreement at the time you sign it.

The seller's business address must be shown on the agreement.

Section 1 CANCELLATION - WITHIN THREE DAYS

Purchaser's Initial

You may cancel this agreement within three days, without explaining your reasons, if the seller solicited it in person and you signed it at a place other than the seller's business address.

To cancel this agreement without explaining your reasons, you must notify the seller in writing that you are canceling the agreement. You may deliver the written notice to the seller at the seller's business address. Alternatively, you may send the written notice by certified mail, return receipt requested, to the seller at the seller's business address.

Your written notice must be mailed or delivered by midnight of the third business day after you signed this agreement.

Any merchandise you received under this agreement must be in its original condition. You must return it to the seller or make it available to the seller at the same place it was delivered to you.

The seller must refund to you all deposits, including any down payment, and must return to you all goods traded in as part of the agreement.

You will incur no additional liability for canceling the agreement.

Section 2 RESCISION - WITHIN THIRTY DAYS

Purchaser's Initial

You may rescind (or terminate) the agreement within thirty days, for reasonable cause. This thirty-day period is called the "rescision period."

To rescind this agreement, you must notify the seller in writing that you are rescinding the agreement for reasonable cause pursuant to RCW 18.35.185(1). (Reasonable cause does not include cosmetic concerns or a mere change of mind.) You may deliver the written notice to the seller at the seller's business address. Alternatively, you may send the written notice by certified mail, return receipt requested, to the seller at the seller's business address.

Your written notice must be mailed or delivered by midnight of the thirtieth day after ~~((you signed this agreement))~~ delivery of the hearing instrument.

Any merchandise you received under this agreement must be in its original condition, except for normal wear and tear. You must return it to the seller or make it available to the seller at the same place it was delivered to you.

The seller must refund to you all deposits, including any down payment, and must return to you all goods traded in as

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part of the agreement. However, for each hearing instrument you return, the seller may keep either one hundred fifty dollars or fifteen percent of the total purchase price, whichever is less. The seller also may deduct any costs incurred in making traded-in goods ready for resale.

The seller must refund your money and return your traded goods, or have them postmarked and in the mail to you, within ten business days after receiving your notice of rescision.

You will incur no additional liability for rescinding the agreement.

Section 3 EXTENSION OF RESCISION PERIOD

Purchaser's Initial

If you notify the seller within the thirty-day rescision period that your hearing instrument has developed a problem that constitutes reasonable cause to rescind the agreement or that prevents you from evaluating your hearing instrument, the seller must extend the rescision period. The rescision period stops running on the date you notify the seller of the problem and starts running again on the date the seller notifies you that your hearing instrument is ready for redelivery.

You and the seller may agree to a rescision period longer than thirty days.

Whenever the rescision period is extended, the seller must provide you written notice of the last date upon which you may demand a refund and return of traded goods.

_____	_____
Signature of Purchaser	Date
_____	_____
Signature of Seller	Date
_____	_____
Delivery Acknowledgment - Signature of Purchaser	Date

**WSR 02-14-053
PERMANENT RULES
DEPARTMENT OF HEALTH**

[Filed June 27, 2002, 8:38 a.m.]

Date of Adoption: June 4, 2002.

Purpose: The purpose of the proposed rule changes are to:

(a) Amend the current approval process of senior EMS instructors (SEI), WAC 246-976-031, in order to seek a quality improvement approach in the development, recommendation, and approval of SEIs.

(b) Provide language in WAC 246-976-960 which would clarify those responsibilities when no local emergency medical services and trauma care (EMS/TC) council exists.

(c) WAC 246-976-970 is amended to assure consistency with the new requirements of WAC 246-976-031.

Citation of Existing Rules Affected by this Order: Amending WAC 246-976-031, 246-976-960, and 246-976-970.

Statutory Authority for Adoption: RCW 18.73.081 and 70.168.120.

Adopted under notice filed as WSR 02-10-133 on May 1, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 26, 2002

Mary C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 00-08-102, filed 4/5/00, effective 5/6/00)

WAC 246-976-031 Senior EMS instructor (SEI). (1) Responsibilities. The SEI is responsible for the overall instructional quality of ~~((the))~~ initial first responder or EMT-basic courses, under the general supervision of the medical program director (MPD). The SEI must conduct courses following department-approved curricula ~~((, and follow the department's policies, procedures and administrative requirements))~~ identified in WAC 246-976-021. The SEI candidate shall document the completion of requirements for initial and renewal recognition on forms provided by the department.

~~(2) ((Qualifications. The department will publish procedures to recognize senior EMS instructors (SEIs).~~

~~(3) Initial recognition. To apply for initial recognition as a SEI, submit to the department:~~

~~(a) Proof of high school graduation, GED or equivalent;~~

~~(b) Proof of ((Initial recognition. The department will publish Initial Recognition Application Procedures for Senior EMS Instructors (IRAP), which include the Initial Senior EMS Instructor Application and Agreement, instructor objectives, instructions and forms necessary for initial recognition.~~

(a) Prerequisites. Candidates for initial recognition must document proof of the following:

(i) Current Washington state certification as an EMT or ((above)) higher EMS certification;

((e) Proof of) (ii) At least three years prehospital EMS experience ((at the EMT level or above);

(d) Proof of at least one recertification;

(e) Proof of) as an EMT or higher EMS certification level, with at least one recertification;

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(iii) Successful completion of an approved ongoing training and evaluation program (OTEP)/basic life support (BLS) evaluator workshop;

(iv) Current recognition as a CPR instructor for health care providers by the American Heart Association, the American Red Cross, the National Safety Council, or other nationally recognized organization with substantially equivalent standards ((to any of the above mentioned);

(f) ~~Successful completion of an approved instructor workshop;~~

(g) ~~Experience assisting with two EMT courses, performing a minimum of three hours of lectures and six hours of practical skills in each course;~~

(h) ~~Recommendation by the local EMS/TC council;~~

(i) ~~Recommendation by the MPD;~~

(4) **Renewal of recognition.** Recognition as a SEI is for three years. To renew recognition, submit to the department:

(a) Proof of current Washington state EMS certification as an EMT or above;

(b) Proof of current or previous recognition as a senior EMS instructor;

(c) Proof of current recognition as a CPR instructor for health care providers by a nationally recognized organization approved by the department;

(d) ~~Recommendation by the local EMS/TC council;~~

(e) ~~Recommendation by the MPD)) approved by the department;~~

(v) Successful completion of an instructor training course by the U.S. Department of Transportation, National Highway Traffic Safety Administration, or an instructor training course from an accredited institution of higher education;

(vi) Successful completion of an examination developed and administered by the department on current EMS training and certification statutes, Washington Administrative Code (WAC) and the Uniform Disciplinary Act (UDA).

(b) **Submission of prerequisites.** Candidates must submit proof of successful completion of the prerequisites to the department.

(i) Candidates meeting the prerequisites will be issued the IRAP by the department.

(ii) The department will provide instruction to each candidate prior to beginning the initial recognition process.

(c) **Candidate objectives.** Candidates who have been issued the IRAP and received instructions on the recognition process must successfully complete the IRAP, under the supervision of a currently recognized, EMT-basic course lead SEI:

As part of an initial EMT-basic course, the candidate must demonstrate to the course lead SEI, the knowledge and skills necessary to complete the following instructor objectives;

(i) Accurately complete the course application process and meet application timelines;

(ii) Notify EMT-basic course students of course entry prerequisites;

(iii) Assure students selected for admittance to the course meet DOH training and certification prerequisites and notify training agency selection board of discrepancies;

(iv) Maintain course records adequately;

(v) Track student attendance, scores, quizzes, and performance, and counsel/remediate students as necessary;

(vi) Assist in the coordination and instruction of one entire EMT-basic course under the supervision of the course lead SEI; utilizing the EMT-basic training course curriculum identified in WAC 246-976-021, and be evaluated on the instruction of each of the following lessons:

(A) Lesson 1-2—Well Being of the EMT-Basic, including Infectious Disease Prevention for EMS Providers, Revised 10/1997 (available from the department of health, office of emergency medical and trauma prevention);

(B) Lesson 2-1—Airway;

(C) Lesson 3-2—Initial Assessment;

(D) Lesson 3-3—Focused History and Physical Exam: Trauma;

(E) Lesson 3-4—Focused History and Physical Exam: Medical;

(F) Lesson 3-5—Detailed Physical Exam;

(G) Lesson 3-6—Ongoing Assessment;

(H) Lesson 3-9—Practical Lab: Patient Assessment;

(I) Lesson 4-1—General Pharmacology;

(J) Lesson 4-2—Respiratory Emergencies;

(K) Lesson 4-3—Cardiovascular Emergencies;

(L) Lesson 4-9—Obstetrics/Gynecology;

(M) Lesson 5-4—Injuries to the Head and Spine, Chest and Abdomen;

(N) Lesson 5-5—Practical Lab: Trauma;

(O) Lesson 6-1—Infants and Children;

(P) Lesson 7-2—Gaining Access (including patient removal, treatment and transport).

(vii) Coordinate and conduct an EMT-basic final end of course comprehensive practical skills evaluation.

(d) **Candidate evaluation.** Performance evaluations will be conducted by an SEI for each instructor objective performed by the candidate on documents identified in the IRAP. These documents consist of:

(i) An evaluation form, to evaluate lesson instruction objectives performed by the candidate;

(ii) A quality improvement record, to document improvement necessary to successfully complete an instructor objective performed by the candidate;

(iii) An objective completion record, to document successful completion of each instructor objective performed by the candidate.

(e) **Application and approval.**

(i) Candidates must submit the completed IRAP, including the application/agreement and all documents completed during the initial recognition process, to the county MPD to obtain a recommendation of approval to the department.

(ii) Upon recommendation of approval by the county MPD, the SEI candidate will submit the following documents to the department:

(A) Current proof of completion of prerequisites listed in subsection (2)(a)(i), (iv) and (vi) of this section;

(B) The original initial SEI application/agreement, signed by the candidate and the MPD; and

(C) The original completed IRAP document and all forms used for evaluation, quality improvement purposes.

and verification of successful completion as identified in the IRAP.

(3) Renewal of recognition. The department will publish *Renewal Application Procedures for Senior EMS Instructors* (RAP), which include the *Senior EMS Instructor Renewal Application and Agreement*, instructor objectives, instructions and forms necessary for renewal.

(a) The RAP will be provided by the department to individuals upon recognition as a SEI, to be completed during the recognition period.

(b) **Candidate objectives.** Candidates who have been issued the RAP must successfully complete the RAP during each approval period, which includes the following instructor objectives:

(i) Coordinate and perform as the lead SEI for one initial first responder or EMT-basic course including the supervision of all practical skills evaluations;

(ii) Receive performance evaluations from a currently recognized SEI, on two candidate instructed first responder or EMT-basic course lessons;

(iii) Perform two performance evaluations on the instruction of first responder or EMT-basic course lessons for SEI initial or renewal recognition candidates; and

(iv) Attend one DOH approved SEI workshop.

(c) **Candidate evaluation.** Evaluations of the performance of instructor objectives will be conducted by an SEI and completed on documents identified in the RAP. These documents consist of:

(i) An evaluation form, to evaluate lesson instruction objectives performed by the candidate.

(ii) A quality improvement record, to document improvement necessary to successfully complete an instructor objective performed by the candidate.

(iii) An objective completion record, to document successful completion of each instructor objective performed by the candidate.

(d) **Prerequisites.** Candidates for renewal of recognition must document proof of the following:

(i) Current or previous recognition as a Washington state SEI;

(ii) Current Washington state certification as an EMT or higher EMS certification;

(iii) Current recognition as a CPR instructor for health care providers by the American Heart Association, the American Red Cross, the National Safety Council, or other nationally recognized organization with substantially equivalent standards.

(iv) Successful completion of an examination developed and administered by the department on current EMS training and certification statutes, WAC and the UDA.

(e) Application and approval.

(i) Candidates must submit the completed RAP, including the application/agreement and all documents completed during the renewal of recognition process, to the county MPD to obtain a recommendation of approval to the department.

(ii) Upon recommendation of approval by the county MPD, the renewal candidate must submit the following documents to the department:

(A) Current proof of successful completion of the prerequisites listed in subsection (3)(d)(ii), (iii), and (iv) of this section;

(B) The original SEI renewal application/agreement that has been signed by the candidate and the MPD; and

(C) The original completed RAP document and all forms used for evaluation, quality improvement purposes and verification of successful completion as identified in the RAP.

(4) **Length of recognition.** Recognition as a SEI is for three years.

(5) **Denial, suspension, modification or revocation of SEI recognition.**

(a) The department may deny, suspend, modify or revoke an SEI's recognition when it finds:

(i) Violations of chapter 18.130 RCW, the Uniform Disciplinary Act;

(ii) A failure to:

(A) Maintain EMS certification;

(B) Update the following personal information with DOH as changes occur:

(I) Name;

(II) Address;

(III) Home and work phone numbers;

(C) Maintain knowledge of current EMS training and certification statutes, WAC and the UDA;

(D) Comply with requirements in WAC 246-976-031(1);

(E) Participate in the instructor candidate evaluation process in an objective and professional manner without cost to the individual being reviewed or evaluated;

(F) Adequately complete all forms and adequately maintain records in accordance with this chapter;

(G) Demonstrate all skills and procedures based on current standards;

(H) Follow the requirements of the Americans with Disabilities Act;

(I) Maintain security on all department examination materials.

(b) The candidate or SEI may request a hearing to contest department decisions in regard to denial, suspension, modification or revocation of SEI recognition in accordance with the Administrative Procedure Act (APA) (chapter 34.05 RCW) and associated administrative codes.

AMENDATORY SECTION (Amending WSR 00-08-102, filed 4/5/00, effective 5/6/00)

WAC 246-976-960 Regional emergency medical services and trauma care councils. (1) In addition to meeting the requirements of chapter 70.168 RCW and elsewhere in this chapter, regional EMS/TC councils must:

(a) Identify and analyze system trends to evaluate the EMS/TC system and its component subsystems, using trauma registry data provided by the department;

(b) Develop and submit to the department regional EMS/TC plans to:

(i) Identify the need for and recommend distribution and level of care (basic, intermediate or advanced life support) for verified aid and ambulance services for each response area. The recommendations will be based on criteria established by

the department relating to agency response times, geography, topography, and population density;

(ii) Identify EMS/TC services and resources currently available within the region;

(iii) Describe how the roles and responsibilities of the MPD are coordinated with those of the regional EMS/TC council and the regional plan;

(iv) Describe and recommend improvements in medical control communications and EMS/TC dispatch, with at least the elements of the state communication plan described in RCW 70.168.060 (1)(h);

(v) Include a schedule for implementation.

(2) In developing or modifying its plan, the regional council must seek and consider the recommendations of:

(a) Local EMS/TC councils;

(b) EMS/TC systems established by ordinance, resolution, interlocal agreement or contract by counties, cities, or other governmental bodies.

(3) In developing or modifying its plan, the regional council must use regional and state analyses provided by the department based on trauma registry data and other appropriate sources;

(4) Approved regional plans may include standards, including response times for verified services, which exceed the requirements of this chapter.

(5) An EMS/TC provider who disagrees with the regional plan may bring its concerns to the steering committee before the department approves the plan.

(6) The regional council must adopt regional patient care procedures as part of the regional plans. In addition to meeting the requirements of RCW 18.73.030(14) and 70.168.015(23):

(a) For all emergency patients, regional patient care procedures must identify:

(i) Guidelines for rendezvous with agencies offering higher levels of service if appropriate and available, in accordance with the regional plan.

(ii) The type of facility to receive the patient, as described in regional patient destination and disposition guidelines.

(iii) Procedures to handle types and volumes of trauma that may exceed regional capabilities, taking into consideration resources available in other regions and adjacent states.

(b) For major trauma patients, regional patient care procedures must identify procedures to activate the trauma system.

(7) In areas where no local EMS/TC council exists, the regional EMS/TC council shall:

(a) Make recommendations to the department regarding appointing members to the regional EMS/TC council;

(b) Review applications for initial training classes and OTEP programs, and make recommendations to the department.

(8) Matching grants made under the provisions of chapter 70.168 RCW may include funding to:

(a) Develop, implement, and evaluate prevention programs; or

(b) Accomplish other purposes as approved by the department.

AMENDATORY SECTION (Amending WSR 00-08-102, filed 4/5/00, effective 5/6/00)

WAC 246-976-970 Local emergency medical services and trauma care councils. (1) If a county or group of counties creates a local EMS/TC council, it must be composed of representatives of hospital and prehospital trauma care and EMS providers, local elected officials, consumers, local law enforcement officials, local government agencies, physicians, and prevention specialists involved in the delivery of EMS/TC.

(2) In addition to meeting the requirements of chapter 70.168 RCW and this chapter, local EMS/TC councils must:

(a) Participate with the MPD and emergency communication centers in making recommendations to the regional council about the development of regional patient care procedures; and

(b) ~~((Review senior EMS instructor applications and make recommendations to the department.~~

(e)) Review applications for initial training classes and OTEP programs, and make recommendations to the department.

(3) Local EMS/TC councils may make recommendations to the department regarding certification and termination of MPDs, as provided in RCW 18.71.205(4).

WSR 02-14-063

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed June 27, 2002, 3:16 p.m.]

Date of Adoption: June 20, 2002.

Purpose: Review and update chapter 388-98 WAC, Nursing home licensure program administration, under Executive Order 97-02. Repealing all sections of chapter 388-98 WAC and merging the subject matter into chapter 388-97 WAC, Nursing homes, in order to bring all nursing homes regulations into one chapter to easier reference.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-98-001, 388-98-003, 388-98-010, 388-98-015, 388-98-020, 388-98-300, 388-98-320, 388-98-330, 388-98-340, 388-98-700, 388-98-750, 388-98-810, 388-98-830, 388-98-870 and 388-98-890; and amending WAC 388-97-005, 388-97-043, 388-97-07005, 388-97-07040, 388-97-07050, 388-97-076, 388-97-160, 388-97-162, 388-97-180, 388-97-202, 388-97-205, 388-97-260, 388-97-285, 388-97-35040, 388-97-565, 388-97-570, 388-97-575, 388-97-580, 388-97-585, and 388-97-595.

Statutory Authority for Adoption: RCW 18.51.070, 74.42.620.

Adopted under notice filed as WSR 02-07-116 on March 20, 2002.

Changes Other than Editing from Proposed to Adopted Version: (a) WAC 388-97-043(2), changed "outcome of the appeal" to "outcome of the hearing." Accepted amendment to be consistent with federal regulations; (b) WAC 388-97-

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043(3), added new subpart (e) "**Any review of the administrative law judge's initial decision shall be conducted under WAC 388-02-0600(1).**" Accepted amendment to comply with existing federal regulation—clarification of federal requirement that the department must follow; (c) WAC 388-97-160(4), deleted subsection (4) from this regulation as intent of regulation as a result of public comment; (d) WAC 388-97-160(9), added "**including protocols described in RCW 74.39A.060**" after "**according to established protocols**" for clarification of standard practice; (e) WAC 388-97-204, deleted subsection (3)(e) as it is not referred to in RCW 74.34.180. Deletion of this subsection would make it consistent with state regulation; (f) WAC 388-97-595, added new subsection (1)(c) "**The nursing home will assist the residents to the extent is directed to do so by the department.**" This is a result of public comment and to be consistent with the nursing home's responsibility already outlined under WAC 388-97-042 (3)(a) and 388-97-032(6); (g) WAC 388-97-625 (2)(b), deleted "**against the nursing home, or**" and replaced with "**by the department such as.**" Added before 18.51.054, "**a license suspension under RCW**" and added before 74.39A.050, "**a condition on a license under RCW.**" Revised as a result of public comment and for clarification; (h) WAC 388-97-625(3), added "**If a federal remedy is imposed, the Centers for Medicare and Medicaid services will notify the nursing facility of appeal rights under the federal administrative appeals process.**" Accepted amendment as clarification of what is already stated in WAC 388-97-620 that nursing homes have a right to appeal the federal deficiency if there is a federal remedy; (i) WAC 388-97-625(6), added "**as defined in subsection 2**" after "**written notification of the department's actions.**" Accepted as a result of public comment and clarification referring back to definition of action in subsection (2); and (j) WAC 388-97-640 (1)(a), changed from "**not limited to but including resident's rights**" to "**including but not limited to a violation of resident's rights.**" Accepted amendment as clarification for easier reading.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 2, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 19, Amended 19, Repealed 15.

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 21, Amended 20, Repealed 15.

Effective Date of Rule: Thirty-one days after filing.

June 20, 2002

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 02-16 issue of the Register.

WSR 02-14-066

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 27, 2002, 3:22 p.m., effective July 1, 2002]

Date of Adoption: June 26, 2002.

Purpose: New WAC 388-290-0143 is being adopted to expand the scope of individuals required to have a background check for the working connections child care program. The addition of new WAC 388-290-0167 and the amendment of WAC 388-290-0145, 388-290-0150, 388-290-0155, 388-290-0160, and 388-290-0165 will clarify the process for background checks.

Citation of Existing Rules Affected by this Order: Amending WAC 388-290-0145, 388-290-0150, 388-290-0155, 388-290-0160, and 388-290-0165.

Statutory Authority for Adoption: RCW 74.04.050, 74.13.085.

Adopted under notice filed as WSR 02-09-064 on April 15, 2002.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-290-0150 (1)(a) and (3)(b), removed reference to "registries"; WAC 388-290-0150 (3)(d), added Department of Corrections and the courts; WAC 388-290-0155(1), WAC references are now WAC 388-06-0170 and 388-06-0180; WAC 388-290-0155 (2)(d), added "dismiss"; and WAC 388-290-0160 (1)(e) and 388-290-0165 (2)(e), changed individuals with developmental disabilities to "vulnerable adults."

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 2, 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 2, Amended 5, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Immediate implementation of these rules is necessary to prevent

imminent peril to the public health, safety and welfare. Children served by in-home/relative caregivers under the working connections child care program are typically in unsupervised settings. The adoption of these rules by July 1, 2002, will require additional persons having unsupervised access to these children to have a background check completed immediately, resulting in greater safeguards for children in these child care settings.

Effective Date of Rule: July 1, 2002.

June 26, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-290-0143 Who must have a background check for the WCCC program and how often is the check done? (1) A background check must be completed for:

- (a) All in-home/relative providers who apply to care for a WCCC consumer's child; and
 - (b) Any individual sixteen years of age or older who is residing with a provider when care occurs outside of the WCCC child's home.
- (2) A new background check must be completed:
- (a) At least every two years;
 - (b) Any time an in-home/relative provider applies to provide care for a WCCC family;
 - (c) For any individual sixteen years of age or older newly residing with a provider when care occurs outside of the WCCC child's home; or
 - (d) When we have a valid reason to do a check more frequently.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0145 ((When)) Why is ((my provider's criminal)) a background check required and will I be notified of the results? (1) ((The department requires the criminal)) We require the background check ((for each in-home/relative provider under chapter 74.15 RCW)) to:

- (a) ((When you request WCCC payments for a new in-home/relative provider:
 - (b) Every two years for existing in-home/relative providers; or
 - (c) When the department has a valid reason to do a criminal background check more frequently.
 - (2) You will receive notice telling you whether or not the department is able to authorize WCCC payment)) **Help safeguard the health, safety, and well-being of children:**
 - (b) Reduce the possible risk of harm from persons having access to WCCC children that have been convicted of certain crimes; and
 - (c) Help you make informed, safe and responsible decisions about individuals who have access to your children.
- (2) As a WCCC consumer, you will be notified:
- (a) Whether we can approve the provider for the WCCC program; and
 - (b) Of the following results from the background check:

(i) No background information is found given current sources of information;

(ii) Background information is found, but the information will not disqualify the individual being checked; or

(iii) Background information is found that disqualifies the individual being checked.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0150 ((Where does the WCCC program get the criminal background)) What information ((on the in-home/relative provider)) is included in the background check and where does it come from? ((The WCCC program gets criminal)) (1) The background information ((from available sources such as:

(4)) will include, at a minimum, criminal convictions and pending charges.

(2) Additional sources may include:

(a) Child/adult protective service case information; and
(b) Civil judgments, determinations, or disciplinary board final decisions of abuse or neglect.

(3) The background information may be obtained from sources such as:

(a) The Washington state patrol under chapter 10.97 RCW;

((2)) (b) Child/adult protective service case files;

(c) Other states and federally recognized Indian tribes;

((3)) (d) The department of corrections and the courts;

(e) Law enforcement records of convictions and pending charges in other states or locations if:

(i) The individual being checked has lived in another state; and

(ii) Reports from credible community sources ((that)) indicate a need to investigate another state's records((; and
(4)).

(e) Self-disclosure by the ((in-home/relative provider)) individual being checked.

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

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0155 What happens after ((the WCCC program reviews my in-home/relative provider's criminal)) we receive the background information? After ((the WCCC program receives the in-home/relative provider's criminal)) we receive the background information we:

(1) Compare the ((criminal)) background information ((including pending charges)) with convictions listed in WAC ((388-290-0160 or 388-290-0165 and:

(4) Determine if the in-home/relative provider's criminal)) 388-06-0170 and 388-06-0180.

(2) Review the background ((contains)) information ((that will not allow the authorization of payment for part of the cost of WCCC)) using the following rules:

(a) A pending charge for a crime is given the same weight as a conviction;

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(b) If the conviction has been renamed it is given the same weight as the previous named conviction. For example, larceny is now called theft; ~~((and))~~

(c) Convictions whose titles are preceded with the word "attempted" are given the same weight as those titles without the word "attempted"; ~~((and))~~

~~((2))~~ "; and

(d) The crime will not be considered a conviction for the purposes of WCCC when it has been pardoned or a court of law acts to expunge, dismiss, or vacate the conviction record.

~~((3))~~ Notify you whether or not ~~((the department is))~~ we are able to ~~((authorize payment for part of the cost of care;~~

~~((3)))~~ approve the provider for WCCC.

(4) Allow you to decide character and suitability of the provider given an individual's not automatically disqualifying background information from the record of arrests and prosecutions (RAP) sheet.

(5) Deny or ~~((stops))~~ stop payment ~~((for part of the cost of care by this in-home/relative provider,))~~ when the ~~((criminal))~~ background information disqualifies the ~~((in-home/relative provider; and~~

~~((4)))~~ individual being checked.

(6) Assist you in finding other child care arrangements.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0160 What convictions permanently disqualify my in-home/relative provider from being authorized by ~~((the WCCC program))~~ us? (1) If your provider or an individual listed in WAC 388-290-0143 (1)(b) has ~~((been convicted of any crime listed in WAC 388-006-0170))~~ a background containing the following felony convictions, the provider is permanently disqualified as an in-home/relative child care provider for WCCC:

(a) Child abuse and/or neglect;

(b) Spousal abuse;

(c) A crime against a child (including child pornography);

(d) A crime involving violence (including rape sexual assault, or homicide but not including other physical assault); or

(e) Any federal or out-of-state conviction for an offense that under the laws of this state would disqualify you from having unsupervised access to children or vulnerable adults in any home or facility.

(2) The disqualifying background of an individual sixteen years of age or over living with the provider may not permanently disqualify the provider if conditions in WAC 388-290-0167 (1)(a) and (b) are met.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0165 ~~((Are))~~ Is there other background information or convictions that will disqualify my in-home/relative provider? (1) ~~((If))~~ Your in-home/relative provider ~~((has been convicted))~~ can be disqualified if the

individual being checked has a background containing information other than conviction information that we determine:

(a) Makes the individual not of suitable character and competence or of sufficient physical or mental health to meet the needs of the child in care; or

(b) Puts the household at risk for harm.

(2) If an individual being checked as a background containing the following crimes within the last five years ~~((of any crime listed in WAC 388-006-0180))~~, your provider is disqualified as an in-home/relative child care provider for WCCC ~~((~~

~~((2) If your provider))~~ :

(a) Any physical assault not included in WAC 388-290-0160;

(b) Any sex offense not included in WAC 388-290-0160;

(c) Any felony conviction not included in WAC 388-290-0160;

(d) Felony violation of the following drug-related crimes:

(i) The Imitation Controlled Substances Act (for substances that are falsely represented as controlled substances, see chapter 69.52 RCW);

(ii) The Legend Drug Act (prescription drugs, see chapter 69.41 RCW);

(iii) The Precursor Drug Act (substance used in making controlled substances, see chapter 69.43 RCW);

(iv) The Uniform Controlled Substances Act (illegal drugs or substances, see chapter 69.50 RCW); or

(v) Unlawfully manufacturing, delivering or possessing a controlled substance with intent to deliver, or unlawfully using a building for drug purposes.

(e) Any federal or out-of-state conviction for an offense that under the laws of this state would disqualify you from having unsupervised access to children or vulnerable adults in your home or facility not less than five years from a conviction listed in this section.

(3) If an individual being checked has:

(a) A conviction listed in ~~((WAC 388-06-0180))~~ subsection (2)(a) through (e) of this section, and it has been more than five years ~~((, the department will review the provider's background)); or~~

(b) A conviction other than those listed in WAC 388-290-0160 or subsection (2)(a) through (e) of this section, we will allow you to determine the provider's character, suitability, and competence by reviewing:

~~((a)))~~ (i) The amount of time that has passed since the conviction;

~~((b)))~~ (ii) The seriousness of the crime that led to the conviction;

~~((c)))~~ (iii) The ~~((provider's))~~ individual's age at the time of conviction;

~~((d)))~~ (iv) The individual's behavior since the conviction;

(v) The number and types of convictions in the ~~((provider's))~~ individual's background; and

~~((e)))~~ (vi) Documentation indicating ~~((you have))~~ the individual has successfully completed all court-ordered programs and restitution.

~~((3) If your provider has a conviction other than those listed in WAC 388-06-0170 or 388-006-0180 the department~~

will review the provider as described in (2)(a) through (d) above.

~~(4) The crime will not be considered a conviction for the purposes of WCCC when it has been pardoned or a court of law acts to expunge or vacate the conviction record))~~ (4) The disqualifying background of an individual sixteen years of age or over living with the provider may not disqualify the provider if conditions in WAC 388-290-0167 (1)(a) and (b) are met.

NEW SECTION

WAC 388-290-0167 What happens if my in-home/relative provider, who provides care in their home, is disqualified based solely on the disqualifying background of an individual living with that provider? (1) If your provider is disqualified based solely on the disqualifying background of an individual living with that provider, we will require that:

(a) Child care occurs in the child's home away from the disqualified individual, if you wish to continue using that provider; and

(b) The parent and provider sign an agreement with us indicating that:

(i) Care will occur in the child's home; and

(ii) There will be no contact between the child and disqualified individual during child care hours.

(2) The parent may choose a licensed provider or submit an application for a different in-home/relative provider.

(3) If we become aware that the parent and provider are not meeting the conditions in subsection (1)(a) and (b) of this section:

(a) We will terminate care without advance and adequate notice;

(b) You will need to find a different provider; and

(c) You may be subject to an overpayment.

WSR 02-14-067

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 27, 2002, 3:24 p.m., effective August 1, 2002]

Date of Adoption: June 26, 2002.

Purpose: The income eligibility level for subsidized child care, working connections child care, was reduced from 225% of the federal poverty level (FPL) to 200% of the FPL by emergency rule adoption, effective April 1, 2002. The change was made due to the governor's directive as a part of the overall budget reductions in the state. The sections of chapter 388-290 WAC that were revised are: WAC 388-290-0010, 388-290-0075, and 388-290-0085. These WAC sections have had the FPL percentage changed and have had the copayment levels and calculations changed.

Citation of Existing Rules Affected by this Order: Amending WAC 388-290-0010, 388-290-0075, and 388-290-0085.

Statutory Authority for Adoption: RCW 74.04.050, 74.13.085.

Adopted under notice filed as WSR 02-11-128 on May 21, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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 3, Repealed 0.

Effective Date of Rule: August 1, 2002.

June 26, 2002

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0010 What makes me eligible for WCCC benefits? For the purposes of this chapter "we" and "us" refer to the department of social and health services. You may be eligible for WCCC benefits if:

(1) Your family is described under WAC 388-290-0015;

(2) ~~((You're))~~ You are participating in an approved activity under WAC 388-290-0040, 388-290-0045, or 388-290-0050;

(3) You and your children are eligible under WAC 388-290-0020;

(4) Your countable income, is at or below two hundred ~~((twenty-five))~~ percent of the Federal Poverty Level (FPL) (under WAC 388-290-0065); and

(5) Your share of the child care cost, called a copayment (under WAC 388-290-0075) is lower than the total DSHS maximum monthly payment for all children in the family who are eligible for subsidized care.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0075 What are the steps the WCCC program takes to ~~((figure))~~ determine my family's WCCC eligibility and copayment amount? The WCCC program takes the following steps to ~~((figure))~~ determine your WCCC income eligibility and copayment:

(1) Determine your family size (under WAC 388-290-0015); and

(2) Determine your countable income (under WAC 388-290-0065).

(3) If your family's countable monthly income falls within the range below, then your copayment is:

YOUR INCOME	YOUR COPAYMENT is:
At or below 82% of the FPL	\$ ((10)) 15
Above 82% of the FPL up to 137.5% of the FPL	\$ ((20)) 25
Above ((137.50)) 137.5% of the FPL - ((225)) 200% of the FPL	The dollar amount equal to subtracting 137.5% of FPL from countable income, multiplying by 44%, then adding \$ ((20)) 25
Income above ((225)) 200% of the FPL, you are not eligible for WCCC benefits.	

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0085 When might my WCCC copayment change? (1) Once we have determined that you are eligible for WCCC benefits, your copayment could change when:

- (a) Your activity changes under WAC 388-290-0040, 388-290-0045, or 388-290-0050;
- (b) Your monthly income decreases;
- (c) Your family size increases;
- (d) You are no longer eligible for the three-month TANF grant exemption under WAC 388-290-0070(h) or the minimum copayment under WAC 388-290-0090.

(2) If your copayment changes during your eligibility period, the change is effective the first of the month following the change.

(3) We do not increase your copayment during your current eligibility period when your countable income remains at or below two hundred (~~(twenty-five))~~ percent of the FPL, and:

- (a) Your monthly countable income increases; or
- (b) Your family size decreases.

WSR 02-14-071
PERMANENT RULES
WASHINGTON STATE UNIVERSITY

[Filed June 28, 2002, 9:20 a.m.]

Date of Adoption: June 26, 2002.

Purpose: To allow the board of regents to set fines without recodification in the WAC, establish residence hall parking, address counterfeit permits, add definitions and remove obsolete language and sections in the current WAC.

Citation of Existing Rules Affected by this Order: Repealing 1 [WAC 504-15-060]; and amending 12 [WAC 504-15-100, 504-15-200, 504-15-210, 504-15-460, 504-15-540, 504-15-580, 504-15-600, 504-15-650, 504-15-810, and 504-15-830].

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 02-11-092 on May 17, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 12, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 12, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 12, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 26, 2002

Loretta M. Lamb

Associate Vice-President for
Personnel and Administration

**WASHINGTON STATE UNIVERSITY: CAMPUS
TRAFFIC AND PARKING REGULATIONS**

AMENDATORY SECTION (Amending WSR 95-13-003, filed 6/8/95, effective 7/9/95)

WAC 504-15-100 Definitions. The definitions in this section are applicable within the context of these regulations.

(1) Campus. Describes all property owned, leased, and/or controlled by Washington State University in Pullman which is or may hereafter be dedicated mainly to the educational, research, housing, recreational, parking, or other activities of Washington State University.

(2) Commuter student. Any student who does not live in a residence hall (dormitory). All students living in fraternities, sororities, university housing (other than residence halls), and private housing are considered to be commuter students.

(3) Disability zone. A parking zone identified with a sign bearing the international disability symbol that is restricted at all times to use by vehicles bearing a valid WSU disability parking permit or indicator, or any state-issued disability parking permit.

(4) Dormitory. See residence hall.

(5) Fire zone. An area needed for emergency access to buildings, fire hydrants, or fire equipment. Such areas include, but are not limited to areas with adjacent curbs or rails painted red.

~~((5))~~ (6) Gate card. A plastic card that activates the gates controlling access to certain parking areas.

~~((6))~~ (7) Holiday or university holiday. A day when all university facilities are generally closed (e.g., Thanksgiving Day, Christmas Day, New Year's Day). Vacation days are not considered holidays. See definition of vacation.

~~((7))~~ (8) Housing area. Housing units or apartments, and their respective parking areas, that are owned by the university, but are not included as residence halls.

~~((8))~~ (9) Illegal use of permit. A parking violation in which a citation is issued under the following circumstances:

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(a) Use of a permit/indicator on an unspecified vehicle.
 ((b) Use of a counterfeit permit/indicator.)
 ((e)) (b) Use of a permit/indicator obtained under false pretenses.

((d)) (c) Use of a modified permit/indicator.

((e)) (d) Use and/or retention of a permit/indicator by person(s) ineligible, or no longer eligible, for such a permit as described and authorized in this chapter.

((9)) (10) Indicator. A decal displayed adjacent to a parking permit which more clearly defines the parking areas available to a permit holder.

((10)) (11) Loading zone. A loading dock, or an area signed "loading zone" adjacent to a facility, in a parking area, or near a residence hall. Such an area is intended for loading and unloading bulky or voluminous material. Loading zones are restricted at all times.

((11)) (12) Moped. Any two-wheeled or three-wheeled motor vehicle with an engine displacement of 50 cc or less.

((12)) (13) Motorcycle. Any two-wheeled or three-wheeled motor vehicle with an engine displacement greater than 50 cc.

((13) (14) Motor vehicle. All motor-driven conveyances except wheelchairs.

((14) (15) No parking zone. Any area not specifically marked and/or signed for parking. Such areas include, but are not limited to areas with adjacent curbs or rails painted yellow or red.

((15) (16) Park/parking. This refers to the placement or standing of a vehicle, with or without a driver in attendance, and with or without the engine running.

((16) (17) Parking permit. A vinyl, plastic, or paper instrument sanctioned by parking services that is displayed from a vehicle, and authorizes parking in specified areas.

((17) (18) Resident student. A student living in a residence hall.

((18) (19) Residence hall. ((The following living units are considered -)) Residence halls include the following: Streit Hall, Perham Hall, Regents Hall, Scott Hall, Coman Hall, Wilmer Hall, Davis Hall, Duncan-Dunn Hall, Community Hall, Stevens Hall, McCroskey Hall, Gannon Hall, Goldsworthy Hall, McEachern Hall, Orton Hall, Rogers Hall, Stephenson Complex, Stimson Hall, Waller Hall, ((and)) Kruegel McAllister Hall, and Honors Hall.

((19) (20) Service vehicle. A vehicle used to provide a service for the university or a tenant or contractor of the university (e.g. a university-owned vehicle or a privately-owned vehicle with a valid service permit displayed).

((20) (21) Service zone. Parking spaces designated for the use of university vehicles, other government-owned vehicles, and vehicles displaying a service indicator or commercial permit. Authorized vehicles may park in these zones for a maximum of fifteen minutes, except for vehicles that display a commercial permit, or a service indicator issued for an extended time. Service zones are restricted at all times.

((21) (22) Resident priority zone (i.e., crimson zone, gray zone). A parking area close to a residence hall. Parking in these areas is assigned to resident students by residence life personnel, and/or residence hall officers.

((22) (23) Staff. For the purposes of these regulations, "staff" includes all faculty, classified staff, administrative and

professional employees, temporary employees, and other support personnel employed by the university, and the personnel of other activities located on campus. Teaching assistants, research assistants, and other students employed by the university are not "staff." They are considered as students for the purpose of these rules.

((23)) (24) Student. Any person who has been admitted to the university, and who is either attending classes, or actively pursuing a degree or certificate.

((24)) (25) Summer session. The summer session includes all summer school sessions beginning on the first day of the earliest session, and ending on the last day of the latest session.

((25)) (26) University holiday. See holiday.

((26)) (27) Vacation. A period of time when classes or final exams are not in session. Except for holidays that fall within this period, the business offices of the university are open during this time.

((27)) (28) Vehicle. See motor vehicle.

((28)) (29) Visitors. Persons who are not staff or students and who only visit the campus on an occasional basis.

((29)) (30) Wheel lock. A device used to temporarily immobilize a vehicle (i.e., on-the-spot impoundment).

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

AMENDATORY SECTION (Amending WSR 90-11-078, filed 5/16/90, effective 7/1/90)

WAC 504-15-200 Enforcement authority. Parking services ((is)) and the police department are charged with the impartial enforcement of these regulations. Enforcement personnel have authority to issue parking citations, to impound vehicles, and to control access to areas.

AMENDATORY SECTION (Amending WSR 95-13-003, filed 6/8/95, effective 7/9/95)

WAC 504-15-210 Times of enforcement. Parking regulations are subject to enforcement at all times.

(1) Permit areas: All parking zones are limited to authorized permit holders during specific hours. These hours are posted in each parking zone either at the entrance to parking areas, or along roadways where parking is marked. Restricted spaces are enforced at all times. See subsection (4) of this section, special conditions.

(2) Restricted spaces: These spaces are restricted for their designated purpose at all times (twenty-four hours a day, seven days a week):

(a) Disability.

((b) Gray zones (resident priority areas-))

((e)) (b) Load/unload.

((d)) (c) Service.

((e)) (d) Reserved.

((f)) (e) Reserved (bagged) meters.

((g)) (f) Specially signed areas.

((h) Housing areas-))

(3) Metered spaces: Parking meters are in effect during the times posted on each meter. During these times the meter

must be paid the posted amount. Additional time cannot be purchased beyond the meter's posted time limit (e.g., a two-hour meter will allow a maximum of two hours to be purchased at one time).

(4) Special conditions: The parking regulations are enforced every day, twenty-four hours a day. ~~((However, d))~~ During certain times the following ((periods)) special conditions exist, and the regulations are modified.

(a) ~~((During the following times, permits are not required in blue and gray zones:))~~ Crimson zones.

(i) ~~((A))~~ Permits are not required in crimson zones at the start of each semester from the Monday of registration the week prior to the first day of class through the ((sixth)) fifth day of class.

(ii) ~~((D))~~ Crimson, orange, and green permits are valid in crimson zones during summer session, vacation periods, and between semesters.

(iii) ~~((D))~~ Temporary one-hour parking zones may be established in portions of the crimson zones during finals week and at the start of each semester to accommodate moving into and moving out of residence halls.

(b) Gray zones.

(i) Permits are not required in gray zones at the start of each semester from the Monday of the week prior to the first day of class through the fifth day of class, during vacation periods, and between semesters.

(ii) ~~((the))~~ During ((the)) summer session, gray zones are open to all valid WSU parking permits, except blue permits and housing permits.

(iii) Temporary one-hour parking zones may be established in portions of the gray zones during finals week and at the start of each semester to accommodate moving into and moving out of residence halls.

(c) Blue zones. Permits are not required in blue zones at the start of each semester from the Monday of the week prior to the first day of class through the fifth day of class, during finals week, vacation periods, and between semesters.

(d) ~~((During the following times, housing p))~~ Permits are not required in housing areas:

~~((i))~~ A at the start of each semester from the Monday of ((registration)) the week prior to the first day of class through the ((sixth)) fifth day of class, and((-))

~~((ii))~~ during finals week.

~~((d))~~ (e) Summer business hours. During the period when the university is officially on summer business hours, all metered spaces and permit areas which are not restricted will be open parking after 4:00 p.m. This period varies from year to year, and does not include periods when individual departments change their business hours outside the university's official summer business hours.

(5) Pay parking facilities: Some nonmetered areas are provided for ~~((limited))~~ parking on an ~~((cash))~~ hourly basis. Hours of operation and a schedule of fees are posted at the facility entrance and at the point of payment. Parking violations are issued to vehicles that are parked over the duration of time that was paid and for nonpayment.

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

AMENDATORY SECTION (Amending WSR 95-13-003, filed 6/8/95, effective 7/9/95)

WAC 504-15-460 False information. No person shall obtain, attempt to obtain, or use in a manner contrary to these regulations, a modified ~~((or counterfeit))~~ parking permit or a permit issued upon false information. A violation of this section includes giving a false name, address, Social Security number, and/or other information known to be false. It also includes the mere use of a visitor, conference, and commercial permit by staff or students. Violation of this provision shall constitute the illegal use of a parking permit, and will be subject to citation and fine.

AMENDATORY SECTION (Amending WSR 95-13-003, filed 6/8/95, effective 7/9/95)

WAC 504-15-540 Zone permits—Availability and use. The management and assignment of parking zones is designed to provide a reliable parking space to permit holders. However, uncontrolled access to parking areas and unexpected parking demand make it impossible to guarantee a parking space in a permit holder's assigned zone. Every effort will be made via surveys and limits on permit sales, to ensure that permit holders are not displaced from their assigned zones. The only exception to this will be that the sale of blue permits will not be limited.

Staff and students are generally assigned to specific parking areas, called zones. Parking zones are color-coded with respect to their price and numbered with respect to the specific parking area assignment of each permit holder. Permit holders may park in their assigned zone as reflected by the combination of color and number on their permit and corresponding sign, or they may park in other zones as described below.

(1) Orange permits: Orange permit holders may park in their numerically assigned orange zone, or in any green, yellow, red, or blue zone. These permits may be available on a temporary basis during the summer session.

(2) Green permits: Green permit holders may park in their numerically assigned green zone, or in any yellow, red, or blue zone. These permits may be available on a temporary basis during the summer session.

(3) Yellow permits: Yellow permit holders may park in their numerically assigned yellow zone, or in any red or blue zone. These permits may be available on a temporary basis.

(4) Red permits: Red permit holders may park in their numerically assigned red zone or in any blue zone. These permits may be available on a temporary basis.

(5) Gray permits ~~((resident priority parking))~~: Gray permit holders may park in their numerically assigned gray zone, or in any blue zone. These permits may be available on a temporary basis. Gray permit holders must turn in their gray permit for refund or credit toward another permit, if applicable, immediately upon moving out of a residence hall. Only resident students are eligible for gray permits.

(6) Blue permits (peripheral parking): Blue permit holders may park in any blue zone. These permits are available on a temporary basis.

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(7) Crimson permits. Crimson permit holders may park in their numerically assigned crimson zone, or in the numerically corresponding gray zone (e.g., a crimson 1 permit is valid in the gray 1 zone, but not in the gray 2 zone), or in any blue zone. Crimson permit holders must turn in their crimson permit for a refund or credit toward another permit, if applicable, immediately upon moving out of the residence hall. Only resident students are eligible for crimson permits.

AMENDATORY SECTION (Amending WSR 95-13-003, filed 6/8/95, effective 7/9/95)

WAC 504-15-580 Special indicator decals/hangers.

Special indicator decals or hangers may be issued to staff and student permit holders who have otherwise valid parking permits in the following cases:

(1) Service indicator decals/hangers which are valid for a maximum of fifteen minutes in a marked service zone. A separate mall service indicator allows a maximum of fifteen-minute parking in the pedestrian mall. These are available to staff or students who must use a private vehicle for university business. They are issued on an annual or daily basis after the approval of the parking manager or his/her designee.

(2) Night parking indicator decals/hangers which are valid in parking zones up to thirty minutes after the permit times begin, and thirty minutes before the permit times end. For example, if permits are required in a parking zone from 7:00 a.m. to 5:00 p.m., the night parking indicator is valid in that zone from 4:30 p.m. until 7:30 a.m. Night parking indicators are not valid at any time in crimson zones, gray zones, meter spaces, restricted spaces, or parking zones that require a parking permit at all times.

(3) Reserved parking indicator decals/hangers which are valid in parking spaces that are signed for the corresponding permit and indicator.

AMENDATORY SECTION (Amending WSR 95-13-003, filed 6/8/95, effective 7/9/95)

WAC 504-15-600 Disability permits. The university and parking services strongly supports the provision of disability parking spaces at a reasonable proximity to campus buildings for people of disability.

There are two types of disability permits:

(1) Permanent physical disability. An annual disability permit is available to permanently disabled university employees and students at the established fee. Holders of annual permits may park in orange, green, yellow, red, crimson, gray, and blue zones, and metered spaces. They may not park in service zones or reserved spaces. The fee for an annual disability permit is equal to the blue zone fee. Payment of regular posted fees is required in pay lots.

(2) Temporary physical disability. Temporary disability permits will be issued to temporarily disabled staff and students for a maximum of six weeks, although they may be renewed.

Employees and students must obtain a temporary disability form from parking services. These disabled parking privileges will be granted only after submission of the form that shows the applicant meets established physical limita-

tions. The form must be completed by a health care provider. Parking services will not accept substitute forms or letters.

AMENDATORY SECTION (Amending WSR 01-13-102, filed 6/20/01, effective 7/21/01)

WAC 504-15-650 Permit fees. (1) Schedules for parking fees, parking administrative fees, parking fines and sanctions, meter rates, prorate and refund schedules, and the effective date thereof will be submitted to the president or his/her designee and to the board of regents for approval by motion, provided, however, that fees associated with parking at the Student Recreational Center, (SRC) including refunds of fees, will not be submitted to the Board of Regents so long as the Board has delegated authority to the president or his designee to approve all such fees. The schedules for all parking fees, parking administrative fees, meter rates, prorate and ~~((f))refund schedules~~, including those for the SRC, will thereafter be posted in the public area of the parking services office, ~~and~~ filed with the university rules coordinator, ~~and posted on the parking services web site.~~

~~((2) Disability permits will be issued free of charge to those who have their vehicle identified with a state disability license plate or other indicator in accordance with RCW 46.16.380.)~~

~~((3))~~ (2) Payments: Fees may be paid at parking services by cash, check, or money order. A payroll deduction plan is available for permanent university employees and eligible graduate students during the fall semester only.

~~((4))~~ (3) The annual fee for any shorter period relative to all permits shall be prorated.

~~((5))~~ (4) The proper fee must be paid for all vehicles parked in metered areas unless otherwise authorized.

~~((6))~~ (5) Staff members whose work schedules qualify them for night time differential pay may purchase a permit for one-half the regular fee. Verification will be required.

~~((7))~~ (6) Refunds: Annual permits being relinquished may be returned to parking services for a prorata refund. Identifiable remnants of the permit must be returned. Provision of the permit holder's copy of the permit receipt will facilitate the refund process. A minimum ten-dollar service charge will be retained by parking services. Further, the balance of any fees and fines owed parking services will be deducted from any refund due. ~~((No refunds will be granted after 5:00 p.m. Friday of the third week of the spring semester.))~~ Refunds for temporary permits will not be granted.

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

AMENDATORY SECTION (Amending WSR 95-13-003, filed 6/8/95, effective 7/9/95)

WAC 504-15-810 Violations, fines, and sanctions. (1) Violations and fines: Parking violations will be processed by the University. Fines must be paid at parking services ~~((in the public safety building,))~~ or other authorized locations ~~((at the following rates:))~~. Schedules for parking violations, fines, and sanctions are posted in the public area of the parking services office and on the parking services web site.

((a))	Overtime/nonpayment at meter	\$	10.00
(b)	Overtime in time zone	\$	10.00
(c)	No parking permit	\$	25.00
(d)	No parking permit for this area	\$	20.00
(e)	No parking zone	\$	20.00
(f)	Improper display of permit/indicator	\$	5.00
(g)	Blocking traffic	\$	25.00
(h)	Unauthorized parking in a disability space	\$	50.00
(i)	Parking in fire zone	\$	50.00
(j)	Unauthorized parking in reserved area	\$	40.00
(k)	Illegal use of permit	\$	65.00
(l)	Display of lost or stolen permit	\$	200.00
(m)	Wheel lock fee	\$	50.00
(n)	Unauthorized/overtime parking in service space	\$	25.00
(o)	Unauthorized/overtime parking on the pedestrian mall	\$	50.00
(p)	Overtime/nonpayment in a pay lot	\$	10.00
(q)	All other parking violations	\$	20.00))

(2) Reduction of fines: Fines for violations in subsection (1)(a) and (b) of this section paid within twenty-four hours will be reduced by one-half. Eligible violations received on Friday or Saturday can be paid on the following Monday to satisfy the twenty-four hour requirement. Mailed fines must be postmarked within twenty-four hours to receive the one-half reduction. If a permit holder of record neglects to display his/her permit and receives a notice of violation for No parking permit, (subsection (1)(c) of this section), that fine will be reduced to five dollars when possession of a valid parking permit for the location is verified by the parking services within twenty-four hours.

(3) Visitors: The first violation of the notices listed in subsection (1)(c) of this section, No parking permit, and subsection (1)(d) of this section, No parking permit for this area, issued to visitors are considered warning notices upon presentation to the parking services office.

(4) Inoperable vehicles: It is the owner's responsibility to immediately contact parking services in the event that their vehicle becomes inoperable.

AMENDATORY SECTION (Amending WSR 95-13-003, filed 6/8/95, effective 7/9/95)

WAC 504-15-830 Other violations and sanctions. (1) Schedules for parking violations, fines, and sanctions are posted in the public area of the parking services office and on the parking services web site.

((4)) (2) Late payment of fines: Forty-five days after issuance of a notice of violation a ((ten-dollar)) charge shall be added to all unpaid parking violations. If a student or staff member fails to pay the fine assessed for any violation, the fine will be referred to the WSU controller's office for collec-

tion. The controller may, if other collection efforts fail, deduct outstanding fines from the salary warrants of employees or withhold the amount of the outstanding fines from damage deposits or other funds held for any student in order to secure payment. Where collection efforts are unsuccessful, the controller may notify the registrar to refrain from issuing student transcripts or to withhold permission to reenroll for a subsequent term until outstanding fines are paid. The procedures discussed above are not exclusive, however, and failure by anyone to pay fines may lead to towing or use of the wheel lock device described in these regulations. Nor are the procedures discussed above a precondition to towing or use of the wheel lock.

((2)) (3) Impound by wheel lock or towing:

(a) Any vehicle with an accumulation of three or more unpaid parking violations, or any vehicle displaying a lost ((or)), stolen, or counterfeit permit may be temporarily immobilized by use of a wheel lock device placed on a wheel. A ((fifty-dollar)) fee will be assessed on vehicles which are immobilized with a wheel lock.

(b) Any vehicle may be towed away at owner's/operator's expense if the vehicle:

(i) Has been immobilized by wheel lock more than twenty-four hours; or

(ii) Is illegally parked in a marked tow-away zone; or

(iii) Is a hazard or obstruction to vehicular or pedestrian traffic (including, but not limited to, vehicles parked at curbs or rails painted yellow or red or in crosswalks); or

(iv) Cannot be impounded with a wheel lock device; or

(v) Is illegally parked in a disability space.

(c) The driver and/or owner of a towed vehicle shall pay towing and storage expenses.

(d) Any vehicle immobilized by use of the wheel lock device in excess of twenty-four hours will be assessed a storage fee ((of ten dollars)) for each calendar day or portion thereof, beyond the first twenty-four hours.

(e) The university assumes no responsibility in the event of damages resulting from towing, use of wheel lock devices, storage, or attempts to move a vehicle with a wheel lock device installed.

(f) No vehicle impounded by towing or wheel lock devices, shall be released until the following fines are paid in cash:

(i) All unpaid parking violation penalties against said vehicle and any other vehicle registered to the violator;

(ii) A ((fifty-dollar)) wheel lock fee;

(iii) All towing and storage fees.

(g) Any vehicle impounded pursuant to these regulations in excess of thirty calendar days shall be considered an abandoned vehicle and shall be disposed of in accordance with chapter 46.55 RCW.

(h) A person wishing to challenge the validity of any fines or fees imposed under this subsection may appeal such fines or fees as elsewhere provided in these regulations. However, in order to secure release of the vehicle, such person must pay the amount of such fines or fees as a bond which will be refunded to the extent the appeal is successful.

(i) An accumulation of six unpaid violations during any twelve-month period, exclusive of meter violations, and overtime in time zone violations, will subject the violator to

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revocation or denial of parking privileges. Vehicles without permits which accumulate the above number of violations may be prohibited from parking on university property.

~~((3))~~ (4) Failure to pay fines: Failure to pay a fine or comply with other penalties assessed pursuant to these regulations, after exhausting or failing to exercise appeals provided for in these regulations, constitutes a violation of RCW 28B.10.560. A citation or complaint for such violation may be issued and filed with the district court. Upon request of the university, the department of licensing may withhold vehicle registration pending the payment of outstanding parking fines.

[REPEALER]

The following section of the Washington State Administrative Code is repealed:

WAC 504-15-060 Advisory and governing bodies.

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

WSR 02-14-072
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed June 28, 2002, 9:22 a.m.]

Date of Adoption: June 26, 2002.

Purpose: This change is mandated by HB 1045 (chapter 261, Laws of 2001), which changed the retirement age in LEOFF Plan 2 from fifty-five to fifty-three years of age.

Citation of Existing Rules Affected by this Order: Amending WAC 415-104-111.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: RCW 41.26.470, chapter 261, Laws of 2001.

Adopted under notice filed as WSR 02-10-099 on April 30, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 26, 2002

John Charles

Director

AMENDATORY SECTION (Amending WSR 94-09-040, filed 4/19/94, effective 5/20/94)

WAC 415-104-111 Actuarial recomputation of retirement allowance upon retirement following reemployment. (1) The purpose of this rule is to establish a method to actuarially recompute the retirement allowance of a Plan ((H)) 2 member who retires, reenters employment causing his or her retirement allowance to be suspended, and then retires again. The actuarially recomputed retirement allowance shall:

(a) Include service credit the member earned following reestablishment of membership if any; and

(b) Account for the actuarial reduction applied to the member's initial retirement if the member initially retired prior to age ((fifty-five)) fifty-three.

(2) If a Plan ((H)) 2 retiree reenters membership, upon the individual's next retirement, the department shall reinstate and actuarially recompute the individual's retirement allowance pursuant to RCW 41.26.500 as follows:

(a) If the member first retired before age ((fifty-five)) fifty-three, the department shall:

(i) Calculate the retirement allowance pursuant to RCW 41.26.420 using the retiree's total years of career service, including service earned prior to initial retirement and service earned after reentering membership;

(ii) Actuarially reduce the member's retirement allowance based on the present value of the retirement allowance payments the individual received during the initial retirement; and

(iii) Calculate any survivor option selected by the retiree based upon the monthly retirement allowance calculated pursuant to (a)(i) and (ii) of this subsection.

(b) If the member initially retired at or after age ((fifty-five)) fifty-three, the department shall recompute the member's retirement allowance pursuant to RCW 41.26.500 and include any additional service credit earned and any applicable increase in the member's average final compensation resulting from the member's reentry into membership. Under no circumstances shall a retiree receive a retirement allowance creditable to a month during which that individual earned service credit.

(3) If a retiree's retirement allowance is suspended under RCW 41.26.500 due to reemployment but the retiree does not reenter membership, upon the retiree's separation from such employment, the retiree shall receive an actuarially recomputed retirement allowance equal to the sum of:

(a) The amount of the monthly suspended retirement allowance; plus

(b) An actuarially computed increase based upon the retirement allowance payment the member did not receive due to reemployment. The retiree may elect to receive the actuarially computed increase in either:

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- (i) An amount amortized over the expected term of the recomputed retirement allowance; or
- (ii) A lump sum payment equal to the suspended retirement allowance plus interest.

WSR 02-14-074
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 28, 2002, 12:04 p.m., effective July 1, 2002]

Date of Adoption: June 28, 2002.

Purpose: Chapter 296-400A WAC, Certification of competency for journeyman plumbers. The purpose of this rule making is to make substantive changes to the certification of competency for journeyman plumbers rules (chapter 296-400A WAC) in response to the passage of chapter 281, Laws of 2001 (ESHB 2172) from the 2001 legislative session.

These changes are necessary to:

- Update the rules to reflect current department practice;
- Establish the process, requirements and fees associated with becoming a backflow assembly maintenance and repair specialty plumber; and
- Make necessary housekeeping changes.

AMENDED SECTIONS:

Title of the Rule: Changed the title of chapter 296-400A WAC to Plumber certification rules.

WAC 296-400A-005 What definitions do I need to know to understand these rules? Definitions were added for "backflow assembly tester," "backflow assembly," and "plumbing contractor." Also, the definition of "specialty plumber" was expanded to include provisions related [to] the backflow assembly maintenance and repair specialty category.

WAC 296-400A-020 How do I obtain a certificate of competency? Changes were made to this section to clarify the requirements for obtaining a certificate of competency for all the plumber classifications, including the new backflow assembly maintenance and repair specialty.

WAC 296-400A-030 Do I need a temporary permit? Changes were made to this section to clarify that temporary permits do not apply to backflow assembly maintenance and repair specialties.

WAC 296-400A-031 How do I qualify for a temporary permit? Clarification changes were made to this section to remove unnecessary language.

WAC 296-400A-035 How can I be placed on inactive status? Changes were made to this section to eliminate the requirement that an individual must be at least sixty-two years of age to be placed on inactive status and that inactive status requests must be submitted and approved by the department prior to the expiration date of your plumbing certificate. Also, added provisions to require plumbers in inactive status for five or more years to reapply, pass the competency examination, and pay the appropriate fees.

WAC 296-400A-045 What fees will I have to pay? The fee structure was adjusted to incorporate the necessary fees for the new backflow assembly maintenance and repair specialty certification. The less than one-year trainee certificate fee was removed as no trainee certificates are issued for less than one year. Also, the replacement fee for certificates was reduced. Lastly, other minor changes were made to the fee provisions for purposes of clarity and to clearly reflect department practice.

WAC 296-400A-070 Can I work as a certified plumber in Washington without taking the Washington state plumbers' competency examination? Changes were made to this section to clarify the exceptions to the examination provisions of the rules. These exceptions are necessary in response to the legislative changes, which gave the department the authority to establish the backflow assembly maintenance and repair specialty.

WAC 296-400A-100 For certification purposes, how are "years of employment" computed and documented? Changes were made to this section to clarify that subsections (1) through (3) of this section do not apply to the backflow assembly maintenance and repair specialty certification as years of employment are not required for this specialty. Applicants for this specialty designation are required to have fulfilled the requirements in WAC 296-400A-122 and pay the applicable fees in WAC 296-400A-045 (2). Also, a provision that experience obtained as a backflow assembly maintenance and repair specialty may not be applied toward journeyman or specialty plumber certification was added.

WAC 296-400A-120 What do I need to know about plumber trainee certificates? Changes were made to this section to eliminate the provision that a training certificate may not be issued for more than eight years unless the department determines that there are extenuating circumstances. Also, clarified that the trainee hour requirements do not apply to the backflow assembly maintenance and repair specialty certification. Lastly, a provision was added to require a trainee certificate for an individual performing backflow assembly maintenance and repair work that is not a certified plumber provided the individual works under the direct supervision of a certified backflow assembly maintenance and repair specialty, journeyman plumber, or specialty plumber for a minimum of 100 percent of each working day.

WAC 296-400A-121 What do I need to know about trainee experience and plumber examination requirements for the journeyman and specialty plumber (excluding the backflow assembly maintenance and repair specialty)? Changes were made to this section to clarify that the trainee hour requirements do not apply to the backflow assembly maintenance and repair specialty certification.

WAC 296-400A-130 What if I make a false statement or a material misrepresentation on an application, an employment report or a trainee certificate? Changes were made to this section to clarify that a plumber's certificate may be suspended or revoked per RCW 18.106.100. Clarified that the annual statements of employment do not apply to backflow assembly maintenance and repair specialty certification.

WAC 296-400A-140 How does the department enforce plumbers certification requirements? Changes were made to this section to require individuals who are certified as a backflow assembly maintenance and repair specialty to have an active backflow assembly tester certification from the department of health.

NEW SECTIONS:

WAC 296-400A-122 What do I need to know about trainee experience and the backflow assembly maintenance and repair specialty examination requirements? A new section was added to establish the requirements relating to trainee experience and the examination for the backflow assembly maintenance and repair specialty certification.

WAC 296-400A-430 If I'm a certified backflow assembly maintenance and repair, journeyman, or specialty plumber do I need to be a registered contractor under chapter 18.27 RCW? A new section was added to clarify that anyone who advertises, offers to do work, submits a bid, or performs any work under chapter 18.106 RCW and these rules must be a registered contractor under chapter 18.27 RCW, or an employee of such registered contractor, with wages as their sole compensation.

Citation of Existing Rules Affected by this Order: Amending WAC 296-400A-005, 296-400A-020, 296-400A-030, 296-400A-031, 296-400A-035, 296-400A-045, 296-400A-070, 296-400A-100, 296-400A-120, 296-400A-121, 296-400A-130, and 296-400A-140.

Statutory Authority for Adoption: RCW 18.106.040, 18.106.140, and chapter 281, Laws of 2001 (ESHB 2172).

Other Authority: Chapter 18.106 RCW.

Adopted under notice filed as WSR 02-09-096 on April 17, 2002.

Changes Other than Editing from Proposed to Adopted Version: **WAC 296-400A-005 What definitions do I need to know to understand these rules?** Made clarification changes to the "specialty plumber" definition. Removed the reference to "or backflow assembly maintenance and repair" in the definition of "training course provider" as the training course requirements for the backflow maintenance and repair specialty was removed from these rules. Also, clarified the definition of "plumbing contractor" to include the provision that plumbing contractors are to be registered contractors under chapter 18.27 RCW.

WAC 296-400A-025 Who approves medical gas piping installer endorsement training courses? The amendments to this section were eliminated as the training course requirements for the backflow maintenance and repair specialty was removed from these rules.

WAC 296-400A-026 What training course approval procedures will the department follow? The amendments to this section were eliminated as the training course requirements for the backflow assembly maintenance and repair specialty was removed from these rules.

WAC 296-400A-035 How can I be placed on inactive status? Added provisions to require plumbers in inactive status for five or more years to reapply, pass the competency examination, and pay the appropriate fees.

WAC 296-400A-045 What fees will I have to pay? Changes were made to this section to:

- Make the reciprocity fee for the backflow assembly maintenance and repair specialty consistent with the journeyman/specialty reciprocity fees in subsection (1) of this section.
- Eliminate the reference to the note for the medical gas endorsement examination application fee as this fee is paid directly to the department.
- Eliminate the backflow assembly maintenance and repair specialty application fee.
- Eliminate the training course references and fees for the backflow maintenance and repair specialty.

WAC 296-400A-120 What do I need to know about plumber trainee certificates? Clarified that direct supervision requirements for the backflow assembly maintenance and repair specialty is required 100% of the time spent performing maintenance and repair work to backflow assemblies located within a residential or commercial building or structure.

WAC 296-400A-122 What do I need to know about trainee experience and the backflow assembly maintenance and repair specialty examination requirements? Eliminated the training course requirement located in subsection (2)(b) of this section. Also, eliminated "has met the backflow assembly tester requirements and have" as this language is unnecessary because the applicant must show evidence that he or she has a valid backflow assembly tester certification.

WAC 296-400A-430 If I am a certified backflow assembly maintenance and repair, journeyman, or specialty plumber do I need to be a registered contractor under chapter 18.27 RCW? Clarification changes were made to add the phrase "as required."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 12, 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 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 12, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 12, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Section 2 (2)(b) of chapter 281, Laws of 2001 (ESHB 2172) contains a provision that "These rules must take effect by July 1, 2002." As this act requires that these rules take effect by July 1, 2002, the department is authorized to adopt and put these rules into effect immediately per RCW 34.05.380(3).

Effective Date of Rule: July 1, 2002.

June 28, 2002

Gary Moore

Director

Chapter 296-400A WAC

((CERTIFICATION OF COMPETENCY FOR JOURNEYMAN)) PLUMBER((S)) CERTIFICATION RULES

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-005 What definitions do I need to know to understand these rules? Unless a different meaning is clearly required by the context, the following terms and definitions are important:

"**Advisory board**" is the state advisory board of plumbers.

"**Backflow assembly**" or "**backflow prevention assembly**" or "**backflow preventer**" is a device as described in the Uniform Plumbing Code that is used to prevent the undesirable reversal of flow of water or other substances through a cross-connection into the public water system or consumer's potable water system.

"**Backflow assembly tester**" is an individual certified by the department of health to perform tests to backflow assemblies.

"**Continuity affidavit**" is a form developed by the department that is used to verify whether medical gas pipe installation work has been performed. This form is provided to the department annually by the person holding the medical gas piping installer endorsement and requires the signature of the employer of the medical gas piping installer.

"**Department**" is the department of labor and industries.

"**Director**" is the director of the department of labor and industries.

"**Journeyman plumber**" is anyone who has learned the commercial plumbing trade and has been issued a journeyman certificate of competency by the department. A journeyman plumber may work on plumbing projects including residential, commercial and industrial worksite locations.

"**Medical gas piping installer**" is anyone who has been issued a medical gas piping installer endorsement of competency by the department.

"**Medical gas piping systems**" are piping systems that convey or involve oxygen, nitrous oxide, high pressure nitrogen, medical compressed air and medical vacuum systems.

"**Plumbing**" is that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems and medical gas piping systems within a building. The installation of water softening or water treatment equipment into a water system is not considered plumbing.

"**Plumbing contractor**" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any work covered by the provisions of chapter 18.106 RCW and these rules by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers

or advertises to employ anyone, to engage in any work covered by the provisions of chapter 18.106 RCW and these rules and is registered as a contractor under chapter 18.27 RCW.

"**Specialty plumber**" is anyone who has been issued a specialty plumbers certificate of competency by the department(~~(-Specialty plumber certificates are)~~) limited to ~~((the))~~:

(a) Installation, maintenance and repair of plumbing for single-family dwellings, duplexes and apartment buildings which do not exceed three stories; or

(b) Maintenance and repair of backflow assemblies located within a residential or commercial building or structure. For the purposes of this subsection, "maintenance and repair" includes cleaning and replacing internal parts of an assembly, but does not include installing or replacing backflow assemblies.

"**Supervision**" for the purpose of these rules means within sight or sound. Supervision requirements are met when the supervising plumber is on the premises and within sight or sound of the individual who is being trained.

"**Training course provider**" is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide medical gas piping installer training. All training course providers must comply with the requirements in WAC 296-400A-026.

"**Trainee plumber**" is anyone who has been issued a trainee certificate and is learning or being trained in the plumbing trade with direct supervision of either a journeyman plumber or specialty plumber working in their specialty.

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-020 How do I obtain a certificate of competency? You can obtain a certificate of competency by completing the following requirements for:

(1) Journeyman and specialty plumber certificate (excluding backflow assembly maintenance and repair specialty certification):

(a) Submitting a competency examination application to the department; ~~((and~~

~~(2)))~~ (b) Paying the examination fee shown in WAC 296-400A-045(1); ~~((and~~

~~(3)))~~ (c) Submitting the required evidence of competency and experience to the department as required under WAC 296-400A-120 and 296-400A-121; and

~~((4)))~~ (d) Passing the competency examination.

(2) Backflow assembly maintenance and repair specialty certificate:

(a) Submitting a competency examination application to the department;

(b) Paying the application and certificate fee shown in WAC 296-400A-045(2);

(c) Submitting the required evidence of competency to the department as required by WAC 296-400A-122; and

(d) Passing the competency examination.

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-030 Do I need a temporary permit?

If you are an active out-of-state journeyman plumber residing in a state that does not have a reciprocal agreement with Washington and you would like to work as a plumber in Washington, you need a temporary permit. Temporary permits are not issued for installers of medical gas piping systems.

Temporary permits are not issued for the backflow assembly maintenance and repair specialty. Thus, WAC 296-400A-030 through 296-400A-033 do not apply to this specialty.

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-031 How do I qualify for a temporary permit? To qualify for a temporary permit, you must:

- (1) Have an active state-issued journeyman plumbers certificate; ~~((and))~~
- (2) Give the department sufficient qualifying evidence for a journeyman plumber certificate of competency; ~~((and))~~
- (3) Never have taken the journeyman competency examination in Washington state; and
- (4) Not be an apprentice plumber.

Type of Fee

Period Covered by Fee

Dollar Amount of Fee

Examination application	Per examination	\$108.25
*Reciprocity application	Per application	\$108.25
Trainee certificate**	One year	\$32.50
((Trainee certificate	Less than one year	\$3.00 per month with a minimum fee of \$21.50))
Temporary permit	90 days	\$54.00
Journeyman or specialty certificate***	Two years	\$86.75
Journeyman or specialty certificate	Less than two years	\$3.50 per month with a minimum fee of \$32.50
Medical gas endorsement examination application ((***))	Per application	\$40.00
Medical gas endorsement***	One year	\$30.00
Medical gas endorsement	Less than one year	\$2.50 per month with a minimum fee of \$17.50
Medical gas endorsement examination fee****		See note below.
Medical gas endorsement training course fee*****		See note below.
Reinstatement of ((a journeyman)) certificates		\$173.50
Replacement of all certificates		\$((32.50)) <u>15.00</u>

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-035 How can I be placed on inactive status? To be placed on inactive status, you must meet these three requirements:

- (1) Be a currently certified plumber; ~~((and))~~
- (2) ~~((Be at least sixty-two years of age))~~ Have your inactive status request submitted and approved by the department prior to the expiration date of your plumbing certificate; and
- (3) Not be working in the plumbing trade.

Inactive status means that you are not currently working in the plumbing trade and you are not required to pay the annual certificate renewal fee. If you have been in inactive status for less than five years, you may return to active status, without reexamination, by paying the reinstatement ~~((of a journeyman certificate))~~ fee shown in WAC 296-400A-045. If you have been in inactive status for five or more years, you are required to reapply and pass the competency examination pursuant to WAC 296-400A-020 and pay the appropriate fees shown in WAC 296-400A-045.

AMENDATORY SECTION (Amending WSR 99-07-101, filed 3/23/99, effective 4/23/99)

WAC 296-400A-045 What fees will I have to pay? The following are the department's plumbers fees:

- (1) Fees related to journeyman and specialty plumber certification (excluding backflow assembly maintenance and repair specialty certification):

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* Reciprocity application is only allowed for applicants that are applying work experience toward certification that was obtained in state(s) that the department has a reciprocity agreement with.

** The trainee certificate shall expire one year from the date of issuance and be renewed on or before the date of expiration.

*** This fee applies to either the original issuance or a renewal of a certificate. If you have passed the plumbers certificate of competency examination or the medical gas piping installer endorsement examination and paid the certificate fee, you will be issued a plumber certificate of competency or a medical gas endorsement that will expire on your birthdate.

The annual renewal of a Medical Gas Piping Installer Endorsement shall include a continuity affidavit verifying that brazing work has been performed within the past year.

**** This fee is paid directly to a nationally recognized testing agency under contract with the department. It covers the cost of preparing and administering the written competency examination and the materials necessary to conduct the practical competency examination required for the medical gas piping system installers endorsement. **This fee is not paid to the department.**

***** This fee is paid directly to a training course provider approved by the department, in consultation with the state advisory board of plumbers. It covers the cost of providing training courses required for the medical gas piping system installer endorsement. **This fee is not paid to the department.**

(2) Fees related to the backflow assembly maintenance and repair specialty certificate:

<u>Type of Fee</u>	<u>Period Covered by Fee</u>	<u>Dollar Amount of Fee</u>
<u>Examination application</u>	<u>Per examination</u>	<u>\$108.25</u>
<u>Reciprocity application*</u>	<u>Per application</u>	<u>\$108.25</u>
<u>Trainee certificate**</u>	<u>One year</u>	<u>\$32.50</u>
<u>Backflow assembly maintenance and repair specialty certificate</u>	<u>Two years</u>	<u>\$60.00</u>
<u>Backflow assembly maintenance and repair specialty certificate</u>	<u>Less than two years</u>	<u>\$2.50 per month with a minimum fee of \$17.50</u>
<u>Reinstatement fee</u>		<u>\$100.00</u>
<u>Replacement of certificates</u>		<u>\$15.00</u>

* Reciprocity application is only allowed for applicants that are applying work experience toward certification that was obtained in state(s) that the department has a reciprocity agreement with.

** The trainee certificate shall expire one year from the date of issuance and be renewed on or before the date of expiration.

(3) If your birth year is:

((+)) (a) In an even-numbered year, your certificate will expire on your birthdate in the next even-numbered year.

((-)) (b) In an odd-numbered year, your certificate will expire on your birthdate in the next odd-numbered year.

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-070 Can I work as a certified plumber in Washington without taking the Washington state plumbers' competency examination? You may be eligible to work in Washington state without taking an examination if:

(1) You have a current plumbers certificate or license from another state; and

(2) That state has a current reciprocal agreement with the department of labor and industries; and

(3) You pay the reciprocity application fee and journeyman or specialty certificate fee shown in WAC 296-400A-045.

The director of labor and industries negotiates reciprocal agreements with states that have equivalent requirements for certification and licensing of journeyman and specialty plumbers. The agreement allows plumbers from those states to work in Washington and Washington-certified plumbers to work in the other state without taking competency examinations. To find out if your state has an agreement with the department, contact the plumber's certification clerk at the department's Tumwater, WA headquarters.

Reciprocity agreements cannot be used to take the Washington state competency examination instead of the examination in your home state.

(4)(a) Those actively certified by the department of health on or before July 1, 2001, as backflow assembly testers and registered as a contractor under chapter 18.27 RCW or employed by a registered contractor, may perform maintenance and repair of backflow prevention assemblies, without being a certified plumber under chapter 18.106 RCW and these rules, until January 1, 2003.

(b) After January 1, 2003, backflow assembly testers exempted under (a) of this subsection are required to meet the eligibility requirements for a specialty plumber's certificate of competency under chapter 18.106 RCW and these rules.

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-100 For certification purposes, how are "years of employment" computed and documented?

(1) For certification purposes, 2,000 hours of employment is considered one year. See RCW 18.106.070(2).

(2) When you renew your certificate, you must document your previous years' plumbing work by accurately completing the department's approved form and submitting it to the department.

(3) If you have completed a one, two, three, four or more years plumbing construction trainee program, you must have the necessary training hours for the year in which you are registered. See RCW 18.106.040.

(4) Subsections (1) through (3) of this section do not apply to the backflow assembly maintenance and repair specialty certification as years of employment are not required for this specialty. Applicants for this specialty designation are required to have fulfilled the requirements in WAC 296-

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400A-122 and pay the applicable fees in WAC 296-400A-045(2).

(5) Experience obtained as a backflow assembly maintenance and repair specialty may not be applied toward journeyman or specialty plumber certification.

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-120 What do I need to know about plumber trainee certificates? (1) **Journeyman and specialty plumber certification** (excluding backflow assembly maintenance and repair specialty certification):

(a) The department issues separate trainee certificates according to the following schedule:

Certificate Year	Hours Employed As Plumber Trainee
First	Less than 2,000 hours
Second	More than 1,999 hours but less than 4,000 hours
Third	More than 3,999 hours but less than 6,000 hours
Fourth	More than 5,999 hours

~~((2))~~ (b) You may apply for the next year's trainee certificate whenever you have the required documented work hours.

~~((3))~~ You cannot be issued a training certificate for more than eight years unless the department determines that there are extenuating circumstances.

(4) (c) If you are a trainee applying for a journeyman certificate, you must complete a minimum of two of the required four years in commercial plumbing experience.

~~((5))~~ (d) A certified specialty plumber working on a commercial job site may work as a journeyman trainee only if they have a current trainee certificate on their person while performing commercial plumbing work.

~~((6))~~ (e) On a job site, the ratio of certified plumbers to noncertified plumbers must be:

~~((a))~~ (i) One specialty plumber or journeyman working on a specialty plumbing job may supervise no more than two trainees.

~~((b))~~ (ii) One journeyman plumber working on a commercial job may supervise no more than one trainee.

~~((7))~~ (f) A plumber trainee who has a current trainee certificate with the state of Washington and has successfully completed or is enrolled in an approved medical gas piping installer training course may work on medical gas piping systems. Work may only occur when there is direct supervision by an active Washington state certified journeyman plumber with an active medical gas piping installer endorsement issued by the department. Supervision must be one hundred percent of the working day on a one-to-one ratio.

(2) **Backflow assembly maintenance and repair specialty certification.** A trainee certificate must be obtained by an individual performing backflow assembly maintenance and repair work that is not a certified plumber provided the individual works under the direct supervision of a certified backflow assembly maintenance and repair specialty, jour-

neyman plumber, or specialty plumber for a minimum of one hundred percent of the time spent performing maintenance and repair work to backflow assemblies located within a residential or commercial building or structure.

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-121 What do I need to know about trainee experience and plumber examination requirements for the journeyman and specialty plumber (excluding the backflow assembly maintenance and repair specialty)? (1) If you possess a trainee certificate:

(a) You may take the specialty plumber examination after completing 6,000 hours of documented training.

(b) You may take the journeyman examination after completing 8,000 hours of documented training which must include 4,000 hours of commercial plumbing experience.

(2) All journeyman trainees must work under the direct supervision of a journeyman plumber until they have completed 7,500 hours of training. After completing the 7,500 supervised hours, a trainee may work without direct supervision until they complete 8,000 hours. (See RCW 18.106.070(3).)

When 8,000 training hours have been completed, the trainee must take the journeyman examination. Any trainee who has failed the journeyman plumber examination cannot retake the examination for at least one month and must work under the direct supervision of a journeyman plumber until the examination is passed.

(3) To be eligible for the specialty plumber's examination, a specialty trainee must complete 6,000 hours of training under the direct supervision of either a certified specialty plumber or a journeyman plumber. Any specialty trainee who has failed the specialty examination, cannot retake the examination for at least one month and must work under the direct supervision of a certified plumber until the examination is passed.

(4) **Any applicant** (trainee, specialty plumber or journeyman) who fails an examination, will be required to wait at least one month before retaking the examination. If an applicant fails the second attempt, the waiting period for reexamination will be extended to at least two months. An applicant who fails the examination a third time will have a mandatory waiting period of at least four months.

NEW SECTION

WAC 296-400A-122 What do I need to know about trainee experience and the backflow assembly maintenance and repair specialty examination requirements?

(1) A trainee certificate must be obtained by an individual performing backflow assembly maintenance and repair work that is not a certified plumber provided the individual works under the direct supervision of a certified backflow assembly maintenance and repair specialty, journeyman plumber, or specialty plumber for a minimum of one hundred percent of each working day while the backflow assembly maintenance and repair work is being performed.

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(2) Each applicant for a backflow assembly maintenance and repair specialty certificate must furnish written evidence that he or she has a valid backflow assembly tester certification administered and enforced by the department of health.

(3) **Any applicant** who fails an examination, will be required to wait at least one month before retaking the examination. If an applicant fails the second attempt, the waiting period for reexamination will be extended to at least two months. An applicant who fails the examination a third time will have a mandatory waiting period of at least four months.

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-130 What if I make a false statement or a material misrepresentation on an application, an employment report or a trainee certificate? (1) All required applications and annual statements of employment hours are made under oath. Making false statements and/or material misrepresentations carry serious consequences. Any person who knowingly makes a false statement or material misrepresentation on an application, an affidavit of experience or a trainee certificate may have their certificate suspended, revoked, and/or be referred to the county prosecutor for criminal prosecution. In addition, the department may subtract a maximum of 2,000 employment hours from a trainee's acceptable total hours.

(2) The department's decisions, under this section, can be appealed to the advisory board. The appeal hearing will be conducted according to the appropriate provisions of chapter 34.05 RCW.

(3) The annual statements of employment described in subsection (1) of this section do not apply to the backflow assembly maintenance and repair specialty certification.

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-140 How does the department enforce plumbers certification requirements? The department enforces plumber certification requirements by means of job-site inspections conducted by department compliance inspectors. The inspector must determine whether:

(1) Each person doing plumbing work has a proper certificate on their person; and

(2) The ratio of certified specialty and/or journeyman plumbers to certified trainees is correct; and

(3) ~~(That)~~ Each certified trainee is directly supervised by either a certified specialty plumber or a certified journeyman; and

(4) ~~(That)~~ Persons who are installing medical gas piping systems have active medical gas piping installer endorsements in addition to their active plumber certification.

(5) Persons who are certified as backflow assembly maintenance and repair specialties must have an active backflow assembly tester certification from the department of health.

NEW SECTION

WAC 296-400A-430 If I am a certified backflow assembly maintenance and repair, journeyman, or specialty plumber do I need to be a registered contractor under chapter 18.27 RCW? Anyone who advertises, offers to do work, submits a bid, or performs any work under chapter 18.106 RCW and these rules must be a registered contractor as required under chapter 18.27 RCW, or an employee of such a registered contractor, with wages as their sole compensation.

WSR 02-14-083

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 28, 2002, 4:11 p.m., effective July 1, 2002]

Date of Adoption: June 27, 2002.

Purpose: The Division of Employment and Assistance Programs is adopting these rules to implement the sixty month time limit of TANF/SFA cases and a state law change for protective payees. This action includes adoption of new WAC 388-460-0020 Who is a protective payee?, 388-460-0025 Who can be a protective payee?, 388-460-0030 When is an emergency or temporary protective payee (TANF/SFA) used?, 388-460-0035 When is a protective payee assigned for mismanagement of funds?, 388-460-0040 When is a protective payee assigned to TANF/SFA pregnant or parenting minors?, 388-460-0045 Are clients in WorkFirst sanction status assigned protective payees?, 388-460-0050 When is a client transferred from a protective payee to guardianship?, 388-460-0055 What are the protective payee's responsibilities?, 388-460-0060 When are protective payee plans done?, 388-460-0065 When is the protective payee status ended and how is a protective payee changed?, and 388-460-0070 What are your fair hearing rights regarding protective payees?

Citation of Existing Rules Affected by this Order: Repealing WAC 388-265-1150, 388-265-1155, 388-265-1200, 388-265-1250, 388-265-1275, 388-265-1300, 388-265-1375, 388-265-1500, 388-265-1600, 388-265-1650 and 388-265-1450; and amending WAC 388-290-0255 and 388-460-0001.

Statutory Authority for Adoption: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050.

Adopted under notice filed as WSR 02-09-077 on April 16, 2002 and WSR 02-11-131 on May 21, 2002.

Changes Other than Editing from Proposed to Adopted Version: As a result of public comments, the proposed rules were revised as follows:

WAC 388-460-0025

- At subsection (3), added "according to the criteria in" and deleted "per."
- At subsection (4), added "must pass a criminal background check and."

WAC 388-460-0035

- At subsection (1)(e), deleted the existing text and replaced with "Persons having had an ADATSA assessment and who are participating in ADATSA-funded chemical dependency treatment;" The change does not affect the effect of the rule.

WAC 388-460-0040

- First paragraph, added "who are not emancipated under court order."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 11, Amended 1, Repealed 11.

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 11, Amended 2, Repealed 11.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Adoption of WAC 388-290-0055 and 388-460-0035 are necessary by July 1, 2002, to implement the new state law, SHB 2767 (chapter 252, Laws of 2002), establishing a protective payee for clients who use public assistance electronic benefits transfer card or cash obtained through electronic benefits transfer to purchase or pay for lottery tickets, pari-mutuel wagering, or any of the activities authorized under chapter 9.46 RCW. Adoption of other clarification of protective payees responsibilities for managing assistance benefits for department clients is needed to protect the welfare of children of families receiving the new child safety net payment, and to assure that client benefits are not used for gambling or wagering as required by SHB 2767.

Effective Date of Rule: July 1, 2002.

June 27, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0255 When can the WCCC program establish a protective payee to pay my in-home/relative provider? The WCCC program establishes a protective payee to pay your in/home-relative provider when:

(1) You do not pay your in-home/relative child care provider your copayment and/or the entire amount the department sends you for in-home/relative child care;

(2) We issued a child care warrant to the correct address and twelve or more working days have passed since the issuance date, and you have not reported the WCCC warrant lost, stolen, or destroyed;

(3) You have a history of failing to pay your in-home/relative provider(s); or

(4) You have a protective payee for your TANF grant or for a Child SafetyNet Payment.

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

WAC 388-460-0001 (~~Payee for~~) Who may be issued cash, child care, medical and food assistance benefits((+))?

(1) Cash and child care assistance may be issued in the name of the following persons:

(a) A client who is the recipient of the benefits;

(b) An ineligible parent or other relative (~~receiving~~) getting benefits on behalf of an eligible child;

(c) A person, facility, organization, institution or agency acting as a protective payee or representative payee for a client;

(d) A guardian or agent acting on behalf of a client; or

(e) A vendor of goods or services supplied to an eligible client.

(2) When medical coverage accompanies cash assistance, the medical identification (MAID) card for the assistance unit members is issued in the name of the person listed as payee for the cash benefit.

(3) For other medical assistance units, the MAID card is issued to the person named as the head of the assistance unit.

(4) Food assistance benefits are issued to the person named as the head of the food assistance unit.

NEW SECTION

WAC 388-460-0020 Who is a protective payee? (1) A protective payee is a person or an employee of an agency who manages client cash benefits to provide for basic needs - housing, utilities, clothing, child care, and food. They may also provide services such as training clients how to manage money.

(2) Clients are assigned to protective payees for the following reasons:

(a) Emergency or temporary situations where a child is left without a caretaker (TANF/SFA) per WAC 388-460-0030;

(b) Mismanagement of money (TANF/SFA, GA, or WCCC) per WAC 388-460-0035;

(c) Noncooperation with WorkFirst program requirements per WAC 388-310-1600 or 388-310-1650; or

(d) Pregnant or parenting minors per WAC 388-460-0040.

NEW SECTION

WAC 388-460-0025 Who can be a protective payee?

(1) Clients may ask for a particular protective payee, but the department makes the final choice.

(2) Protective payees must contract with the department, except for employees of the department who are assigned this function as part of their job duties.

(3) The contracted protective payee and their staff must pass a criminal background check according to the criteria in WAC 388-06-0170, 388-06-0180 and 388-06-0190.

(4) A departmental employee acting as a protective payee must pass a criminal background check and cannot:

(a) Have the client in their caseload,

(b) Have the client in the caseloads of other employees under their supervision,

(c) Be responsible for determining or issuing benefits for the client,

(d) Be the office administrator, or

(e) Be a special investigator.

(5) For TANF/SFA, a department employee cannot act as a protective payee when the department has legal custody or responsibility for placement and care of the child.

NEW SECTION

WAC 388-460-0030 When is an emergency or temporary protective payee (TANF/SFA) used? An emergency or temporary protective payee is assigned when a caretaker relative or adult acting in loco parentis per WAC 388-454-0005 is not available to take care of and supervise a child due to an emergency.

NEW SECTION

WAC 388-460-0035 When is a protective payee assigned for mismanagement of funds? (1) The decision to assign a person to a protective payee because of mismanagement of funds must be based on law or with proof the client is unable to manage their cash benefits. The proof must be current and show how this threatens the well being of a child or client on TANF/SFA, GA or WCCC. Examples of proof are:

(a) Department employees or others observe that the client or client's children are hungry, ill, or not adequately clothed;

(b) Repeated requests from the client for extra money for basic essentials such as food, utilities, clothing, and housing;

(c) A series of evictions or utility shut off notices within the last twelve months;

(d) Medical or psychological evaluations showing an inability to handle money;

(e) Persons having had an ADATSA assessment and who are participating in ADATSA-funded chemical dependency treatment;

(f) Not paying an in home child care provider for services when payment has been issued to the client by the department for that purpose;

(g) A complaint from businesses showing a pattern of failure to pay bills or rent;

(h) Using public assistance electronic benefits transfer (EBT) card or cash obtained through EBT to purchase or pay for lottery tickets, pari-mutuel wagering, or any of the activities authorized under chapter 9.46 RCW.

(2) A lack of money or a temporary shortage of money because of an emergency does not constitute mismanagement.

(3) When a client has a history of mismanaging money, benefits can be paid through a protective payee or directly to a vendor.

NEW SECTION

WAC 388-460-0040 When is a protective payee assigned to TANF/SFA pregnant or parenting minors? Pregnant or parenting minors who are not emancipated under court order must be assigned to protective payees if the clients are:

(1) Head of a household;

(2) Under age eighteen;

(3) Unmarried; and

(4) Pregnant or have a dependent child.

NEW SECTION

WAC 388-460-0045 Are clients in WorkFirst sanction status assigned protective payees? (1) Clients in sanction status for noncooperation or nonparticipation in WorkFirst work activities are assigned to protective payees following the rules in WAC 388-310-1600 and 388-310-1650.

(2) Clients in sanction status remain in protective payee status until they cooperate with WorkFirst and the sanction is removed, as long as they are receiving assistance.

NEW SECTION

WAC 388-460-0050 When is a client transferred from a protective payee to guardianship? (1) In emergency cases where a person is physically or mentally unable to manage their own funds, the client is referred to other divisions of the department for full care, including guardianship.

(2) In cases where a child is eligible for TANF/SFA and the caretaker relative does not use the benefits for adequate care of the child, the case can be referred to the attorney general to establish a limited guardianship.

(3) Guardianships are used only if it appears there is a need for services that are expected to last longer than two years.

(4) These guardianships are limited to management of DSHS benefits.

(5) The protective payee plan is changed if a guardian is appointed. The guardian is designated as the payee.

NEW SECTION

WAC 388-460-0055 What are the protective payee's responsibilities? The protective payee's responsibilities are to:

(1) Manage client cash and child care assistance benefits to pay bills for basic needs, such as housing and utilities, or as directed in the protective payee plans;

(2) Provide money management for client if this item is included in the protective payee plans;

(3) Encourage clients to comply with WorkFirst and other program requirements, such as getting a job or attending school; and

(4) Provide reports to the department on client progress.

NEW SECTION

WAC 388-460-0060 When are protective payee plans done? A protective payee plan may be developed when a case is assigned to a protective payee.

- (1) A copy of the plan is provided to the protective payee and the client.
- (2) All cases must be reviewed:
 - (a) After an initial three-month period; and
 - (b) At least every six months beyond the initial period for on going cases.
- (3) Reviews include evaluation of:
 - (a) The need for the client to continue in protective payee status; or
 - (b) The need to change the plan; or
 - (c) The client's potential to assume control of their funds (or be removed from protective payee status); and
 - (d) Protective payee performance.

NEW SECTION

WAC 388-460-0065 When is the protective payee status ended and how is a protective payee changed? A client may be removed from a protective payee status when a:

- (1) Protective payee requests the client be reassigned;
 - (2) The department assigns a different protective payee;
- or
- (3) Protective payee is no longer required.

NEW SECTION

WAC 388-460-0070 What are your fair hearing rights regarding protective payment? You have the right for a fair hearing if you disagree with the department's decision to:

- (1) Assign payment of benefits through a protective payee,
- (2) Continue the assignment,
- (3) Change the protective payee selected for you, or
- (4) Change the contents of your protective payee plan.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-265-1150	Protective payee—General information.
WAC 388-265-1155	Protective payee selection.
WAC 388-265-1200	Emergency and temporary protective payees (TANF/SFA).
WAC 388-265-1250	Protective payee or vendor payment due to mismanagement of money.
WAC 388-265-1275	Assigning TANF/SFA or GA pregnant or parenting minors to protective payee.

WAC 388-265-1300	Assigning TANF/SFA clients sanctioned for noncooperation or nonparticipation with WorkFirst activities to protective payees.
WAC 388-265-1375	Transfer from protective payees to guardianship.
WAC 388-265-1450	Protective payee responsibility and fees.
WAC 388-265-1500	Protective payee plans.
WAC 388-265-1600	Ending protective payee status and changing payees.
WAC 388-265-1650	Your fair hearing rights regarding protective payment.

WSR 02-14-084
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed June 28, 2002, 4:13 p.m.]

Date of Adoption: June 27, 2002.

Purpose: The Division of Employment and Assistance Programs is adopting this new rule to create a child safety net payment status for clients who are in sanction for not meeting WorkFirst program requirements and have surpassed the sixty month time limit for TANF/SFA (temporary assistance to needy families/state financial assistance).

New WAC 388-310-1650 WorkFirst—Child safety net payments.

Statutory Authority for Adoption: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050.

Adopted under notice filed as WSR 02-10-076 on April 26, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 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.

PERMANENT

Effective Date of Rule: Thirty-one days after filing.
 June 27, 2002
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

NEW SECTION

WAC 388-310-1650 WorkFirst—Child SafetyNet Payments. (1) What is a Child SafetyNet Payment?

A Child SafetyNet Payment (CSNP) is a TANF/SFA time limit extension to maintain housing and basic utilities and other verified needs of the children in your household. (See WAC 388-484-0006.) Your family will get a Child SafetyNet Payment extension instead of a regular TANF/SFA time limit extension if:

- (a) You or another adult in your household has been getting TANF/SFA for more than sixty months; and
- (b) Someone in your household is in sanction status because they are not exempt (see WAC 388-310-0300 and 388-310-0350) and have refused to do WorkFirst requirements without a good reason. We will not place you into CSNP status unless we first offered you the opportunity to talk about the proposed sanction as required by WAC 388-310-1600(2) and gave you notice that we did not think you had a good reason for failing to meet WorkFirst requirements as required by WAC 388-310-1600(4).

(2) How will I know if my family will be getting a Child SafetyNet Payment?

We will send you a letter that tells:

- (a) What caused your household to go into sanction status;
- (b) When your Child SafetyNet Payments will start;
- (c) How to request a fair hearing if you disagree with the decision; and
- (d) How to become qualified for regular TANF/SFA time limit extension benefits.

(3) Are there penalties when my household gets a Child SafetyNet Payment?

- (a) When your household gets a Child SafetyNet Payment:
 - (i) We reduce your grant by forty percent or the noncompliant person's share, whichever is more; and
 - (ii) Send your family's CSNP to a protective payee.
- (b) The protective payee can only pay your verified rent and utility costs with your CSNP and will spend anything left over to pay your children's expenses (like clothing, diapers, toiletries, school supplies or other school-related costs).
- (c) The Child SafetyNet Payment is cash assistance and if you get more than you are eligible to get, then we can recover the amount we overpaid you under chapter 388-410 WAC.

(4) How do I end the penalties and get out of CSNP status?

To stop the penalties and get out of CSNP status, you must:

- (a) Prove that you have been doing your WorkFirst requirements for one full month; or
- (b) Prove that you had a good reason not to do your required activities (see WAC 388-310-1600(3)); or

(c) Become exempt from WorkFirst requirements (see WAC 388-310-0350).

(5) What happens when I leave CSNP status?

Once you leave CSNP status:

(a) All your penalties will end if you proved that you had a good reason not to do your WorkFirst requirements or you became exempt; or

(b) You will go into level three of sanction status described in WAC 388-310-1600(6). Your grant will be sent to a protective payee and reduced by forty percent or the non-compliant person's share, whichever is more.

(c) The level three sanction penalties will end after you do all your WorkFirst requirements for four weeks in a row.

(6) What if I reapply for TANF or SFA and my family was in CSNP status a when my case closed?

If your case closes while you are in CSNP status, you will go back into CSNP status when your grant is reopened.

WSR 02-14-085
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed June 28, 2002, 4:15 p.m.]

Date of Adoption: June 27, 2002.

Purpose: The Division of Child Care and Early Learning is amending these rules to change references to the criminal history rules in chapter 388-06 WAC. The former background check chapter 388-330 WAC has been repealed and the new chapter 388-06 WAC has been adopted. These sections were also rewritten, without changing policy, to make them easier to read and understand.

Citation of Existing Rules Affected by this Order: Amending WAC 388-150-090, 388-151-090, and 388-155-090.

Statutory Authority for Adoption: Chapter 74.120 RCW, RCW 74.12.340, and 74.15.030.

Adopted under notice filed as WSR 02-10-092 on April 29, 2002.

Changes Other than Editing from Proposed to Adopted Version: As a result of comments, we are restoring exception language that was inadvertently deleted in the rules as proposed in WSR 02-10-092. This exception will be restored in respective subsections of WAC 388-150-090 (3)(c), 388-151-090 (3)(c), and 388-155-090 (3)(c). The restored exception language states: "The exception: If you can demonstrate by clear and convincing evidence that you have taken enough corrective action or rehabilitation to justify the public trust and to operate the center according to the rules of this chapter, we may issue you a license."

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.

PERMANENT

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 27, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3974, filed 4/26/96, effective 5/27/96)

WAC 388-150-090 When can my license ((denial, suspension, or revocation.)) application be denied and when can my license be suspended or revoked? (1) ~~((Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:~~

~~(a) Shall consider the persons' qualifications separately and jointly; and~~

~~(b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.~~

~~(2) The department shall deny, suspend, revoke, or not renew the license of a person who:~~

~~(a) Has abused, neglected, or sexually exploited a child as those acts or omissions are defined in RCW 26.44.020 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;~~

~~(b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;~~

~~(c) Engages in illegal use of a drug or excessive use of alcohol;~~

~~(d) Commits, permits, aids, or abets the commission of an illegal act on the premises;~~

~~(e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;~~

~~(f) Refuses to permit an authorized representative of the department, state fire marshal, state auditor's office, or department of health to inspect the premises; or~~

~~(g) Refuses to permit an authorized representative of the department, the department of health, or state auditor's office access to records related to operation of the center or to interview staff or a child in care.~~

~~(3) The department may deny, suspend, revoke, or not renew a license of a person who:~~

~~(a) Seeks to obtain or retain a license by fraudulent means or misrepresentation, including, but not limited to:~~

~~(i) Making a materially false statement on the application; or~~

~~(ii) Omitting material information on the application.~~

~~(b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;~~

~~(c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;~~

~~(d) Violates any condition or limitation on licensure including, but not limited to:~~

~~(i) Permitting more children on the premises than the number for which the center is licensed; or~~

~~(ii) Permitting on the premises a child of an age different from the ages for which the center is licensed.~~

~~(e) Fails to provide adequate supervision to a child in care;~~

~~(f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the center;~~

~~(g) Misappropriates property of a child in care;~~

~~(h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;~~

~~(i) Refuses or fails to supply necessary, additional department requested information; or~~

~~(j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.~~

~~(4) The department shall not issue a license to a person who has had denied, suspended, revoked, or not renewed a license to operate a facility for the care of children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the center in accordance with the rules of this chapter.~~

~~(5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing is governed under RCW 43.20A.205)) We must deny your license application, or suspend or revoke your license if you do not meet the requirements outlined this chapter.~~

~~(2) If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility, we will consider qualifications separately and together. We may deny your license application, or suspend or revoke your license if one person fails to meet the minimum licensing requirements.~~

~~(3) We must deny, suspend, or revoke your license if you:~~

~~(a) Have been found to have abused, neglected, or sexually exploited a child as defined in chapter 26.44 RCW and WAC 388-15-130;~~

~~(b) Have a disqualifying criminal history as listed in chapter 388-06 WAC;~~

~~(c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state. The exception: If you can demonstrate by clear and convincing evidence that you have taken enough correction action or rehabilitation to justify the public trust and to operate the center according to the rules of this chapter, we may issue you a license;~~

(d) Commit or allow an illegal act on the licensed premises;

(e) Allow a child in your care to be abused, neglected, exploited, or treated with cruelty or indifference;

(f) Use illegal drugs, or use alcohol excessively;

(g) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office to inspect the premises; or

(h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office access to records related to the center's operation or to interview staff or a child in care.

(4) We may deny, suspend, or revoke your license if you:

(a) Try to get a license by deceitful means, such as making false statements or leaving out important information on your application;

(b) Do not provide enough staff in relation to the numbers, ages, or characteristics of children in care;

(c) Allow a person who is not qualified by training, experience or temperament to care for or be in contact with a child in care;

(d) Fail to provide adequate supervision to a child in care;

(e) Are not able to exercise fiscal responsibility and accountability while operating the center;

(f) Knowingly allow an employee or volunteer on the premises who has made false statements on an application for employment or volunteer service;

(g) Refuse to supply additional information reasonably requested by the department; or

(h) Fail to comply with the minimum licensing requirements set forth in this chapter or any provision of chapter 74.15 RCW.

AMENDATORY SECTION (Amending WSR 01-02-031, filed 12/22/00, effective 1/22/01)

WAC 388-151-090 ((How may the department deny, suspend, or revoke)) When can my license(?) application be denied and when can my license be suspended or revoked? (1) ((Before granting a license and as a condition for continuance of a license, the department must consider your ability to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

(a) Must consider the applicants' or the licensees' qualifications separately and jointly; and

(b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements of chapter 74.15 RCW and this chapter.

(2) The department must deny, suspend, revoke, or not renew the license of a person who:

(a) Has abused, neglected, or sexually exploited a child as those acts or omissions are defined in RCW 26.44.020 and chapter 388-15 WAC;

(b) Is ineligible to provide care because the person has a criminal history as described in chapter 388-330 WAC;

(c) Allows a person meeting the conditions of (a) or (b) of this subsection on the premises;

~~(d) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;~~

~~(e) Engages in illegal use of a drug or excessive use of alcohol;~~

~~(f) Commits, permits, aids, or abets the commission of an illegal act on the premises;~~

~~(g) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care of a child in care;~~

~~(h) Refuses to permit an authorized representative of the department, state fire marshal's office, or department of health to inspect the premises; or~~

~~(i) Refuses to permit an authorized representative of the department or the department of health access to records related to operation of the center or to interview staff or a child in care.~~

~~(3) The department may deny, suspend, revoke, or not renew a license of a person who:~~

~~(a) Seeks to obtain or retain a license by fraudulent means or misrepresentation including, but not limited to:~~

~~(i) Making a materially false statement on the application; or~~

~~(ii) Omitting material information on the application.~~

~~(b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;~~

~~(c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;~~

~~(d) Violates any condition or limitation on licensure including, but not limited to:~~

~~(i) Permitting more children on the premises than the number for which the department licensed the center; or~~

~~(ii) Permitting a child of a different age from the ages for which the department licensed the center to be on the premises.~~

~~(e) Fails to provide adequate supervision to a child in care;~~

~~(f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the center;~~

~~(g) Misappropriates property of a child in care;~~

~~(h) Knowingly permits an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service to be on the premises;~~

~~(i) Refuses or fails to supply necessary, additional department requested information; or~~

~~(j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.~~

~~(4) The department must not issue a license to a person who has been denied a license, or has had a license to operate a facility for the care of children or adults suspended, revoked, or not renewed, either in this state or another state. Exception: If the person demonstrates by clear, cogent, and convincing evidence that the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the center in accordance with the rules of this chapter, the department may issue a license to that person.~~

~~(5) RCW 43.20.205 governs the department's notice of a denial, revocation, suspension, or modification of a license and your right to a hearing)) We must deny your license~~

application, or suspend or revoke your license if you do not meet the requirements outlined this chapter.

(2) If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility, we will consider qualifications separately and together. We may deny your license application, or suspend or revoke your license if one person fails to meet the minimum licensing requirements.

(3) We must deny, suspend, or revoke your license if you:

(a) Have been found to have abused, neglected, or sexually exploited a child as defined in chapter 26.44 RCW and WAC 388-15-130;

(b) Have a disqualifying criminal history as listed in chapter 388-06 WAC;

(c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state. The exception: If you can demonstrate by clear and convincing evidence that you have taken enough correction action or rehabilitation to justify the public trust and to operate the center according to the rules of this chapter, we may issue you a license;

(d) Commit or allow an illegal act on the licensed premises;

(e) Allow a child in your care to be abused, neglected, exploited, or treated with cruelty or indifference;

(f) Use illegal drugs, or use alcohol excessively;

(g) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office to inspect the premises; or

(h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office access to records related to the center's operation or to interview staff or a child in care.

(4) We may deny, suspend, or revoke your license if you:

(a) Try to get a license by deceitful means, such as making false statements or leaving out important information on your application;

(b) Do not provide enough staff in relation to the numbers, ages, or characteristics of children in care;

(c) Allow a person who is not qualified by training, experience or temperament to care for or be in contact with a child in care;

(d) Fail to provide adequate supervision to a child in care;

(e) Are not able to exercise fiscal responsibility and accountability while operating the center;

(f) Knowingly allow an employee or volunteer on the premises who has made false statements on an application for employment or volunteer service;

(g) Refuse to supply additional information reasonably requested by the department; or

(h) Fail to comply with the minimum licensing requirements set forth in this chapter or any provision of chapter 74.15 RCW.

AMENDATORY SECTION (Amending WSR 01-17-084, filed 8/16/01, effective 9/16/01)

WAC 388-155-090 ~~When can my license ((denial, suspension, or revocation.)) application be denied and when can my license be suspended or revoked?~~ (1) ((Before granting a license and as a condition for continuance of a license, the department must consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

(a) Must consider the persons' qualifications separately and jointly; and

(b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.

(2) The department must deny, suspend, revoke, or not renew the license of a person who:

(a) Has abused, neglected, or sexually exploited a child as those acts or omissions are defined in RCW 26.44.020 and WAC 388-15-130, is ineligible to provide care because of a criminal history under chapter 388-330 WAC, or allows such a person on the premises;

(b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;

(c) Engages in illegal use of a drug or excessive use of alcohol;

(d) Commits, permits, aids, or abets the commission of an illegal act on the premises;

(e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;

(f) Refuses to permit an authorized representative of the department, state fire marshal, department of health, or state auditor's office to inspect the premises; or

(g) Refuses to permit an authorized representative of the department, the department of health, or the state auditor's office access to records related to operation of the home or to interview an assistant or a child in care.

(3) The department may deny, suspend, revoke, or not renew a license of a person who:

(a) Seeks to obtain or retain a license by fraudulent means or misrepresentation, including, but not limited to:

(i) Making a materially false statement on the application; or

(ii) Omitting material information on the application.

(b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;

(c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;

(d) Violates any condition or limitation on licensure including, but not limited to:

(i) Permitting more children on the premises than the number for which the home is licensed; or

(ii) Permitting on the premises a child of an age different from the ages for which the home is licensed.

(e) Fails to provide adequate supervision to a child in care;

(f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the home;

(g) Misappropriates property of a child in care;

(h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;

(i) Refuses or fails to supply necessary, additional department requested information; or

(j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.

(4) The department must not issue a license to a person who has had denied, suspended, revoked, or not renewed a license to operate a facility for the care of children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the home in accordance with the rules of this chapter.

(5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's or licensee's right to a hearing must be governed under RCW 43.20A.205)) We must deny your license application, or suspend or revoke your license if you do not meet the requirements outlined this chapter.

(2) If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility, we will consider qualifications separately and together. We may deny your license application, or suspend or revoke your license if one person fails to meet the minimum licensing requirements.

(3) We must deny, suspend, or revoke your license if you:

(a) Have been found to have abused, neglected, or sexually exploited a child as defined in chapter 26.44 RCW and WAC 388-15-130;

(b) Have a disqualifying criminal history as listed in chapter 388-06 WAC;

(c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state. The exception: If you can demonstrate by clear and convincing evidence that you have taken enough correction action or rehabilitation to justify the public trust and to operate the center according to the rules of this chapter, we may issue you a license;

(d) Commit or allow an illegal act on the licensed premises;

(e) Allow a child in your care to be abused, neglected, exploited, or treated with cruelty or indifference;

(f) Use illegal drugs, or use alcohol excessively;

(g) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office to inspect the premises; or

(h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office access to records related to the center's operation or to interview staff or a child in care.

(4) We may deny, suspend, or revoke your license if you:

(a) Try to get a license by deceitful means, such as making false statements or leaving out important information on your application;

(b) Do not provide enough staff in relation to the numbers, ages, or characteristics of children in care;

(c) Allow a person who is not qualified by training, experience or temperament to care for or be in contact with a child in care;

(d) Fail to provide adequate supervision to a child in care;

(e) Are not able to exercise fiscal responsibility and accountability while operating the center;

(f) Knowingly allow an employee or volunteer on the premises who has made false statements on an application for employment or volunteer service;

(g) Refuse to supply additional information reasonably requested by the department; or

(h) Fail to comply with the minimum licensing requirements set forth in this chapter or any provision of chapter 74.15 RCW.

WSR 02-14-086

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 28, 2002, 4:17 p.m., effective July 1, 2002]

Date of Adoption: June 28, 2002.

Purpose: The purpose of this rule is to explain how we treat the income of people who cannot receive assistance because of their alien status.

Citation of Existing Rules Affected by this Order: Amending WAC 388-418-0020 and 388-458-0030.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.057, and 74.04.510.

Adopted under notice filed as WSR 02-10-093 on April 29, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This WAC change is necessary to comply with a federal rule change. Immediate implementation of these rules is neces-

sary in order to comply with federal regulation 7 C.F.R. 273.12. The earlier effective date is necessary because of imminent peril to the public health, safety or welfare. If these rules do not go into effect, it could result in the denial or miscalculation of benefits to needy clients.

Effective Date of Rule: July 1, 2002.

June 28, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-23-034, filed 11/10/99, effective 1/1/00)

WAC 388-418-0020 How does the department ~~((determines))~~ determine the date a change affects ~~((the benefit amount))~~ my benefits? (1) Unless otherwise specified, the rules in this chapter refer to cash, food and medical assistance benefits.

(2) When a change causes an increase in benefits, the client must provide proof of the change before we adjust the benefit amount.

(a) ~~((The change affects the next month after the change is reported if the client provides verification))~~ If you give us the proof within ten days from the date we ~~((request verification))~~ requested it, we increase your benefits starting the month after the month you reported the change.

(b) ~~((The change affects the next month after the verification is received if the client provides verification after))~~ If you give us the proof more than ten days ~~((from))~~ after the date we ~~((request verification))~~ requested it, we increase your benefits starting the month after the month we got the proof.

(c) ~~((When the client is))~~ If you are entitled to ~~((receive additional))~~ get more benefits ~~((, the department))~~ and we have already sent you benefits for that month, we must send ~~((the additional amount))~~ them to you within ten days of the day ~~((the client provides requested verification))~~ we got the proof.

(3) When a change causes a decrease in benefits, we change your benefit amount before we ask for proof:

(a) ~~((the client reports))~~ you report the change within the time limits in WAC ~~((388-418-0005, the change affects))~~ 388-418-0007, we decrease your benefits starting the first month following the advance notice period. The advance notice period:

(i) Begins on the day we send ~~((the client a notice))~~ you a letter about the change, and

(ii) Is determined according to the rules in WAC 388-458-0010.

(b) If ~~((the client fails to))~~ you do not report the change within the time limits in WAC ~~((388-418-0005))~~ 388-418-0007:

(i) ~~((The change affects the first month following the day the advance notice period would end if the client))~~ We figure out the effective date as if you had reported ~~((the change))~~ it on time ~~((, allowing))~~. This includes:

(A) Ten days for ~~((the client))~~ you to report the change, and

(B) Ten days for the advance notice period to begin, if required under chapter 388-458 WAC.

~~((We continue assistance unchanged through the advance notice period when the advance notice period ends later than))~~ If the effective date ~~((~~

~~((iii))~~ should have been a past month:

(A) We establish an overpayment claim according to the rules in chapter 388-410 WAC ~~((when benefits continue beyond the effective date.~~

~~((4))~~ for all the appropriate months; and

(B) Decrease your benefits starting the following month.

~~((ii))~~ We establish an overpayment claim and decrease your benefits starting the month after next when:

(A) The effective date should have been next month; and

(B) It is less than ten days away; and

(C) We were supposed to give you ten days notice.

~~((iv))~~ If the effective date should have been next month or the following month and we have time to give you ten-days notice, we decrease your benefits starting that month.

~~((c))~~ We have until your next recertification/eligibility review to ask for proof.

~~((4))~~ If we are not sure how the change will affect your benefits, we send you a letter as described in WAC 388-458-0020 requesting information from you.

~~((a))~~ We give you ten days to provide the information. If you need more time, you can ask for it.

~~((b))~~ If you do not give us the information in time, we will stop your benefits after giving you advance notice, if required, as described in WAC 388-458-0030.

(5) Within ten days of the day we learn about a change, ~~((the department))~~ we:

(a) ~~((Sends))~~ Send advance notice according to the rules in chapter 388-458 WAC; and

(b) ~~((Takes))~~ Take necessary action to correct the benefit. We wait to take action on a change ~~((is delayed when the client requests))~~ if you request a hearing about a proposed decrease in benefits before the effective date or within the advance notice period as described in WAC 388-458-0040.

~~((5))~~ ~~((6))~~ When ~~((the client requests))~~ you request a hearing and get continued benefits:

(a) ~~((The department continues))~~ We keep giving you the same benefits ~~((received prior to))~~ you got before the advance notice of reduction until the earliest of the following events occur:

(i) For food assistance only, ~~((the client's))~~ your certification period expires;

(ii) The end of the month the fair hearing decision is mailed;

(iii) ~~((The client states))~~ You state in writing that ~~((the assistance unit does))~~ you do not want continued benefits;

(iv) ~~((The client withdraws the))~~ You withdraw your fair hearing request in writing; or

(v) ~~((The client abandons the))~~ You abandon your fair hearing request; or

(vi) An administrative law judge issues a written order that ends continued benefits prior to the fair hearing.

(b) ~~((The department establishes))~~ We establish an overpayment claim according to the rules in chapter 388-410 WAC when the hearing decision agrees with the ~~((department's))~~ action we took.

~~((6))~~ ~~((7))~~ Some changes have a specific effective date as follows:

(a) When cash assistance benefits increase because a person is added to ~~((the))~~ your assistance unit, we use the effective date rules for applications in WAC 388-406-0055.

(b) When cash assistance benefits increase because ~~((the household becomes eligible for a higher payment standard))~~ you start paying shelter costs, we use the date the change occurred.

(c) When a change in law or regulation changes the benefit amount, we use the date specified by the law or regulation.

(d) When institutional medical assistance participation changes, we calculate the new participation amount beginning with the month ~~((the))~~ your income or allowable expense changes.

AMENDATORY SECTION (Amending WSR 01-16-087, filed 7/25/01, effective 9/1/01)

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) We got returned mail from the post office that says you have moved and we do not have a forwarding address; or

(f) 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.

WSR 02-14-087
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed June 28, 2002, 4:19 p.m.]

Date of Adoption: June 27, 2002.

Purpose: The Division of Employment and Assistance Programs is adopting these amendments to comply with HB 1144, allowing WorkFirst recipient a one-time only exemption from full-time participation for a parent with a child age four months to twelve months. The exemption requires only part-time program participation up to twenty hours.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-0300 and 388-310-1450.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050.

Adopted under notice filed as WSR 02-10-138 on May 1, 2002.

Changes Other than Editing from Proposed to Adopted Version: As a result of internal comments, subsection [(1)](a) of WAC 388-310-0300 is revised to keep language consistent throughout the rule. It now reads "personally provide care for your child under four months of age."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 27, 2002.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-06-062, filed 3/1/00, effective 3/1/00)

WAC 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants. (1) **If I am a mandatory participant, when can I be exempted from participating in WorkFirst activities?**

(a) You can claim an exemption from participating in WorkFirst activities during months that you are needed in the home to personally provide care for your child ~~((three))~~ four months of age.

(b) You or the other parent of your child, living in your household can claim a one-time exemption from full-time participation, for one child only, if that child is between the age of four months and up to twelve months old. This means the parent who claims this exemption will only be required to participate part-time, up to twenty hours in certain activities described in WAC 388-310-1450.

(2) **Can I participate in WorkFirst while I am exempt?**

(a) You may choose to participate in WorkFirst while you are exempt with a child under four months old. If you decide later to stop participating, and you still qualify for an exemption, you will be put back into exempt status with no financial penalty. For a description of participation activities see WAC 388-310-1450.

(b) You may choose to participate full time while you are taking your one-time/part-time exemption. If you decide later to stop participating full-time, and you still qualify for the part-time exemption, you will be put back into part-time exempt status with no financial penalty. For a description of participation activities see WAC 388-310-1450.

(3) Does an exemption from participation affect my sixty-month time limit for receiving TANF or SFA benefits?

An exemption from participation does not affect your sixty-month time limit for receiving TANF or SFA benefits (described in WAC 388-484-0005). Even if exempt from participation, each month you receive a TANF/SFA grant counts toward your sixty-month limit.

AMENDATORY SECTION (Amending WSR 00-06-062, filed 3/1/00, effective 3/1/00)

WAC 388-310-1450 Pregnancy to employment. (1) How do I know if I am eligible to participate in ((the)) pregnancy to employment ((pathway))?

If you are on TANF and are pregnant or have a child under the age of twelve months, you are a participant in the pregnancy to employment pathway.

(2) What am I required to do while I am in ((the)) pregnancy to employment ((pathway))?

You will receive an assessment from a DSHS social worker. Based on the results of the assessment you receive as a pregnancy to employment participant, you and your case manager/social worker will decide ((if)) how you will be required to(:

(a) Work; or

(b) Look for work; and/or

(c) participate ((in a combination of pregnancy to employment services)) and which activities best meet your needs. The activities you are required to do will depend on where you are in the pregnancy or the age of your child.

(3) What am I required to do while I am pregnant?

(a) In the first and second trimester of pregnancy: Your participation is based upon the results of the assessment you receive and includes work, looking for work or a combination of pregnancy to employment services. You will be required to participate full-time during the first two trimesters of pregnancy unless you have a good reason to participate fewer hours (see WAC 388-310-1600).

(b) In the third trimester of pregnancy: Your participation is voluntary and may include meeting your medical needs.

(4) What am I required to do after my child is born?

You are exempt from participation after the birth of your child and until your child reaches the age of four months. You may volunteer to participate in WorkFirst activities while you are exempt (see WAC 388-310-0300).

(5) Do I have to participate full time once my child reaches age four months?

Once your child reaches four months old, you are required to participate full time unless you qualify for the one-time exemption from full-time participation. This exemption is called a part-time exemption and you can only receive it once for one child who is between four and up to twelve months old.

(6) How do I qualify for the part-time exemption?

Effective June 13, 2002, you can be exempt one-time only, from full-time participation, if you have a child age four months to twelve months old.

(7) If I qualify for the part-time exemption, what will I be required to do?

You will have to participate part-time for up to twenty hours per week (per state law) until your child is reaches twelve months old. During this time, you will be required, based upon the results of your assessment, to participate in one or more of the following:

(a) Instruction or training to improve your parenting skills or child well-being (if available);

(b) Pre-employment or job readiness training;

(c) High school completion or GED program;

(d) Volunteer in a child care facility licensed under chapter 74.15 RCW. The child care facility has to agree to accept you as a volunteer; or

(e) Volunteer to participate in job search or work activities full-time or part-time. If you change your mind about job search or work activities you will be required to participate up to twenty hours in one of the required activities listed above.

(8) What if I have used my one-time part-time exemption from full-time participation?

If you have used your one-time, part-time exemption and you have another child, when that child is between four months and twelve months old, you will be required to participate full-time in one or more of the following activities:

(a) Work;

(b) Looking for work; or

(c) Preparing for work by participating in a combination of activities based upon the results of your assessment.

(9) What services are provided in the pregnancy to employment ((pathway))?

This pathway provides you with services, as available within your community, to help you learn how to work while still meeting your child's needs. You and your case manager will decide which of the variety of services you need, such as help finding:

(a) Parenting classes;

(b) Safe and appropriate child care;

(c) Good health care for yourself and your child; and/or

(d) Employment services.

(e) If you are currently employed you will receive the assessment at your next individual responsibility plan review.

((4)) (10) What determines which services I will receive and what my participation will be?

((As a participant in the pregnancy to employment pathway you may receive:))

(a) ~~((A))~~ Your assessment results (see WAC 388-310-0700);

~~((b))~~ determine the services ~~((c))~~, as available within your community ~~((d))~~ based on the results of the assessment; ~~((e))~~, that you will receive;

~~((b))~~ An individual responsibility plan will be developed jointly that reflects participation and services ~~((designed))~~ available to meet your needs and the needs of your child; and

~~((d))~~ ~~((c))~~ Follow up contact every three months to jointly reassess your needs and the services and activities you are participating in, until your child reaches age twelve months.

~~((5))~~ **How much do I have to participate?**

~~((a))~~ Unless a determination of non-participation has been made as described in WAC 388-310-1600, you will be required to participate up to forty hours per week during the first two trimesters of pregnancy. Your participation activity will be determined by the results of your assessment.

~~((b))~~ During the third trimester of pregnancy your participation is voluntary and may include meeting your medical needs.

~~((c))~~ From the birth of your child, until your child reaches three months, you are exempt from participation. You may volunteer to participate.

~~((d))~~ From the third month forward, you will be required to participate part time, twenty hours per week or more, and transition into full time participation, up to forty hours per week, in work, looking for work or preparing for work by the time your child reaches age twelve months. Your participation activity will be determined by the results of your assessment.

~~((6))~~ **(11) Will I be sanctioned if I refuse to participate in pregnancy to employment pathway?**

(a) If you are a pregnant woman in your third trimester of pregnancy or if you have an infant less than three months old you will not be sanctioned for not participating.

(b) If you are in the first two trimesters of your pregnancy or have a child ~~((three))~~ four months of age or older, you are required to participate and are subject to the Work-First sanction rules (see WAC 388-310-1600).

(12) What if I have a child between the ages of four months and twelve months but I have a good reason not to participate?

If you have a good reason not to participate and you claim good cause (WAC 388-310-1600(3)), your needs will be assessed as soon as possible, but no later than ninety days from your request. A good cause determination will establish if you will be required to participate and the types of services that will best meet your needs.

WSR 02-14-091

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed July 1, 2002, 9:15 a.m.]

Date of Adoption: July 1, 2002.

Purpose: To change the name of the Puget Sound Gillnet Salmon Commission (commodity board) to Puget Sound Salmon Commission under chapter 16-585 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 16-585-010 and 16-585-020.

Statutory Authority for Adoption: RCW 15.65.060 and 15.65.180.

Adopted under notice filed as WSR 02-10-121 on May 1, 2002.

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 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 1, 2002

Valoria H. Loveland

Director

**Chapter 16-585 WAC
PUGET SOUND ~~((GILLNET))~~
SALMON COMMISSION**

AMENDATORY SECTION (Amending WSR 95-15-102, filed 7/19/95, effective 8/19/95)

WAC 16-585-010 Definition of terms. For the purpose of this marketing order:

(1) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(2) "Affected area" means Western Washington.

(3) "Affected commodity" means salmon harvested pursuant to Washington, Puget Sound commercial salmon gillnet license or with gear now or hereafter lawfully permitted for use pursuant to Puget Sound commercial salmon gillnet licenses.

(4) "Affected producer" means any person who is a commercial harvester of commercial quantities of salmon taken pursuant to Washington state Puget Sound commercial salmon gillnet license or with gear lawfully permitted for use pursuant to Puget Sound commercial salmon gillnet licenses in the waters of the state of Washington in areas lawfully permitted for such licenses, including in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery.

(5) "Commercial quantity" means any Puget Sound salmon produced by an affected producer which producer

produces an annual quantity greater than zero and sufficient for sale and entry into the stream of commerce for salmon.

(6) "Commission" means the Puget Sound ((gillnet)) salmon commission formed pursuant to this order.

(7) "Department" means the department of agriculture of the state of Washington.

(8) "Director" means the director of agriculture of the state of Washington or the duly appointed representative.

(9) "Fiscal year" means the twelve-month period beginning with January 1 of any year and ending with December 31st, both dates being inclusive.

(10) "Order" means this marketing order.

(11) "Person" means any person, firm, association, or corporation.

(12) "Production area" means the waters of the state of Washington in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery and in which fishing is lawfully permitted pursuant to a Puget Sound commercial salmon gillnet license.

(13) "Puget Sound gillnet salmon" means salmon taken in the waters of the state of Washington in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery, or other lawful area permitted pursuant to Puget Sound commercial salmon gillnet license and taken pursuant to Washington state Puget Sound commercial gillnet license or with gear lawfully permitted for use pursuant to Puget Sound commercial salmon gillnet license.

(14) "Puget Sound ((gillnet)) salmon commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of this marketing order.

(15) "Purchase" means obtain through sale, exchange, barter, or trade.

(16) "Salmon" means Puget Sound salmon and salmon products which have been harvested by affected producers as defined in this marketing order. "Salmon" does not include privately farmed or cultivated salmon or salmon products nor salmon harvested pursuant to license issued by the various Treaty Indian Tribes. Nothing herein shall prevent the board from engaging in cooperative marketing of tribal and non-tribal salmon.

(17) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, whether directly or through agents.

(18) "Handler" or "processor" shall mean those who purchase, process for market, or otherwise obtain from affected producers the affected commodity for further handling or sale in the course of commerce. "Handler" and "processor" includes those who catch and then obtain from themselves, process, or further handle for subsequent direct sale to the public the affected commodity after having themselves produced that commodity as affected producers.

(19) "Process" means to prepare the affected commodity or product therefrom by filleting, heading, gutting, canning, cooking, smoking, fermenting, dehydrating, drying or packaging.

(20) "Affected unit" means one pound landed weight of salmon.

AMENDATORY SECTION (Amending WSR 95-15-102, filed 7/19/95, effective 8/19/95)

WAC 16-585-020 Puget Sound ((gillnet)) salmon commodity board. (1) Administration. The provisions of this marketing order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership. The board shall consist of seven members, six of whom shall be affected producers. The director shall appoint one additional member who is not an affected producer to represent the department and the general public.

(3) Qualifications for board membership. The producer members of the board shall be practical producers of the affected commodity and shall be citizens and residents of this state, over the age of twenty-five years, each of whom is and has been actually engaged in producing such commodity within the state of Washington for a period of five years and has during that period derived a substantial portion of their income therefrom and who is not primarily engaged in business directly as a handler or other dealer. The qualification of members of the board as herein set forth must continue during their terms of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years unless the marketing order is terminated earlier. One-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically as follows: Affected producers shall have positions one through six and, the member appointed by the director shall have position seven.

(c) The term of office for the initial board members shall be as follows:

Positions one and four shall be for one year from the date of first election or until the first subsequent annual election is held.

Positions two and five shall be for two years from the date of first election or until the second subsequent annual election is held.

Positions three and six shall be for three years from the date of first election or until the third subsequent annual election is held.

(5) Nominations for election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation in Western Washington not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting.

Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five affected producers entitled to have participated in said meeting.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers. The notice shall call for nominations in accordance with this marketing order and shall give the final date for filing nominations which shall not be less than twenty days after the notice was mailed.

When only one nominee is nominated for any position on the board the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

(6) Election of board members.

(a) The members of the board shall be elected by secret mail ballot held during the month of February of each year under the supervision of the director. Producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected area defined in this marketing order not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each producer entitled to vote whose name appears upon the list thereof compiled and maintained by the director in accordance with RCW 15.65.200. Any other producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications. Nonreceipt of a ballot by any person entitled to vote shall not invalidate the election of a board member.

(7) Removal of board members. A board member may be removed by a vote of the board if that member fails to attend any three consecutive meetings of the board, duly noticed.

(8) Vacancies prior to election. In the event of a vacancy on the board, the board shall appoint a qualified person to fill the unexpired term.

(9) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(10) Board compensation. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060. A board member may, in the discretion of the board, serve and be compensated as an employee of the commission.

(11) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director;

(b) To elect a chairperson and such other officers as it deems advisable;

(c) To employ and discharge at its discretion such assistance and personnel, including attorneys engaged in private practice of law, subject to the approval and supervision of the attorney general, as the board determines necessary and proper to carry out the purpose of the order and to effectuate the policies of the act;

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses may be paid by check, draft, or voucher in such form and in such manner and upon the signature of such person as the board may prescribe;

(e) To reimburse any applicant who has deposited funds with the director in order to defray the costs of formulating the order;

(f) To establish a fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day;

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, disbursements, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited as provided in the act subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and each member of the board;

(h) To require bond of board members and employees of the board in positions of trust in an amount the board deems necessary. Premiums for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington;

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year;

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters;

(k) To recommend to the director, administrative rules, orders and amendments thereto for the exercise of his or her power in connection with this order;

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of this order and the act, along with the necessary authority and procedure for obtaining such information;

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or this order;

(n) To confer with and cooperate with the legally constituted authorities of other states of the United States for the

purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders;

(o) To authorize the members of the commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined in RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose;

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section;

(q) To sue or be sued;

(r) To borrow money and incur indebtedness.

(12) Procedures for board.

(a) The board shall hold regular meetings, at least semi-annually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual membership meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members.

WSR 02-14-111

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed July 2, 2002, 1:49 p.m.]

Date of Adoption: June 21, 2002.

Purpose: This proposed amendment clarifies that the completion of provisional status under RCW 28A.405.220 is a requirement for admission to a professional certificate program, rather than a certification requirement.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-505 and 180-79A-206.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 02-10-085 on April 29, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 2, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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 Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 27, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 00-03-049, filed 1/14/00, effective 2/14/00)

WAC 180-78A-505 Overview—Professional certificate program. By September 1, 2001, all colleges and universities offering a professional certificate program must be in compliance with the new program standards. To obtain a professional certificate, the residency teacher will need to complete ~~((provisional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school and will need to complete))~~ a state board of education approved professional certificate program collaboratively developed by a college/university and the professional educational advisory board (PEAB). The candidate shall complete provisional status, with a school district under RCW 28A.405.220 or the equivalent with an approved private school, prior to admission to a professional certificate program, excluding the preassessment seminar.

The professional certificate requires successful demonstration of three standards (effective teaching, professional development, and leadership) and ~~((18))~~ 17 criteria, pursuant to WAC 180-78A-540, related to these standards. Wherever appropriate, the residency teacher will need to provide evidence that his/her teaching has had a positive impact on student learning as defined in WAC 180-78A-010(8).

The candidate and college or university shall develop an individual professional growth plan to be reviewed and agreed upon after input from and consultation and collaboration (WAC 180-78A-010(9)) with his/her professional growth team.

The individual professional growth plan will be based on an analysis of the student/learning context in that teacher's assignment and a preassessment of that teacher's ability to demonstrate the standards and criteria set forth in WAC 180-78A-540.

The individual professional growth plan shall include instruction and assistance components for each residency teacher. The instruction and assistance components will be designed to give the residency teacher the necessary knowledge and skills needed to demonstrate successfully the standards and criteria set forth in WAC 180-78A-540.

The final component of the program will be a culminating assessment seminar in which the residency teacher's ability to demonstrate the standards and criteria cited above will be evaluated. These assessments shall include multiple forms of data collected over time, including evidence of positive impact on student learning, where appropriate.

As part of the program development, the college/university and the PEAB shall establish criteria and procedures for determining when the residency teacher has successfully completed the program. When the program administrator has verified to the superintendent of public instruction that the

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candidate has completed the approved program, the state will issue the residency teacher a professional certificate.

Between 1997 and 2000, the state board of education shall approve a number of field tests of the professional certificate programs pursuant to WAC 180-78A-545 through 180-78A-565.

AMENDATORY SECTION (Amending WSR 01-03-153, filed 1/24/01, effective 2/24/01)

WAC 180-79A-206 Academic and experience requirements for certification—Teachers. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC 180-79A-150.

(1) Initial/residency.

Candidates for the initial or residency certificate shall hold an approved baccalaureate degree from a regionally accredited college or university pursuant to WAC 180-79A-030(5).

(2) Continuing.

(a) Candidates who apply for a continuing certificate shall have at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work completed from a regionally accredited institution of higher education subsequent to the conferral of the baccalaureate degree: Provided, That if the individual is pursuing study in a new subject matter area or specialization, lower division (freshmen or sophomore level) credit hours in that subject area or specialization shall be accepted toward continuing certification upon completion of the requirements for an endorsement in that subject area or specialization.

(b) Candidates applying for a continuing certificate prior to September 1, 2000, shall have been granted at least two subject area endorsements.

(c) Candidates who apply for a continuing certificate who have not successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse, must complete the child abuse course work requirement as defined in WAC 180-79A-030(6).

(d) Candidates for continuing teachers' certificates shall provide documentation of one hundred eighty days or full-time equivalent or more satisfactory teaching experience with an authorized employer—i.e., school district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(3) Professional.

(a) Candidates for the professional certificate shall have successfully completed a state board of education approved, professional certificate program, pursuant to WAC 180-78A-500 through 180-78A-540: Provided, That an individual who holds a teaching certificate issued by the National Board for Professional Teaching Standards (NBPTS) shall be deemed to have met the requirement for completion of a professional certificate program, in recognition that NBPTS certification is issued only to individuals who have demonstrated highly advanced skills as a teacher.

(b) Candidates who apply for a professional certificate who have not successfully completed course work or an in-

service program including a minimum of ten clock hours of instruction on issues of abuse, must complete the child abuse course work requirement as defined in WAC 180-79A-030(6).

~~((c) Candidates for professional teachers' certificates shall provide, as a condition for the issuance of a professional certificate, documentation that they have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school.))~~

WSR 02-14-112

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed July 2, 2002, 1:51 p.m.]

Date of Adoption: June 21, 2002.

Purpose: This editorial amendment clarifies that holders of a valid certificate issued by the National Board for Professional Teaching Standards may reinstate a continuing certificate on that basis, as well as maintain the continuing certificate.

Citation of Existing Rules Affected by this Order: Amending WAC 180-85-075.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 02-10-086 on April 29, 2002.

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.

June 27, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 02-04-017, filed 1/24/02, effective 2/24/02)

WAC 180-85-075 Continuing education requirement. Continuing education requirements are as follows:

(1) Each holder of a continuing or a standard certificate affected by this chapter shall be required to complete during a five-year period one hundred fifty continuing education credit hours, as defined in WAC 180-85-030, prior to his or her first lapse date and during each five-year period between subsequent lapse dates as calculated in WAC 180-85-100.

(2) Provided, That each holder of a continuing or a standard certificate affected by this chapter may present a copy of a valid certificate issued by the National Board for Professional Teaching Standards in lieu of the completion of the continuing education credit hours required by ((subsection (1)-of)) this ((section)) chapter.

WSR 02-14-113
PERMANENT RULES
STATE BOARD OF EDUCATION
 [Filed July 2, 2002, 1:53 p.m.]

Date of Adoption: June 21, 2002.

Purpose: Proposed amendments to chapter 180-24 WAC, Remote and necessary small school plants, be adopted on an emergency basis to further identify criteria for granting remote and necessary status for small school plants.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-24-405; and amending WAC 180-24-400, 180-24-410, and 180-24-415.

Statutory Authority for Adoption: Section 502 (i)(e), chapter 6, Laws of 1994.

Adopted under notice filed as WSR 02-10-053 on April 25, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, 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.

June 27, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 95-20-055, filed 10/2/95, effective 11/2/95)

WAC 180-24-400 Remote and necessary small school plants—Purpose and authority. (1) The purpose of WAC 180-24-400 through 180-24-420 is to establish policies and procedures to govern the classification of small school plants as remote and necessary.

(2) The authority for WAC 180-24-400 through 180-24-420 is the state Operating Appropriations Act which allocates funds to school districts for small school plants which have been judged by the state board of education to be remote and necessary.

AMENDATORY SECTION (Amending WSR 97-21-069, filed 10/15/97, effective 11/15/97)

WAC 180-24-410 Remote and necessary small school plants—Criteria. (1) Decisions of the state board of education on granting remote and necessary status to small school plants within school districts shall be based on a finding that granting remote and necessary status is necessary to assure reasonable provision of a basic education program to students, including related services, equipment, materials and supplies.

(2) In making the finding under subsection (1) of this section, the state board of education shall consider, including but not limited to, the factors under (a) through (g) of this subsection. No single factor or combination of factors necessarily warrants granting or denying remote and necessary status. However, it shall be the policy of the state board of education to favor those requests which, in the board's judgment, meet the provisions of this section. "Favor" does not mean that the listed factors are necessarily exclusive. Additional factors and considerations may be included in a particular request. If there is a factual situation that falls outside the scope of all or a portion of the listed factors, the state board may consider the facts and reasons the additional factors or considerations support the request.

(a) The student population to be served at the small school site, must meet the small school funding formula for remote and necessary school plants as provided in the Operating Appropriations Act. The grade span served at the small school site shall include the same levels for eligible students established by the district for other elementary, middle, or high schools of the district, and meet the educational needs of the population served by that small school plant.

(b) Existence of an intact, permanent community which is defined as a geographically site-specific, nontransient group of people. This factor must be met.

(c) Transportation: Travel time to another school in the district, or school in another district, is not less than sixty minutes one way, or international boundary crossing processing time is unpredictable or lengthy or both.

(d) Transportation: Student safety from a small school site in the school district to another school in the district, or school in another district, may be at risk due to the condition of roads or waterways, seasonal weather conditions, or topography.

(e) Operational efficiency: Nonavailability of age appropriate grade level or cooperative programs in other school facilities in the district, or in the next nearest district or districts, or other educational organizations approved or recognized by the state board of education or the superintendent of public instruction.

(3) At its discretion, the state board of education may use as guidance the applicable provisions of WAC 180-24-013, 180-24-016, and 180-24-017.

AMENDATORY SECTION (Amending WSR 97-21-069, filed 10/15/97, effective 11/15/97)

WAC 180-24-415 Remote and necessary small school plants—Review committee. (1) There is hereby established

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by the state board of education a remote and necessary review committee comprised of at least the following five members:

(a) One member of the state board of education selected by the president of the board;

(b) Two staff members from the office of the superintendent of public instruction, one who is knowledgeable about finance issues and one who is knowledgeable about curriculum issues, both selected by the state superintendent;

(c) One school director selected by the Washington State School Directors' Association;

(d) One school district administrator selected by the Washington Association of School Administrators;

(2) Vacancies on the review committee shall be filled by the person or organization responsible for appointments.

(3) At the state board of education's discretion, other members may be added to the review committee.

(4) It is the responsibility of the review committee to receive and review all applications from school districts requesting the state board of education to grant remote and necessary status to a small school plant located in the district. Following the review of applications, the review committee shall recommend to the state board whether such designation should be granted. Recommendations of the review committee shall be advisory only. The final determination rests solely with the state board of education.

(5) Every small school plant with remote and necessary status beginning 1996, shall be reviewed every four years by the review committee and the state board. The review committee shall submit its findings and recommendations to the state board. The review committee may conduct the review on-site, with the number of members participating determined by the committee, or may conduct the review by other means as determined by the committee (~~and with state board approval~~). The state board shall provide to the fiscal committees of the legislature in January of odd-numbered years a list of remote and necessary small school plants.

(6) A small school plant shall lose its remote and necessary status if the number of students exceeds the enrollment requirements set forth in the state Operating Appropriations Act for three consecutive years. The loss of remote and necessary status shall take effect the immediate ensuing school year. (~~If a small school site should lose its remote and necessary status, the local serving school district may continue to maintain and operate the school site. When the enrollment of such small school plant again meets the requirements of the state Operating Appropriations Act, the school district may apply to the state board of education for redesignation as a remote and necessary plant. The small school site's annual average full-time equivalent enrollment, pursuant to the Operating Appropriations Act requirements, shall be met for one full year prior to reapplication.)) If a small school site should lose its remote and necessary status, the local serving school district may continue to maintain and operate the school site. When the enrollment of such small school plant again meets the requirements of the state Operating Appropriations Act, the school district may apply to the state board of education for redesignation as a remote and necessary plant.~~

(7) A small school plant shall lose its remote and necessary status if a local school district closes the small school

plant. If the small school plant is reopened by the district, or a new small school plant is opened, the school district may apply to the state board of education for remote and necessary designation for the small school plant. If such designation is granted, the remote and necessary status shall take effect as determined by the state board of education.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-24-405	Remote and necessary small school plants—Purpose.
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WSR 02-14-125

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed July 2, 2002, 2:13 p.m.]

Date of Adoption: June 21, 2002.

Purpose: Add new sections to chapter 180-52 WAC.

Citation of Existing Rules Affected by this Order:
Amending WAC 180-52-070.

Statutory Authority for Adoption: RCW 28A.200-010(3).

Adopted under notice filed as WSR 02-10-089 on April 29, 2002.

Changes Other than Editing from Proposed to Adopted Version: The word "normed" deleted from the rule language, provides opportunity for parents to contact the State Board of Education (SBE) office to help determine if a test is standardized, and provides a list of examples of standardized achievement tests on the SBE web page.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, 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 27, 2002

Larry Davis

Executive Director

PERMANENT

NEW SECTION**WAC 180-52-070 Approved standardized tests for use by students receiving home-based instruction—**

Examples—Assistance. (1)(a) Pursuant to RCW 28A.200.010(3), the state board of education will provide a list of examples of standardized achievement tests that a parent may use to assess and determine whether their child is making reasonable academic progress.

(b) Tests on the list are approved by the state board of education on the basis that they are standardized achievement tests.

(c) Parents may use a standardized test that does not appear on the list of examples if it has been evaluated by a test evaluation organization recognized by the state board of education and cited on the state board web page.

(d) Parents may contact the state board of education office for assistance in determining if a test of their choosing that is not on the list of examples is standardized.

(2) The list of examples of standardized achievement tests shall be:

(a) Made available on the web page of the state board;

(b) Included in the following publication of the office of the superintendent of public instruction, "*Washington's State Laws Regulating Home-Based Instruction*;" and

(c) Provided on request.

(3) The list of examples of standardized achievement tests on the state board web page may not be changed without prior approval of the state board of education.

WSR 02-14-133**PERMANENT RULES****DEPARTMENT OF REVENUE**

[Filed July 2, 2002, 3:26 p.m.]

Date of Adoption: July 2, 2002.

Purpose: This rule explains the tax-collecting and tax-reporting responsibilities of Indian tribes, enrolled members of Indian tribes, and nonmembers doing business on Indian land with Indians and/or nonenrolled persons. It also explains the tax-collecting and tax-reporting responsibilities of nonmembers doing business with Indians and Indian tribes both on and off Indian land.

Subsection (9)(e) of this rule has been revised to reflect chapter 325, Laws of 2002, which extends liability for the tobacco products tax imposed by chapter 82.26 RCW to persons that handle for sale any tobacco products that are within this state but upon which the tax has not been imposed.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-192 Indians—Indian country.

Statutory Authority for Adoption: RCW 82.32.300.

Adopted under notice filed as WSR 02-10-033 on April 24, 2002.

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.

Effective Date of Rule: Thirty-one days after filing.

July 2, 2002

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 00-24-050A, filed 11/30/00, effective 1/1/01)

WAC 458-20-192 Indians—Indian country. (1)**Introduction.**

(a) Under federal law the state may not tax Indians or Indian tribes in Indian country. In some instances the state's authority to impose tax on a nonmember doing business in Indian country with an Indian or an Indian tribe is also preempted by federal law. This rule only addresses those taxes administered by the department of revenue (department).

(b) The rules of construction used in analyzing the application of tax laws to Indians and nonmembers doing business with Indians are:

(i) Treaties are to be construed in the sense in which they would naturally have been understood by the Indians; and

(ii) Statutes are to be construed liberally in favor of the Indians, with ambiguous provisions interpreted to their benefit.

(c) This rule reflects the harmonizing of federal law, Washington state tax law, and the policies and objectives of the Centennial Accord and the Millennium Agreement. It is consistent with the mission of the department of revenue, which is to achieve equity and fairness in the application of the law.

(d) It is the department's policy and practice to work with individual tribes on a government-to-government basis to discuss and resolve areas of mutual concern.

(2) **Definitions.** The following definitions apply throughout this rule:

(a) "Indian" means a person on the tribal rolls of an Indian tribe. A person on the tribal rolls is also known as an "enrolled member" or a "member" or an "enrolled person" or an "enrollee" or a "tribal member."

(b) "Indian country" has the same meaning as given in 18 U.S.C. 1151 and means:

(i) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights of way running through the reservation;

(ii) All dependent Indian communities within the borders of the United States whether within the original or subse-

quently acquired territory thereof, and whether within or without the limits of a state; and

(iii) All Indian allotments, the Indian titles to which have not been extinguished, including rights of way running through the same.

(c) "Indian tribe" means an Indian nation, tribe, band, community, or other entity recognized as an "Indian tribe" by the United States Department of the Interior. The phrase "federally recognized Indian tribe" and the term "tribe" have the same meaning as "Indian tribe."

(d) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries of areas set aside by the United States for the use and occupancy of Indian tribes by treaty, law, or executive order and that are areas currently recognized as "Indian reservations" by the United States Department of the Interior. The term includes lands within the exterior boundaries of the reservation owned by non-Indians as well as land owned by Indians and Indian tribes and it includes any land that has been designated "reservation" by federal act.

(e) "Nonmember" means a person not on the tribal rolls of the Indian tribe.

(f) "State sales and use tax" includes local sales and use tax.

(3) **Federally recognized Indian tribes.** As of the effective date of this rule there are twenty-eight federally recognized Indian tribes in the state of Washington. You may contact the governor's office of Indian affairs for an up-to-date list of federally recognized Indian tribes in the state of Washington at its website, www.goia.wa.gov or at:

Governor's Office of Indian Affairs
531 15th Ave. S.E.
P.O. Box 40909
Olympia, WA 98504-0909
360-753-2411

(4) **Recordkeeping.** Taxpayers are required to maintain appropriate records on the tax exempt status of transactions. For example, in the case of the refuse collection tax, the refuse collection company must substantiate the tax-exempt status of its customers. This could be done, for example, one of two ways. The tribe can provide the refuse collection company with a list of all of the tribal members living in Indian country or the individual members can provide exemption certificates to the company. A buyer's retail sales tax exemption certificate that can be used for this purpose is located on the department's website (www.dor.wa.gov/forms/other.htm) or may be obtained by contacting the department. The company must then keep the list or the certificates in its files as proof of the tax exempt status of the tribe and its members. Individual businesses may contact the department to determine how best to keep records for specific situations.

(5) **Enrolled Indians in Indian country. Generally.** The state may not tax Indians or Indian tribes in Indian country. For the purposes of this rule, the term "Indian" includes only those persons who are enrolled with the tribe upon whose territory the activity takes place and does not include Indians who are members of other tribes. An enrolled member's spouse is considered an "Indian" for purposes of this rule if this treatment does not conflict with tribal law. This

exclusion from tax includes all taxes (e.g., B&O tax, public utility tax, retail sales tax, use tax, cigarette tax). If the incidence of the tax falls on an Indian or a tribe, the tax is not imposed if the activity takes place in Indian country or the activity is treaty fishing rights related activity (see subsection (6)(b) of this rule). "Incidence" means upon whom the tax falls. For example, the incidence of the retail sales tax is on the buyer.

(a)(i) **Retail sales tax - tangible personal property - delivery threshold.** Retail sales tax is not imposed on sales to Indians if the tangible personal property is delivered to the member or tribe in Indian country or if the sale takes place in Indian country. For example, if the sale to the member takes place at a store located on a reservation, the transaction is automatically exempt from sales tax and there is no reason to establish "delivery."

(ii) **Retail sales tax - services.** The retail sales tax is not imposed if the retail service (e.g., construction services) is performed for the member or tribe in Indian country. In the case of a retail service that is performed both on and off Indian country, only the portion of the contract that relates to work done in Indian country is excluded from tax. The work done for a tribe or Indian outside of Indian country, for example road work that extends outside of Indian country, is subject to retail sales tax.

(b) **Use tax.** Use tax is not imposed when tangible personal property is acquired in Indian country by an Indian or the tribe for at least partial use in Indian country. For purposes of this rule, acquisition in Indian country creates a presumption that the property is acquired for partial use in Indian country.

(c) **Tax collection.** Generally, sales to persons other than Indians are subject to the retail sales tax irrespective of where in this state delivery or rendition of services takes place. Sellers are required to collect and remit to the state the retail sales tax upon each taxable sale made by them to nonmembers in Indian country. A tribe and the department may enter into an agreement covering the collection of state tax by tribal members or the tribe. (See also the discussion regarding preemption of tax in subsection (7) of this rule.)

In order to substantiate the tax-exempt status of a retail sale to a person who is a tribal member, unless the purchaser is personally known to the seller as a member, the seller must require presentation of a tribal membership card or other suitable identification of the purchaser as an enrollee of the Indian tribe. A tribe and the department may enter into an agreement covering identification of enrolled members, in which case the terms of the agreement govern.

A person's tax status under the Revenue Act does not change simply because he or she is making a tax-exempt sale to a tribe or tribal member. For example, a person building a home for a nonmember/consumer is entitled to purchase subcontractor services and materials to be incorporated into the home at wholesale. See RCW 82.04.050. A person building a home for a tribal member/consumer in Indian country is similarly entitled to purchase these services and materials at wholesale. The fact that the constructing of the home for the tribal member/consumer is exempt from retail sales tax has

no impact on the taxability of the purchases of materials, and the materials continue to be purchased for resale.

(d) **Corporations or other entities owned by Indians.** A state chartered corporation comprised solely of Indians is not subject to tax on business conducted in Indian country if all of the owners of the corporation are enrolled members of the tribe except as otherwise provided in this section. The corporation is subject to tax on business conducted outside of Indian country, subject to the exception for treaty fishery activity as explained later in this rule. Similarly, partnerships or other entities comprised solely of enrolled members of a tribe are not subject to tax on business conducted in Indian country. In the event that the composition includes a family member who is not a member of the tribe, for instance a business comprised of a mother who is a member of the Chehalis Tribe and her son who is a member of the Squaxin Island Tribe, together doing business on the Chehalis reservation, the business will be considered as satisfying the "comprised solely" criteria if at least half of the owners are enrolled members of the tribe.

(6) **Indians outside Indian country.**

(a) **Generally.** Except for treaty fishery activity, Indians conducting business outside of Indian country are generally subject to tax (e.g., the B&O, the public utility tax, retail sales tax). Indians or Indian tribes who conduct business outside Indian country must register with the department as required by RCW 82.32.030. (See also WAC 458-20-101 for more registration information.)

(b) **Treaty fishery - preemption.** For the purpose of this rule, "treaty fishery" means the fishing and shellfish rights preserved in a tribe's treaty, a federal executive order, or an act of Congress. It includes activities such as harvesting, processing, transporting, or selling, as well as activities such as management and enforcement.

(i) **Indians - B&O tax.** The gross income directly derived from treaty fishing rights related activity is not subject to state tax. This exclusion from tax is limited to those businesses wholly owned and operated by Indians/tribe who have treaty fishing rights. If a business wholly owned and operated by Indians/tribe deals with both treaty and nontreaty fish, this exclusion from tax is limited to the business attributable to the treaty fish. "Wholly owned and operated" includes entities that meet the qualifications under 26 U.S.C. 7873, which requires that:

(A) Such entity is engaged in a fishing rights-related activity of such tribe;

(B) All of the equity interests in the entity are owned by qualified Indian tribes, members of such tribes, or their spouses;

(C) Except as provided in the code of federal regulations, in the case of an entity which engages to any extent in any substantial processing or transporting of fish, ninety percent or more of the annual gross receipts of the entity is derived from fishing rights-related activities of one or more qualified Indian tribes each of which owns at least ten percent of the equity interests in the entity; and

(D) Substantially all of the management functions of the entity are performed by members of qualified Indian tribes.

(ii) **Indians - sales and use tax.** The retail sales tax and use tax do not apply to the services or tangible personal property for use in the treaty fishery, regardless of where delivery of the item or performance of the service occurs. Gear, such as boats, motors, nets, and clothing, purchased or used by Indians in the treaty fishery is not subject to sales or use tax. Likewise, retail services in respect to property used in the treaty fishery, such as boat or engine repair, are not subject to sales tax.

(iii) **Sales to nonmembers.** Treaty fish and shellfish sold by members of the tribe are not subject to sales tax or use tax, regardless of where the sale takes place due to the sales and use tax exemption for food products.

(iv) **Government-to-government agreement.** A tribe and the department may enter into an agreement covering the treaty fishery and taxable activities of enrolled members, in which case the terms of the agreement govern.

(7) **Nonmembers in Indian country - preemption of state tax.** Generally, a nonenrolled person doing business in Indian country is subject to tax. Unless specifically described as preempted by this rule, the department will review transactions on a case-by-case basis to determine whether tax applies. A nonmember who is not taxable on the basis of preemption should refer to WAC 458-20-101 (tax registration) to determine whether the person must register with the department.

(a) **Preemption of tax on nonmembers - gaming.** Gaming by Indian tribes is regulated by the federal Indian Gaming Regulatory Act. Nonmembers who operate or manage gaming operations for Indian tribes are not subject to tax for business conducted in Indian country. This exclusion from tax applies to taxes imposed on income attributable to the business activity (e.g., the B&O tax), and to sales and use tax on the property used in Indian country to conduct the activity. Sales tax will apply if delivery of property is taken outside of Indian country.

Nonmembers who purchase tangible personal property at a gaming facility are subject to retail sales or use tax, unless:

(i) The item is preempted based on the outcome of the balancing test. For example, depending on the relative state, tribal, and federal interests, tax on food at restaurants or lounges owned and operated by the tribe or a tribal member or sales of member arts and crafts at gift shops might be preempted. See the balancing test discussion in subsection (c) below; or

(ii) The item is purchased for use in the gaming activity at the facility, such as bingo cards or daubers.

(b) **Preemption of B&O and public utility tax - sales of tangible personal property or provision of services by nonmembers in Indian country.** As explained in this subsection, income from sales in Indian country of tangible personal property to, and from the performance of services in Indian country for, tribes and tribal members is not subject to B&O (chapter 82.04 RCW) or public utility tax (chapters 82.16 and 54.28 RCW). The taxpayer is responsible for maintaining suitable records so that the taxpayer and the department can distinguish between taxable and nontaxable activities.

(i) **Sales of tangible personal property.** Income from sales of tangible personal property to the tribe or to tribal members is not subject to B&O tax if the tangible personal property is delivered to the buyer in Indian country and if:

(A) The property is located in Indian country at the time of sale; or

(B) The seller has a branch office, outlet, or place of business in Indian country that is used to receive the order or distribute the property; or

(C) The sale of the property is solicited by the seller while the seller is in Indian country.

(ii) **Provision of services.** Income from the performance of services in Indian country for the tribe or for tribal members is not subject to the B&O or public utility tax. Services performed outside of Indian country are subject to tax. In those instances where services are performed both on and off of Indian country, the activity is subject to state tax to the extent that services are substantially performed outside of Indian country.

(A) It will be presumed that a professional service (e.g., accounting, legal, or dental) is substantially performed outside of Indian country if twenty-five percent or more of the time taken to perform the service occurs outside of Indian country. The portion of income subject to state tax is determined by multiplying the gross receipts from the activity by the quotient of time spent outside of Indian country performing the service divided by total time spent performing the service.

For example, an accountant with an office outside of Indian country provides accounting services to a tribal member. The accountant performs some of the work at the office and some work at the business of the tribal member in Indian country. If at least twenty-five percent of the time performing the work is spent outside of Indian country, the services are substantially performed outside of Indian country and therefore a portion is subject to state tax. As explained above, the accountant must maintain suitable records to distinguish between taxable and nontaxable income in order to provide for a reasonable approximation of the amount of gross income subject to B&O tax. In this case, suitable records could be a log of the time and location of the services performed for the tribal matter by the accountant, his or her employees, and any contractors hired by the accountant.

(B) For services subject to the retailing and/or wholesaling B&O tax (e.g., building, installing, improving, or repairing structures or tangible personal property), the portion of income relative to services actually performed outside of Indian country is subject to state tax.

For example, a contractor enters into a contract with a tribe to install a sewer line that extends off reservation. Only the income attributable to the installation of the portion of the sewer line off reservation is subject to state tax.

(C) For public utility services under chapters 82.16 and 54.28 RCW it will be presumed that the service is provided where the customer receives the service.

(c) **Preemption of tax on nonmembers - balancing test - value generated on the reservation.** In certain instances state sales and use tax may be preempted on nonmembers who purchase goods or services from a tribe or tribal mem-

bers in Indian country. The U.S. supreme court has identified a number of factors to be considered when determining whether a state tax borne by non-Indians is preempted, including: The degree of federal regulation involved, the respective governmental interests of the tribes and states (both regulatory and revenue raising), and the provision of tribal or state services to the party the state seeks to tax. See *Salt River Pima-Maricopa Indian Community v. Waddell*, 50 F.3d 734, (1995). This analysis is known as the "balancing test." This preemption analysis does not extend to subsequent transactions, for example if the purchaser buys for resale the tax imposed on the consumer in the subsequent sale is not preempted. However, because these balancing test determinations are so fact-based, the department will rule on these issues on a case-by-case basis. For such a ruling please contact the department at:

Department of Revenue

Executive

P.O. Box 47454

Olympia, WA 98504-7454

(d) **Federal contractors.** The preemption analysis does not extend to persons who are doing work for the federal government in Indian country. For example, a nonmember doing road construction for the Bureau of Indian Affairs within an Indian reservation is subject to state tax jurisdiction.

(e) **Indian housing authorities.** RCW 35.82.210 provides that the property of housing authorities and the housing authorities themselves are exempt from taxes, such as state and local sales and use taxes, state and local excise taxes, state and local property taxes, and special assessments. This covers tribal housing authorities and intertribal housing authorities both on and off of Indian land. Please note that tribal housing authorities, like all other housing authorities, are exempt from tax anywhere in the state, and the delivery requirement and other geographic thresholds are not applicable.

Not all assessments are exempted under RCW 35.82.210. See *Housing Authority of Sunnyside v. Sunnyside Valley Irrigation District*, 112 Wn2d 262 (1989).

For the purposes of the exemption:

(i) "Intertribal housing authority" means a housing authority created by a consortium of tribal governments to operate and administer housing programs for persons of low income or senior citizens for and on behalf of such tribes.

(ii) "Tribal government" means the governing body of a federally recognized Indian tribe.

(iii) "Tribal housing authority" means the tribal government or an agency or branch of the tribal government that operates and administers housing programs for persons of low income or senior citizens.

(8) **Motor vehicles, trailers, snowmobiles, etc., sold to Indians or Indian tribes.** Sales tax is not imposed when a motor vehicle, trailer, snowmobile, off-road vehicle, or other such property is delivered to an Indian or the tribe in Indian country or if the sale is made in Indian country. Similarly, use tax is not imposed when such an item is acquired in Indian country by an Indian or the tribe for at least partial use in Indian country. For purposes of this rule, acquisition in

Indian country creates a presumption that the property is acquired for partial use in Indian country.

(a) **Registration of vehicle, trailer, etc.** County auditors, subagencies appointed under RCW 46.01.140, and department of licensing vehicle licensing offices must collect use tax when Indians or Indian tribes apply for an original title transaction or transfer of title issued on a vehicle or vessel under chapters 46.09, 46.10, 46.12, or 88.02 RCW unless the tribe/Indian shows that they are not subject to tax. To substantiate that they are not subject to tax the Indian/tribe must show that they previously paid retail sales or use tax on their acquisition or use of the property, or that the property was acquired on or delivered to Indian country. The person claiming the exclusion from tax must sign a declaration of delivery to or acquisition in Indian country. A statement in substantially the following form will be sufficient to establish eligibility for the exclusion from sales and use tax.

(b) **Declaration.**

DECLARATION OF DELIVERY OR ACQUISITION IN INDIAN COUNTRY

The undersigned is (circle one) an enrolled member of the tribe/authorized representative of the tribe or tribal enterprise, and the property was delivered/acquired within Indian country, for at least partial use in Indian country.

name of buyer

date of delivery/acquisition

address of delivery/acquisition

(9) **Miscellaneous taxes.** The state imposes a number of excise taxes in addition to the most common excise taxes administered by the department (e.g., B&O, public utility, retail sales, and use taxes). The following is a brief discussion of some of these taxes.

(a) **Cigarette tax.** The statutory duties applicable to administration and enforcement of the cigarette tax are divided between the department and the liquor control board. Enforcement of nonvoluntary compliance is the responsibility of the liquor control board. Voluntary compliance is the responsibility of the department of revenue. See chapter 82.24 RCW for specific statutory requirements regarding purchase of cigarettes by Indians and Indian tribes. For a specific ruling regarding the taxability of and stamping requirements for cigarettes manufactured by Indians or Indian tribes in Indian country, please contact the department at:

Department of Revenue

Executive

P.O. Box 47454

Olympia, WA 98504-7454

Where sales of cigarettes are the subject of a government-to-government cooperative agreement, the provisions of that agreement supersede conflicting provisions of this subsection.

(i) Sales of cigarettes to nonmembers by Indians or Indian tribes are subject to the cigarette tax. The wholesaler is obligated to make precollection of the tax. Therefore, Indian or tribal sellers making sales to non-Indian customers must (A) purchase a stock of cigarettes with Washington state cigarette tax stamps affixed for the purpose of making such sales or (B) they may make purchases of cigarettes from licensed cigarette distributors for resale to qualified purchasers or (C)

may purchase a stock of untaxed unstamped cigarettes for resale to qualified purchasers if the tribal seller gives advance notice under RCW 82.24.250 and Rule 186.

For purposes of this rule, "qualified purchaser" means an Indian purchasing for resale within Indian country to other Indians or an Indian purchasing solely for his or her use other than for resale.

(ii) Delivery or sale and delivery by any person of stamped exempt cigarettes to Indians or tribal sellers for sale to qualified purchasers may be made only in such quantity as is approved in advance by the department. Approval for delivery will be based upon evidence of a valid purchase order of a quantity reasonably related to the probable demand of qualified purchasers in the trade territory of the seller. Evidence submitted may also consist of verified record of previous sales to qualified purchasers, the probable demand as indicated by average cigarette consumption for the number of qualified purchasers within a reasonable distance of the seller's place of business, records indicating the percentage of such trade that has historically been realized by the seller, or such other statistical evidence submitted in support of the proposed transaction. In the absence of such evidence the department may restrict total deliveries of stamped exempt cigarettes to Indian country or to any Indian or tribal seller thereon to a quantity reasonably equal to the national average cigarette consumption per capita, as compiled for the most recently completed calendar or fiscal year, multiplied by the resident enrolled membership of the affected tribe.

(iii) Any delivery, or attempted delivery, of unstamped cigarettes to an Indian or tribal seller without advance notice to the department will result in the treatment of those cigarettes as contraband and subject to seizure. In addition, the person making or attempting such delivery will be held liable for payment of the cigarette tax and penalties. See chapter 82.24 RCW.

Approval for sale or delivery to Indian or tribal sellers of stamped exempt cigarettes will be denied where the department finds that such Indian or tribal sellers are or have been making sales in violation of this rule.

(iv) Delivery of stamped exempt cigarettes by a licensed distributor to Indians or Indian tribes must be by bonded carrier or the distributor's own vehicle to Indian country. Delivery of stamped exempt cigarettes outside of Indian country at the distributor's dock or place of business or any other location outside of Indian country is prohibited unless the cigarettes are accompanied by an invoice.

(b) **Refuse collection tax.** Indians and Indian tribes are not subject to the refuse collection tax for service provided in Indian country, regardless of whether the refuse collection company hauls the refuse off of Indian country.

(c) **Leasehold excise tax.** Indians and Indian tribes in Indian country are not subject to the leasehold excise tax. Leasehold interests held by nonenrolled persons are subject to tax.

(d) **Fish tax.** Chapter 82.27 RCW imposes a tax on the commercial possession of enhanced food fish, which includes shellfish. The tax is imposed on the fish buyer. The measure of the tax is the value of the enhanced food fish at the point of landing. A credit is allowed against the amount of

tax owed for any tax previously paid on the same food fish to any legally established taxing authority, which includes Indian tribes. Transactions involving treaty fish are not subject to the fish tax, regardless of where the transaction takes place.

(e) **Tobacco tax.** The tobacco tax is imposed on "distributors" as that term is defined in RCW 82.26.010. Tobacco tax is not imposed on Indian persons or tribes (~~who meet the definition of distributor under chapter 82.26 RCW and~~) who take delivery of the tobacco in Indian country. Effective July 1, 2002, persons who handle for sale any tobacco products that are within this state but upon which tax has not been imposed are subject to the tobacco tax. Chapter 325, Laws of 2002. Thus, persons ((who purchase)) purchasing tobacco products for resale from Indians who are exempt from the tobacco tax ((do not in turn become)) are subject to tobacco tax on the product. See WAC 458-20-185, Tax on tobacco products.

(f) **Real estate excise tax.** The real estate excise tax is imposed on the seller. A sale of land located in Indian country by a tribe or a tribal member is not subject to real estate excise tax. A sale of land located within Indian country by a nonmember to the tribe or to a tribal member is subject to real estate excise tax.

(g) **Timber excise tax.** Payment of the timber excise tax is the obligation of the harvester. The tribe or tribal members are not subject to the timber excise tax in Indian country. Generally, timber excise tax is due from a nonmember who harvests timber on fee land within Indian country. Timber excise tax is not due if the timber being harvested is on trust land or is owned by the tribe and located in Indian country, regardless of the identity of the harvester. There are some instances in which the timber excise tax might be preempted on non-Indians harvesting timber on fee land in Indian country due to tribal regulatory authority. For such a ruling please contact the department at:

Department of Revenue
Executive
P.O. Box 47454
Olympia, WA 98504-7454

WSR 02-14-162
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed July 3, 2002, 11:44 a.m.]

Date of Adoption: June 27, 2002.

Purpose: To incorporate into rule the long term acute care (LTAC) program. Adopting new WAC 388-550-2565, 388-550-2570, 388-550-2575, 388-550-2580, 388-550-2585, 388-550-2590, 388-550-2595, and 388-550-2596.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 02-10-113 on April 30, 2002.

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 8, 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 8, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 27, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-550-2565 The long term acute care (LTAC) program—General. The long term acute care (LTAC) program is a twenty-four-hour inpatient comprehensive program of integrated medical and rehabilitative services provided in a medical assistance administration (MAA)-approved LTAC facility during the acute phase of a client's care. MAA requires prior authorization for LTAC stays. See WAC 388-550-2590 for prior authorization requirements.

(1) A facility's multidisciplinary team coordinates individualized LTAC services at an MAA-approved LTAC facility.

(2) MAA determines the authorized length of stay for LTAC services based on the client's need as documented in the client's medical records and the criteria described in WAC 388-550-2590.

(3) When the MAA-authorized length of stay ends, the provider transfers the client to a more appropriate level of care or, if appropriate, discharges the client to the client's residence.

NEW SECTION

WAC 388-550-2570 LTAC program definitions. The following definitions and abbreviations and those found in WAC 388-500-0005 and 388-550-1050 apply to the LTAC program.

"Level 1 services" means long term acute care (LTAC) services provided to clients who require more than eight hours of direct skilled nursing care per day. Level 1 services include one or both of the following:

(1) Active ventilator weaning care and any specialized therapy services, such as physical, occupational, and speech therapies; or

(2) Complex medical care that may include: Care for complex draining wounds, care for central lines, multiple medications, frequent assessments and close monitoring, third degree burns that may involve grafts and/or frequent

transfusions, and specialized therapy services, such as physical, occupational, and speech therapies.

"Level 2 services" means long term acute care (LTAC) services provided to clients who require four to eight hours of direct skilled nursing care per day. Level 2 services include at least two of the following:

- (1) Ventilator care for clients who are stable, dependent on a ventilator, and have complex medical needs;
- (2) Care for clients who have tracheostomies, complex airway management and medical needs, and the potential for decannulation; and
- (3) Specialized therapy services, such as physical, occupational, and speech therapies.

"Long term acute care" means inpatient intensive long term care services provided in MAA-approved LTAC facilities to eligible medical assistance clients who require Level 1 or Level 2 services.

"Survey" or "review" means an inspection conducted by a federal, state, or private agency to evaluate and monitor a facility's compliance with LTAC program requirements.

"Transportation company" means either an MAA-approved transportation broker or a transportation company doing business with MAA.

NEW SECTION

WAC 388-550-2575 Client eligibility requirements for LTAC services. Only a client who is eligible for one of the following programs may receive LTAC services, subject to the restrictions and limitations in WAC 388-550-2565, 388-550-2570, 388-550-2580, 388-550-2585, 388-550-2590, 388-550-2595, 388-550-2596, and other published rules:

- (1) Categorically needy program (CNP);
- (2) CNP - Children's health insurance program (CNP-CHIP);
- (3) Limited casualty program - medically needy program (LCP-MNP);
- (4) CNP - Emergency medical only; or
- (5) LCP-MNP - Emergency medical only.

NEW SECTION

WAC 388-550-2580 Requirements for becoming an LTAC facility. (1) To apply to become an MAA-approved LTAC facility, MAA requires a hospital provider to:

- (a) Submit a letter of request to:
LTAC Program Manager
Division of Medical Management
Medical Assistance Administration
PO Box 45506
Olympia WA 98504-5506; and
- (b) Include documentation that confirms the facility is:
 - (i) Medicare certified for LTAC;
 - (ii) Accredited by the joint commission on accreditation of hospital organizations (JCAHO);
 - (iii) Licensed by the department of health (DOH) as an acute care hospital as defined under WAC 246-310-010; and
 - (iv) Contracted under MAA's selective contracting program, if in a selective contracting area, unless exempted from the requirements by MAA.

(2) The hospital facility qualifies as an MAA-approved LTAC facility when:

- (a) The facility meets all the requirements in this section;
- (b) MAA's clinical staff has conducted a facility site visit; and
- (c) MAA provides written notification that the facility qualifies to be reimbursed for providing LTAC services to eligible medical assistance clients.

(3) MAA-approved LTAC facilities must meet the general requirements in chapter 388-502 WAC, Administration of medical programs Providers.

NEW SECTION

WAC 388-550-2585 LTAC facilities—Quality of care. (1) To ensure quality of care, MAA may conduct post-pay or on-site reviews of any MAA-approved LTAC facility. See WAC 388-502-0240, Audits and the audit appeal process for contractors/providers, for additional information on audits conducted by department staff.

(2) A provider of LTAC services must act on any reports of substandard care or violations of the facility's medical staff bylaws. The provider must have and follow written procedures that provide a resolution to either a complaint or grievance or both.

(3) A complaint or grievance regarding substandard conditions or care may be investigated by any one or more of the following:

- (a) The department of health (DOH);
- (b) The Joint Commission on Accreditation of Hospital Organizations (JCAHO);
- (c) MAA; or
- (d) Other agencies with review authority for MAA programs.

NEW SECTION

WAC 388-550-2590 MAA's prior authorization requirements for Level 1 and Level 2 services. (1) MAA requires prior authorization for Level 1 and Level 2 LTAC inpatient stays. The prior authorization process includes all of the following:

- (a) For an initial thirty-day stay:
 - (i) The client must:
 - (A) Be eligible under one of the programs listed in WAC 388-550-2575;
 - (B) Meet the high cost outlier status at the transferring hospital as described in WAC 388-550-3700; and
 - (C) Require Level 1 or Level 2 services as defined in WAC 388-550-2570.
 - (ii) The LTAC provider of services must:
 - (A) Before admitting the client to the LTAC facility, submit a request for prior authorization to the MAA clinical consultation team by fax, electronic mail, or telephone, as published in MAA's LTAC billing instructions; and
 - (B) Include sufficient medical information to justify the requested initial stay.
- (b) For extensions of stay:
 - (i) The client must:

(A) Be eligible under one of the programs listed in WAC 388-550-2575; and

(B) Require Level 1 or Level 2 services as defined in WAC 388-550-2570.

(ii) The LTAC provider of services must:

(A) Before the client's current authorized period of stay expires, submit a request for the extension of stay to the MAA clinical consultation team by fax, electronic mail, or telephone; and

(B) Include sufficient medical information to justify the requested extension of stay.

(2) The MAA clinical consultation team authorizes, in writing, Level 1 or Level 2 services for initial stays or extensions of stay based on the client's circumstances and the medical justification received. A client who does not agree with a decision regarding a length of stay has a right to a fair hearing under chapter 388-02 WAC. After receiving a request for a fair hearing, MAA may request additional information from the client and the facility, or both. After MAA reviews the available information, the result may be:

(a) A reversal of the initial MAA decision;

(b) Resolution of the client's issue(s); or

(c) A fair hearing conducted per chapter 388-02 WAC.

(3) MAA may authorize administrative day rate reimbursement for a client who:

(a) Does not meet the requirements described in this section;

(b) Is waiting for placement in another facility; or

(c) If appropriate, is waiting to be discharged to the client's residence.

NEW SECTION

WAC 388-550-2595 Identification of and payment methodology for services and equipment included in the LTAC fixed per diem rate. (1) In addition to room and board, the LTAC fixed per diem rate includes, but is not limited to, the following (see MAA's LTAC billing instructions for applicable revenue codes):

(a) Room and board - Rehabilitation;

(b) Room and board - Intensive care;

(c) Medical/surgical supplies and devices;

(d) Laboratory - General;

(e) Laboratory - Chemistry;

(f) Laboratory - Immunology;

(g) Laboratory - Hematology;

(h) Laboratory - Bacteriology and microbiology;

(i) Laboratory - Urology;

(j) Laboratory - Other laboratory services;

(k) Respiratory services;

(l) Physical therapy;

(m) Occupational therapy; and

(n) Speech-language therapy.

(2) MAA pays the LTAC facility the LTAC fixed per diem rate in effect at the time the LTAC services are provided, minus the sum of:

(a) Client liability, whether or not collected by the provider; and

(b) Any amount of coverage from third parties, whether or not collected by the provider, including, but not limited to, coverage from:

(i) Insurers and indemnitors;

(ii) Other federal or state medical care programs;

(iii) Payments made to the provider on behalf of the client by individuals or organizations not liable for the client's financial obligations; and

(iv) Any other contractual or legal entitlement of the client, including, but not limited to:

(A) Crime victims' compensation;

(B) Workers' compensation;

(C) Individual or group insurance;

(D) Court-ordered dependent support arrangements; and

(E) The tort liability of any third party.

(3) MAA may make annual rate increases to the LTAC fixed per diem rate by using the same inflation factor and date of rate increase that MAA uses for acute care hospital diagnostic-related group (DRG) rates. This DRG rate adjustment method is described in WAC 388-550-3450(5).

NEW SECTION

WAC 388-550-2596 Services and equipment covered by MAA but not included in the LTAC fixed per diem rate. (1) MAA uses the ratio of costs-to-charges (RCC) payment method to reimburse an LTAC facility for the following that are not included in the LTAC fixed per diem rate:

(a) Prescription drugs;

(b) Total parenteral nutrition (TPN) therapy;

(c) Epogen/neupogen therapy;

(d) Radiology services;

(e) Nuclear medicine services;

(f) Computerized tomographic (CT) scan;

(g) Operating room services;

(h) Anesthesia services;

(i) Blood storage and processing;

(j) Blood administration;

(k) Other imaging services - Ultrasound;

(l) Pulmonary function services;

(m) Cardiology services;

(n) Recovery room services;

(o) EKG/ECG services;

(p) Gastro-intestinal services;

(q) Inpatient hemodialysis; and

(r) Peripheral vascular laboratory services.

(2) MAA uses the appropriate inpatient or outpatient payment method described in other published WAC to reimburse providers other than LTAC facilities for services and equipment that are covered by MAA but not included in the LTAC fixed per diem rate. The provider must bill MAA directly and MAA reimburses the provider directly.

(3) Transportation services that are related to transporting a client to and from another facility for the provision of outpatient medical services while the client is still an inpatient at the LTAC facility, or related to transporting a client to another facility after discharge from the LTAC facility:

(a) Are not covered or reimbursed through the LTAC fixed per diem rate;

- (b) Are not reimbursable directly to the LTAC facility;
- (c) Are subject to the provisions in chapter 388-546 WAC; and
- (d) Must be billed directly to the:
 - (i) Department by the transportation company to be reimbursed if the client required ambulance transportation; or
 - (ii) Department's contracted transportation broker, subject to the prior authorization requirements and provisions described in chapter 388-546 WAC, if the client:
 - (A) Required nonemergent transportation; or
 - (B) Did not have a medical condition that required transportation in a prone or supine position.
- (4) MAA evaluates requests for covered transportation services that are subject to limitations or other restrictions, and approves such services beyond those limitations or restrictions when medically necessary, under the standards of WAC 388-501-0165.



WSR 02-14-004
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-128—Filed June 20, 2002, 8:27 a.m., effective June 23, 2002, 6:00 p.m.]

Date of Adoption: June 19, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500Y; 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 an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of shrimp has been reached in the areas closed under this rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 23, 2002, 6:00 p.m.

June 19, 2002

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-32500Z Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325 or WAC 220-56-310:

1) Effective, 6:00 p.m. June 23, 2002, until further notice, it is unlawful to harvest or possess shrimp taken for personal use in the Discovery Bay Shrimp District.

2) Effective immediately, until further notice, it is unlawful to harvest or possess shrimp taken for personal use in Marine Area 7 south of a line from Biz Point on Fidalgo Island 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.

3) Effective immediately, until further notice, all waters of Marine Areas 8-1, 8-2 and 9 are open Thursday through Sunday to the harvest of shrimp for personal use except:

(a) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(c) It is unlawful to set or pull shrimp gear in all waters of Port Townsend Bay south and west of a line from Marrowstone Point to Point Wilson (including Kilisut Harbor).

4) Effective immediately, until further notice, it is unlawful to harvest or possess shrimp taken for personal use in all waters of Marine Area 10.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. June 23, 2002:

WAC 220-56-32500Y Shrimp—Areas and seasons.
(02-118)

WSR 02-14-014
EMERGENCY RULES
PARKS AND RECREATION
COMMISSION

[Filed June 20, 2002, 3:51 p.m.]

Date of Adoption: June 13, 2002.

Purpose: The commission has adopted a vehicle parking permit program, which includes; daily, multiple day and annual permits, required for vehicle parking. The commission has delegated to the director or designee, the authority to designate those state parks where parking permits are required, to publish a fee schedule identifying those parks where the parking permits are required and to prescribe the specific details and manner in which the fees, including vehicle parking permits fees are applied.

Citation of Existing Rules Affected by this Order: Amending WAC 352-32-010 and 352-32-250.

Statutory Authority for Adoption: RCW 79A.05.030, 79A.05.065, 79A.05.070, and 79.05.075.

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 Washington State Parks and Recreation Commission has determined that, because of state government budget reduction, the funding available to operate certain state parks, where the park lands are owned by other entities, is not adequate to support these state parks. The commission has further determined that the financial

assistance available to the commission from the agencies owing the public lands and from other governmental sources is not adequate to support the operating costs of certain state parks. The commission intends to adopt a vehicle parking permit system and to impose vehicle parking permit fees in order to generate adequate revenue to cover the operating costs of these state parks.

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: Immediately.

June 20, 2002

Jim French

Senior Policy Advisor

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

"Aquatic facility" shall mean any structure or area within a state park designated by the director or designee for aquatic activities, including, but not limited to, swimming pools, wading pools, swimming beaches, floats, docks, ramps, piers or underwater parks.

"Bivouac" shall mean to camp overnight on a vertical rock climbing route on a ledge or in a hammock sling.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping party" shall mean an individual or a group of people (two or more persons) that is organized, equipped and capable of sustaining its own camping activity. A "camping party" is a "camping unit" for purposes of RCW 79A.05.065.

"Commercial recreation use" is a recreational activity in a state park that is packaged and sold as a service by an organization or individual, other than state parks or a state park concessionaire.

"Commercial recreation provider" is any individual or organization that packages and sells a service that meets the definition of a commercial recreation use.

"Commission" shall mean the Washington state parks and recreation commission.

"Conference center" shall mean a state park facility designated as such by the director or designee that provides spe-

cialized services, day-use and overnight accommodations available by reservation for organized group activities.

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission or the director's designee.

"Disrobe" shall mean to undress so as to appear nude.

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager decides may be used for camping when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELC), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELC)" shall mean those specialized facilities, designated by the director, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Extra vehicle" shall mean each additional unhitched vehicle in excess of the one recreational vehicle that will be parked in a designated campsite or parking area for overnight.

"Group" shall mean 20 or more people engaged together in an activity.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Hiker/biker campsite" shall mean a campsite that is to be used solely by visitors arriving at the park on foot or bicycle.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for camping to accommodate peak camping demands in the geographic region.

"Overnight accommodations" shall mean any facility or site designated for overnight occupancy within a state park area.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combina-

tions of persons whenever acting for themselves or by an agent, servant, or employee.

"Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity on Friday or Saturday night during the high use season.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 79A.05.160, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Remote controlled aircraft" shall mean nonpeopled model aircraft that are flown by using internal combustion, electric motors, elastic tubing, or gravity/wind for propulsion. The flight is controlled by a person on the ground using a hand held radio control transmitter.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

Camping at a given park for more than thirty days within a forty-day time period April 1 through September 30; or forty days within a sixty-day time period October 1 through March 31. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping party shall be limited to ten consecutive nights April 1 through September 30. Provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if

the campground is not fully occupied. Campers may stay twenty consecutive nights October 1 through March 31 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Sno-park" shall mean any designated winter recreational parking area.

"Special groomed trail area" shall mean those sno-park areas designated by the director as requiring a special groomed trail permit.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal, and flush comfort station.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 79A.05.605 and as regulated under chapter 352-37 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Vehicle parking permit" means the permit issued on a daily, multiple day or annual basis for parking a vehicle in any state park area designated for daytime vehicle parking.

"Walk-in campsite" shall mean a campsite that is accessed only by walking to the site and which may or may not have vehicle parking available near by.

"Watercraft launch site" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-borne or trailer-borne watercraft into or out of the water.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 79A.05.420.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

WAC 352-32-250 Standard fees charged. Fees shall be charged in parks operated by the commission for use of lands, facilities, programs, services, and materials as published by state parks: Provided, however, That the commission may suspend any or all of these fees if revenues generated by the fees are not returned to the benefit of the parks: Provided further, That the director or designee has the authority to discount fees to a maximum of 50% below the published fee amounts in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time less than one year in duration. The director or designee may consider the following factors in temporarily establishing or discounting fees:

- Prevailing rates for comparable facilities;
- Day of the week;
- Season of the year;
- Amenities of the park area and site;
- Demand for facilities; and

Such other considerations as the director or designee deems appropriate. The director or designee shall prescribe the specific details and manner in which fees shall be applied. The director or designee may also waive fees for marketing or promotional purposes or to redress visitor complaints, provided, however, that annual fees may not be waived. The director or designee may also establish temporary fees for a maximum of one year for new facilities or services.

(1) The director or designee may authorize reciprocity with other state or federal agencies for the use of annual permits of like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit;

(2) Overnight camping - standard campsite; utility campsite; emergency campsite; overflow campsite; hiker/biker campsite; walk-in campsite; primitive campsite for nonmotorized for motorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger;

(3) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(4) Group camping area - certain parks: Individual camping units using these facilities must pay campsite fees as published by state parks;

(5) Conference center facilities - fees will be charged for use of facilities and services as set forth in the fee schedule published by state parks and will include, but not be limited to: Overnight accommodations in individual recreational housing units or dormitory units; use of meeting rooms, performance venues and rally areas; linen and janitorial services; group food services; and use of equipment, supplies, and staff time necessary to support group activities. Certain deposits,

reservation and cancellation fees also apply as set forth in the fee schedule published by state parks and may not be refundable.

(6) Environmental interpretation:

(a) Service fees will be established by the director or designee in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director or designee. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 79A.05.060.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee schedule is available by contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650;

(7) Adirondacks - not to include those located in ELC areas: Occupancy shall be limited to the number of built-in bunks provided;

(8) Extra vehicle overnight parking fee will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: Provided, An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(9) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

(10) Watercraft launch site permit fee - charged according to facilities provided. Watercraft launch permit shall not be required for:

(a) Vehicles, other than those registered as extra overnight parking vehicles, registered for camping or overnight mooring in the park containing the watercraft launch site;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles displaying a valid annual watercraft launch site permit;

(11) Annual watercraft launch site permit valid January 1 - December 31 at any launch site designated by the director or designee. Permit must be displayed as instructed on permit backing;

(12) Trailer dump station fee - fee shall not be required for:

(a) Registered camping vehicles in the park containing the dump station;

(b) Vehicles of persons holding limited-income senior citizen, disability or disabled veterans passes;

(13) Popular destination park - a surcharge will apply for use of standard or utility campsite located in a popular destination park during such periods as the director may specify;

(14) Water trail site permits -

(a) For unlimited use within the calendar year, the annual fee will be set by the director or designee after consultation with the water trail advisory committee;

(b) For one day/night use within the calendar year, the fee will be set by the director after consultation with the water trail advisory committee;

(c) For children under 13 years of age the permits shall be issued at no cost;

(d) Water trail permits issued to persons by another state or Canadian province will be honored provided that a similar reciprocal provision for Washington water trail permit holders is issued by that state or province;

(e) Water trail permits will be issued to holders of Washington state parks passes (WAC 352-32-251) for the applicable discounts;

(15) In addition to the regular fee, a per night surcharge shall be imposed for failure to pay the self-registration overnight facility fee;

(16) Group day use facilities - a minimum daily permit fee will be charged for groups of 20 or more;

(17) Reservation transaction - fee will be charged as published by state parks;

(18) Moorage facilities - fee will be charged as published by state parks;

(19) Hot showers, electric stoves - fees will be charged as published by state parks. Fees published by state parks do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended;

(20) Commercial recreation provider permit registration - a fee shall be charged, as published by state parks for registration as a commercial recreation provider;

(21) Commercial recreation provider permit - a fee shall be charged, as published by state parks for obtaining a permit to engage in commercial recreational use of state parks, as defined in WAC 352-32-010.

(22) Sno-park permit - seasonal and daily permit fees will be charged as published by state parks.

(23) Special groomed trail permit - a statewide special groomed trail permit will be required for use of special groomed trail areas. The fee charged will be as published by state parks.

(24) Wood debris collection permit - fee will be charged for collection and removal of wood debris from a state park area pursuant to RCW 4.24.210. The fee may be waived for volunteers assisting with emergency salvage and storm clean-up in the parks.

(25) Merchandise - prices for merchandise including but not limited to interpretive, recreational and historic materials, literature, food, beverage, grocery and other items at agency operated sales points will be based on market rates and practices.

(26) Back country camping permit - fee will be charged as published by state parks for selected state park areas as designated by the director.

(27) Group use registration - fee will be charged for groups of a size to be specified in the fee schedule on a park by park basis who have not otherwise reserved group facilities.

(28) Special event - fees will be charged based on the cost of providing events and market rates for comparable activities at other locations.

(29) Aquatic facilities - fees will be charged as published by state parks.

(30) Vehicle parking permit:

(a) The director or designee shall designate state parks where a vehicle parking permit shall be required for parking and shall publish a fee schedule to include any or all of the following:

(i) A single day or multiple day vehicle parking permit;

(ii) An annual vehicle parking permit;

(b) Vehicle parking permits shall not be required for:

(i) Vehicles registered for overnight accommodations, other than those registered as extra overnight parking vehicles;

(ii) Vehicles whose occupants hold a current pass authorized in WAC 352-32-251, Limited income senior citizen, disability, and disabled veteran passes;

(iii) Vehicles whose occupants hold a current watercraft launch site permit;

(iv) Vehicles whose occupants perform volunteer activities approved by the park ranger;

(v) Vehicles whose occupants engage in official business as authorized by agreement or otherwise approved by the park ranger;

(c) Any vehicle parking permit must be displayed as instructed on the permit.

WSR 02-14-017

EMERGENCY RULES

SECRETARY OF STATE

[Filed June 21, 2002, 11:03 a.m., effective July 15, 2002]

Date of Adoption: June 21, 2002.

Purpose: Change the date for the exhaustion of stock for absentee ballot envelopes to allow the use of existing stock through the 2002 general election.

Citation of Existing Rules Affected by this Order: Amending WAC 434-240-190.

Statutory Authority for Adoption: RCW 29.04.210.

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 immediate adoption of the amendment to this WAC is necessary so that county auditors can use existing stocks of absentee envelopes for the upcoming elections.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 15, 2002.

June 21, 2002

Steve Excell

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 02-07-028, filed 3/12/02, effective 4/12/02)

WAC 434-240-190 Absentee ballot envelopes.

Included with any absentee ballot provided to a voter shall be:

- (1) Instructions for correctly voting the absentee ballot;
- (2) Instructions how to correct a vote;
- (3) A security envelope which shall bear no markings identifying the voter; and
- (4) A return envelope which shall bear the return address of the county auditor and shall have a space for the voter to sign his or her name. The return envelope shall also have the following statement:

I do solemnly swear or affirm under penalty of law that I am a legal resident of the state of Washington entitled to vote in this election I have not voted another ballot, and I understand that any person attempting to vote when he or she is not entitled or who falsely signs this affidavit shall be guilty of a felony, punishable by imprisonment of not more than five years or a fine of not more than ten thousand dollars, or both such fine and imprisonment.

.....
Date Ballot Voted	Signature of Voter

All absentee ballot envelopes and return envelopes shall conform to existing postal department regulations. The return envelope shall bear the words "OFFICIAL BALLOT - DO NOT DELAY" prominently displayed on the front, and shall also bear the words "POSTAGE REQUIRED" in the upper right-hand corner.

County auditors shall be permitted to use any existing stock of absentee ballot return envelopes and instructions, in the form specified by state law or administrative rule prior to August 1, 2001. Upon exhaustion of that stock or not later than July 1, ((2002)) 2003, county auditors shall comply with the provisions of this regulation when ordering absentee ballot return envelopes.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter who has questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or

printed directly on the ballot itself. Postal service endorsements to allow forwarding of the ballots, to receive from the post office the addresses to which ballots were forwarded, and the return of unforwardable ballots shall be used on any forwardable absentee ballots. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

**WSR 02-14-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-130—Filed June 21, 2002, 4:43 p.m.]

Date of Adoption: June 21, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000L; and amending WAC 220-56-330.

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 emergency regulation is necessary to continue closures for softshell crab in Puget Sound. Dungeness crab meet or exceed hard shell criteria and are available for recreational harvest in Marine Areas 4, 5, 6, 9, 10, 11, 12, 13, 8-1 and 8-2. The daily restrictions in Marine Areas 8-1 and 8-2 are to maintain allocation goals. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 21, 2002

J. P. Koenigs

Director

by Larry Peck

EMERGENCY

NEW SECTION**WAC 220-56-33000M Crab—Areas and seasons.**

Notwithstanding the provisions of WAC 220-56-330, effective immediately until further notice, it is unlawful to fish for crab for personal use in all waters of Puget Sound except as provided herein:

(1) Effective immediately until further notice, it is lawful to fish for crab for personal use in Marine Areas 4, 5, 6, 9, 10 and 12.

(2) Effective immediately until further notice, it is lawful to fish for crab for personal use in Marine Areas 8-1 and 8-2. The fishery is open Fridays through Mondays.

(3) Effective 6:00 a.m. June 24, 2002 until further notice, it is lawful to fish for crab for personal use in Marine Areas 11 and 13.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-33000L Crab—Areas and seasons.
(02-119)

WSR 02-14-032
EMERGENCY RULES
BUILDING CODE COUNCIL

[Filed June 24, 2002, 4:03 p.m., effective July 1, 2002]

Date of Adoption: June 14, 2002.

Purpose: To amend chapter 51-11 WAC, the 2001 Washington State Energy Code, as [it] relates to residential multiunit buildings over five stories in height.

Citation of Existing Rules Affected by this Order: Amending WAC 51-11-0530, 51-11-0533, and 51-11-0625 (Tables 5-1, 6-1, and 6-2).

Statutory Authority for Adoption: RCW 19.27A.020, 19.27A.045, and 19.27.020.

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 Building Code Council (council), based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The council further finds that immediate amendment of a certain council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The Washington State Energy Code Table 5-1 and Tables 6-1 and 6-2 amendments contained herein as adopted by the council under emergency rule making pursuant to

RCW 34.05.350, will provide economic relief to multifamily residential builders or building owners by allowing the same thermal envelope requirements in effect since 1991. To conserve energy and provide relief from rising energy costs, in 2001 the state Building Code Council amended the residential building envelope requirements under their authority in RCW 19.27A.045. The council simplified the code language by making the same thermal envelope requirements applicable to all buildings regardless of space heat source, with minor exceptions.

This change may have unanticipated consequences for residential buildings over five stories in height. The cost benefit analysis reviewed by the technical advisory group, and the council did not include high rise buildings. The thermal envelope measures required for low rise buildings five stories and under were found to be cost effective. These same measures may not always result in an immediate energy savings benefit for buildings over five stories in height. This could ultimately result in undue expense for the building owner and occupants. The council finds this may be an economic burden on the building and design industries, which could result in an increase in the cost of housing for high rise multifamily residential buildings including hotels, apartments and condominiums. Immediate adoption of this amendment is necessary so as to not delay the construction of high rise multifamily residential buildings, and so as not to adversely affect the state's building industry, building owners, and building tenants by possibly imposing an unanticipated economic penalty. The council finds it should not impose the new standards on high rise multifamily buildings while an economic analysis is conducted. The amendment herein takes into consideration the general welfare of the public by reverting back to the previous Washington State Energy Code residential building envelope requirements for high rise residential. The council also has taken the necessary steps to adopt a permanent rule. The permanent rule will not be effective until the end of the 2003 legislative session as per RCW 19.27.074.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Effective Date of Rule: July 1, 2002.

June 14, 2002

Tim Nogler
for Jim Lewis
Council Chair

[AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01)]

WAC 51-11-0530 Table 5-1.

TABLE 5-1
TARGET COMPONENT VALUES FOR GROUP R OCCUPANCY³

Component	Climate Zone	
	1	2
Glazing % Floor Area	15%	15%
Vertical Glazing U-Factor	U = 0.400	U = 0.400
Overhead Glazing U-Factor	U = 0.58	U = 0.58
Doors	U = 0.200 (R-5)	U = 0.200 (R-5)
Ceilings		
Attic	U = 0.031 (R-38)	U = 0.031 (R-38)
Single Rafter/ Joist Vaulted	U = 0.034 (R-30)	U = 0.034 (R-30)
Walls ²		
Space Heat Type: Electric Resistance	U = 0.058 (R-19A)	U = 0.044 (R-19 + R-5)
Other	U = 0.062 ¹ (R-19)	U = 0.062 ¹ (R-19)
Floors	U = 0.029 (R-30)	U = 0.029 (R-30)

Slab on Grade Slab R-Value	F = 0.54 (R-10)	F = 0.54 (R-10)
Below Grade Interior		
Wall R-Value	R-19	R-19
2' Depth: Walls Slab	U = 0.043 F = 0.69	U = 0.043 F = 0.69
3.5' Depth: Walls Slab	U = 0.041 F = 0.64	U = 0.041 F = 0.64
7' Depth: Walls Slab	U = 0.037 F = 0.57	U = 0.037 F = 0.57
Below Grade Exterior		
Wall R-Value	R-10	R-12
2' Depth: Walls Slab	U = 0.070 F = 0.60	U = 0.061 F = 0.60
3.5' Depth: Walls Slab	U = 0.064 F = 0.57	U = 0.057 F = 0.57
7' Depth: Walls Slab	U = 0.056 F = 0.42	U = 0.050 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.
3. For Group R-1 Occupancy buildings over five stories, see Table 5-1A.

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.

[AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01)]

WAC 51-11-0533 ((Table 5-4 - Reserved)).

TABLE 5-1A
TARGET COMPONENT VALUES
FOR GROUP R-1 OCCUPANCY, BUILDINGS OVER 5 STORIES

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 ¹ (R-19)	U= 0.062 ¹ (R-19)
Floors	U= 0.029 (R-30)	U= 0.029 (R-30)	U= 0.041 (R-19)	U= 0.029 (R-30)

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Slab on Grade	F= 0.54	F= 0.54	F= 0.54	F= 0.54
Slab R-Value	(R-10)	(R-10)	(R-10)	(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
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.

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

[AMENDATORY SECTION (Amending WSR 02-01-112, filed 12/18/01)]

WAC 51-11-0625 Table 6-1.

TABLE 6-1
 PRESCRIPTIVE REQUIREMENTS^{0,1} FOR GROUP R OCCUPANCY^{1,3}
 CLIMATE ZONE 1

Option	Glazing Area ¹⁰ : % of Floor	Glazing U-Factor		Door ⁹ U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade ¹²	Wall•int ⁴ Below Grade	Wall•ext ⁴ Below Grade	Floor ⁵	Slab ⁴ 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
- 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.
- 13. For Group R Occupancy buildings over five stories, see Table 6-1A and Table 6-1B.

TABLE 6-1A
 PRESCRIPTIVE REQUIREMENTS^{1**}
 FOR GROUP R-1 OCCUPANCY BUILDINGS OVER 5 STORIES
 CLIMATE ZONE 1 • HEATING BY ELECTRIC RESISTANCE

Option	Glazing Area ¹⁰ : % of Floor	Glazing U-Factor		Door ² U-Factor	Ceiling ²	Vaulted Ceiling ²	Wall Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁴ 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. ²	25%	0.32 ²	0.58	0.20	R-38	R-30	R-19 +R-5 ⁸	R-21	R-10	R-30	R-10
VIII. ²	30%	0.29 ²	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. Reserved.
- 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.

TABLE 6-1B
 PRESCRIPTIVE REQUIREMENTS^{1**}
 FOR GROUP R-1 OCCUPANCY BUILDINGS OVER 5 STORIES
 CLIMATE ZONE 1 • HEATING BY OTHER FUELS

Option	HVAC ² Equip. Effic.	Glazing Area ¹¹ : % of Floor	Glazing U-Factor		Door ¹⁰ U-Factor	Ceiling ²	Vaulted Ceiling ²	Wall Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁴	Slab ⁶ on Grade
			Vertical	Over-head 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. ²	Med.	25%	0.45 ²	0.68	0.40	R-38	R-30	R-19	R-19	R-10	R-25	R-10
VII. ²	Med.	30%	0.40 ²	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.

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- 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. Reserved.
- 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 14-1B.
- 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=0.40 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.

**TABLE 6-2
PRESCRIPTIVE REQUIREMENTS^{0,1} FOR GROUP R OCCUPANCY¹³
CLIMATE ZONE 2**

Option	Glazing Area ¹⁰ : % of Floor	Glazing U-Factor		Door ⁹ U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade ¹²	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁴ 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.
- 13. For Group R Occupancy buildings over five stories, see Table 6-2A and Table 6-2B.

**TABLE 6-2A
PRESCRIPTIVE REQUIREMENTS^{1,**}
FOR GROUP R-1 OCCUPANCY BUILDINGS OVER 5 STORIES
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• int ⁴ Below Grade	Wall• 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. ²	25%	0.30 ²	0.58	0.20	R-49Adv	R-38	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
VII. ²	30%	0.28 ²	0.58	0.20	R-60Adv	R-38	R-21+R-7.5 ²	R-21	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-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. Reserved.
- 8. This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9. This wall insulation requirement denotes R-19 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=0.40 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.

**TABLE 6-2B
PRESCRIPTIVE REQUIREMENTS^{1**}
FOR GROUP R-1 OCCUPANCY BUILDINGS OVER 5 STORIES
CLIMATE ZONE 2 • HEATING BY OTHER FUELS**

Option	HVAC ² Equip. Effic.	Glazing Area ^{11,12} % of Floor	Glazing U-Factor		Door ¹⁰ U- Factor	Ceiling ²	Vaulted Ceiling ²	Wall Above Grade	Wall ⁸ int ⁴ Below Grade	Wall ⁸ ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
			Vertical	Over head 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. ²	Med.	25%	0.40 ²	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VIII. ²	Med.	30%	0.40 ²	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-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. Reserved.
- 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 14-1B.
- 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=0.40 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.

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.

**WSR 02-14-036
EMERGENCY RULES
STATE BOARD OF EDUCATION**

[Filed June 25, 2002, 4:37 p.m.]

Date of Adoption: June 21, 2002.

EMERGENCY

Purpose: New state board policy, waiver of provisions of chapter 180-79A WAC, Standards for teacher, administrator, and educational staff associate certificate.

Citation of Existing Rules Affected by this Order: Amending chapter 180-79A WAC.

Statutory Authority for Adoption: RCW 28A.410.010.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Under current State Board of Education rules, there is no direct language authorizing the board to grant waivers from one or more of the provisions of the certification requirements under chapter 180-79A WAC.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 25, 2002

Larry Davis

Executive Director

NEW SECTION

WAC 180-79A-107 Waiver. The state board of education may consider and may grant a waiver from any provision of this chapter upon written request from the educator preparation program.

WSR 02-14-041
EMERGENCY RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed June 26, 2002, 3:49 p.m.]

Date of Adoption: June 26, 2002.

Purpose: In March 2002, SSB 5166 changed the program provisions governing institutional eligibility in the state work study program. Revised rules are needed to reflect statutory changes to the "eligible institution" definition. The proposed revised rules will recognize as eligible those institutions accredited by any of the six regional accrediting associations. The institution must operate as a nonprofit college or

university, have a record of delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, and be eligible to administer federal financial aid.

Citation of Existing Rules Affected by this Order: Amending WAC 250-40-030.

Statutory Authority for Adoption: RCW 28B.80.240 and 28B.12.060.

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 changes to the program statute created by SSB 5166 take effect in June 2002. Rules need to reflect the statutory changes for newly eligible institutions that may wish to initiate participation as early as July 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 26, 2002

Betty Gebhardt

Associate Director

AMENDATORY SECTION (Amending WSR 93-20-044, filed 9/29/93, effective 10/30/93)

WAC 250-40-030 Definitions. (1) "Financial need" shall be the difference between the budgetary cost to the student attending an institution of postsecondary education and the total family contribution which the institutional financial aid administrator determines can reasonably be expected to be available to the student for meeting such costs.

(2) "Budgetary cost" of attending an institution shall consist of those costs required to support the individual and other costs in accordance with federal costs of attendance calculations during the period of enrollment. Budgets will reflect the applicable year's cost levels for tuition, room and board, transportation, books, supplies, personal expenses, and any other cost factors deemed necessary for consideration, consistent with WAC 250-40-040 (2)(a).

(3) "Total family contribution and resources" shall be consistent with amounts recognized by federal need analysis

criteria, unless otherwise modified in accordance with these rules and program guidelines.

(4) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.011 - 28B.15.013 except resident students defined in RCW 28B.15.012 (2)(e) and board-adopted rules and regulations pertaining to the determination of residency.

(5) "Eligible institution of postsecondary education" shall mean any postsecondary educational institution in the state of Washington accredited by the Northwest Association of Schools and Colleges(;;); or a branch campus of a member institution accredited by Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Southern Association of Colleges and Schools, Northwest Association of Schools and Colleges, or Western Association of Schools and Colleges that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years in the state of Washington; or any public technical colleges in the state of Washington.

(6) "Eligible employer" shall be defined as any eligible public institution of postsecondary education; any other nonprofit organization which is nonsectarian; or any profit-making nonsectarian employer producing a good or providing a service for sale or resale to others, which can and agrees to provide employment of a demonstrable benefit related to the student's postsecondary educational pursuits and which conducts business within the state of Washington; or any other employer approved by the higher education coordinating board. In approving an employer as eligible, the board or an institution acting as its agent will consider at the minimum:

- (a) The relationship of the jobs to the students' educational objectives;
- (b) The potential for displacement of regular employees;
- (c) The rate of pay as compared to salaries and wages provided other employees engaged in similar work;
- (d) The employer compliance with appropriate federal and state civil rights laws.

(7) "Dependent student" shall mean any post-high school student attending an eligible institution of postsecondary education who does not qualify as an independent student in accordance with subsection (8) of this section.

(8) "Independent student" shall mean any student who qualifies as an independent student for federal student aid.

(9) "Half-time student" means any student enrolled in at least one-half the credit hour or clock hour load defined by the institution as constituting expected full-time progress toward the particular degree or certificate.

(10) "Off-campus community service placements" shall include direct service, planning, or applied research that is designed to improve the quality of life for residents of the community served, particularly low-income residents, in such fields as health care, child care, education, literacy training, welfare, social services, public safety, crime prevention and control, transportation, recreation, housing and neighborhood improvement, rural development, and community improvement. Placements are identified by an institution

through formal or informal consultation with local nonprofit, governmental, and community-based organizations.

WSR 02-14-042
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed June 26, 2002, 3:53 p.m.]

Date of Adoption: June 17, 2002.

Purpose: The purpose of this emergency filing is to amend and add new sections of chapter 388-148 WAC, Licensing requirements for child foster homes, group care programs/facilities, and agencies, which impact the receipt of federal funding for eligible children in care with Children's Administration. The department has filed a CR-101 preproposal statement of inquiry, WSR 02-06-083, to initiate a rule-making proceeding on these rules.

Citation of Existing Rules Affected by this Order:

New or Amended	WAC #	Caption
Amended	388-148-0040	What first aid and cardiopulmonary resuscitation (CPA) training is required?
Amended	388-148-0045	What HIV/AIDS training is required?
Amended	388-148-0050	How do I apply for a license?
New	388-148-0058	May I have a license for both child day care and child foster care?
Amended	388-148-0060	When am I not allowed to receive a license from a child-placing agency?
Amended	388-148-0065	When may I be certified to provide care to children?
Amended	388-148-0120	What incidents involving children must I report?
Amended	388-148-0125	What are your requirements for keeping client records?
Amended	388-148-0140	What personnel policies must I have?
Amended	388-148-0220	What fire safety requirements must I follow to qualify for a license?
Amended	388-148-0260	What are the general requirements for bedrooms?
Amended	388-148-0270	What are the requirements for beds?

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Amended	388-148-0335	When must I get medical exams for the children under my care?
Amended	388-148-0345	What must I do to prevent the spread of infections and communicable diseases?
Amended	388-148-0350	How do I manage medications for children under my care?
Amended	388-148-0395	What requirements must I meet for feeding babies?
New	388-148-0427	Are there specific requirements regarding Native American children?
Amended	388-148-0460	What requirements do you have for supervising children?
New	388-148-0462	Who may provide care to a foster child in the foster home when the foster parent is away from the home?
Amended	388-148-0520	What are the training requirements for foster parents and prospective foster parents?
New	388-148-0542	May a foster home be supervised by a person under eighteen in the foster home?
Amended	388-148-0560	Do I need a treatment plan for children under my care?
Amended	388-148-0585	What social service staff do I need?
Amended	388-148-0630	What fire prevention measures must I take?
Amended	388-148-0700	What are the qualifications for an executive director for a group care program or child-placing agency?
Amended	388-148-0720	What qualifications must the child care staff for a group care program and a child-placing agency have?
New	388-148-0722	What are the qualifications for health care staff for a group care program or a child-placing agency?
Amended	388-148-0725	What is the ratio of child care staff to children in group care facilities?

Amended	388-148-0785	What is the proper ratio of staff to children in home or group care facilities offering maternity services?
Amended	388-148-0880	What levels of secure CRCs exist?
New	388-148-0892	What are the requirements for a level three secure CRC?
Amended	388-148-0915	What steps must be taken after a youth is admitted into a CRC?
Amended	388-148-0995	What are the ratio requirements of youth care staff to youth in crisis residential centers?
Amended	388-148-1060	What services may a child-placing agency provide?
Amended	388-148-1070	What health histories need to be provided to adoptive parents?
New	388-148-1076	What are the qualifications for an executive director of a child-placing agency?
New	388-148-1077	What are the qualifications for a case aide for a child-placing agency program?
New	388-148-1078	What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care?
New	388-148-1079	What are the qualifications for consultants for child-placing agency programs?
Amended	388-148-1115	Do you have requirements for adoptive services?
Amended	388-148-1120	What is the process for adoptions?
New	388-148-1140	May a licensed child-placing agency provide emergency respite services?
New	388-148-1145	Does an agency or individual need to be licensed as a child-placing agency to provide emergency respite services that are not center-based?
New	388-148-1150	Does a child-placing agency providing emergency respite services need specific program staff?

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New	388-148-1155	What are the education and training requirements for a program manager for an emergency respite program at a child-placing agency?
New	388-148-1160	What services do child-placing agencies provide if they offer an emergency respite program?
New	388-148-1165	Does a child-placing agency need approval from the division of licensed resources to provide emergency respite services?
New	388-148-1170	What age children may receive emergency respite services?
New	388-148-1175	Who may place a child for emergency respite?
New	388-148-1180	Must all children accepted for emergency respite care have current immunizations?
New	388-148-1185	What are the record-keeping requirements for a child-placing agency providing emergency respite services?
New	388-148-1190	What written information is needed before a child is accepted for emergency respite care by a child-placing agency?

Statutory Authority for Adoption: Chapter 74.15 RCW.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Children's Administration has found that some of the sections of chapter 388-148 WAC require waivers in order for provider compliance. The approval of waivers then jeopardizes federal funds received by Children's Administration to support services to children and their families.

Children's Administration is engaged in working with stakeholders for the permanent adoption of rule changes.

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 21, Amended 31, 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 21, Amended 31, Repealed 0.

Effective Date of Rule: Immediately.

June 17, 2002

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 02-15 issue of the Register.

WSR 02-14-046
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-131—Filed June 26, 2002, 3:58 p.m., effective June 28, 2002, 12:01 a.m.]

Date of Adoption: June 26, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900U; and amending WAC 232-28-619.

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 summer chinook run is expected to exceed the escapement goal at Bonneville Dam of 80,000-90,000 fish and is on track to be the largest summer chinook return in forty years. The impacts to the listed Snake River component of this run are projected to be less than the management guideline of 1%. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 28, 2002, 12:01 a.m.

June 26, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900V Exceptions to statewide rules—Baker, Cispus, Columbia, Cowlitz, Green, Hoh, Klickitat, Lewis (including North Fork), Nooksack, Puyallup, Skagit, Skykomish and Toutle (including North Fork) rivers and Lake Scanewa (Cowlitz Falls Reservoir). Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions:

(1) Baker River (Skagit County) - Mouth to Highway 20 Bridge closed through August 31, 2002.

(2) Cispus River (Lewis County) -

(a) Effective immediately until further notice, special daily limit of six salmon no more than one may be an adult in those waters of the Cispus River from posted markers at Lewis County PUD kayak launch upstream to the North Fork.

(b) Effective immediately through July 31, 2002, release wild chinook salmon in those waters of the Cispus River from posted markers at Lewis County PUD kayak launch upstream to the North Fork.

(3) Columbia River -

(a) Buoy 10 Line to Rocky Point-Tongue Point Line - Effective August 1, 2002 until further notice salmon daily limit two fish, both of which may be chinook.

(b) Rocky Point-Tongue Point Line to Bonneville Dam - Effective June 28 through July 31, 2002, only adipose fin-clipped chinook may be retained. Daily limit 6 fish, only two may be adults.

(c) Bonneville Dam to Highway 395 Bridge - Effective immediately through July 31, 2002, release all salmon except jack chinook.

(4) Cowlitz River (Cowlitz/Lewis County)

(a) Effective immediately until further notice, special daily limit of six salmon no more than two may be adults in those waters of the Cowlitz River from boundary markers at mouth upstream to 400 feet or posted markers below barrier dam.

(b) Effective immediately until further notice, up to three hatchery steelhead may be retained as part of the trout daily limit in those waters of the Cowlitz River from the boundary markers at the mouth upstream to 400 feet of posted markers below the barrier dam. Wild steelhead and steelhead with missing right ventral fins must be released.

(c) Effective immediately until further notice, those waters of the Cowlitz River from Mill Creek to 400 feet or posted deadline below the barrier dam on the south side of the river are re-opened to fishing.

(d) Effective immediately until further notice, special daily limit of six salmon no more than one may be an adult in those waters of the Cowlitz River from the upstream boundary of Lake Scanewa (Cowlitz Falls Reservoir) upstream to the confluence of Muddy and Ohanapecosh rivers.

(5) Lake Scanewa (Cowlitz Falls Reservoir) (Lewis County)

(a) Effective immediately until further notice, special daily limit of six salmon no more than one may be an adult in those waters of Lake Scanewa from Cowlitz Falls Dam upstream to the posted Lewis County PUD sign on Peters Road on the Cowlitz Arm and the posted markers at the Lewis County PUD kayak launch on the Cispus Arm.

(b) Effective immediately through July 31, 2002, release wild chinook salmon in those waters of Lake Scanewa from Cowlitz Falls Dam upstream to the posted Lewis County PUD sign on Peters Road on the Cowlitz Arm and the posted markers at the Lewis County PUD kayak launch on the Cispus Arm.

(6) Green River (Cowlitz County) Release wild chinook from mouth upstream to 2800 Road Bridge.

(7) Hoh River (Jefferson County) - mouth to Willoughby Creek immediately until further notice, salmon fishing allowed only Wednesday through Sunday of each week and daily limit may contain no more than 1 adult salmon.

(8) Klickitat River (Klickitat County) - Effective immediately until further notice, special daily limit of six salmon, no more than two may be adults in those waters of the Klickitat River from 400 feet above #5 fishway upstream to boundary markers just below Klickitat Hatchery.

(9) Lewis River from boundary markers at mouth upstream to mouth of east fork (Clark County)

(a) Effective immediately until further notice, special daily limit of six salmon, no more than two may be adults.

(b) Effective immediately until further notice, up to three hatchery steelhead may be retained as part of the trout daily limit. Trout minimum size is 20 inches. Wild steelhead must be released.

(10) North Fork Lewis River from forks to Colvin Creek (Clark County).

(a) Effective immediately until further notice, special daily limit of six salmon, no more than two may be adult salmon.

(b) Effective immediately until further notice, up to three hatchery steelhead may be retained as part of the trout daily limit. Trout minimum size is 20 inches. Wild steelhead must be released.

(c) Effective immediately until further notice, those waters of the North Fork Lewis River between Johnson Creek and Colvin Creek are open to boat and bank fishing.

(11) North Fork Lewis River from Colvin Creek to overhead power lines below Merwin Dam (Clark County).

(a) Effective immediately through September 30, 2002, special daily limit of six salmon, no more than two may be adults. Minimum size 12 inches.

(b) Effective immediately through September 30, 2002, up to three hatchery steelhead may be retained as part of the trout daily limit. Trout minimum size is 20 inches. Wild steelhead must be released.

(12) Nooksack River (Whatcom County) - Effective August 1 until further notice nonbuoyant lures allowed.

(13) Puyallup River (Pierce County) - Effective August 1 until further notice salmon daily limit may contain no more than 1 adult chinook.

(14) Skagit River (Skagit County) - Gilligan Creek to Bacon Creek salmon fishing closed until further notice.

(15) Skykomish River (Snohomish County) - Lewis Street Bridge in Monroe to mouth of Wallace River open to salmon fishing immediately through July 31 with a daily limit of one hatchery chinook.

(16) Toutle River (Cowlitz County) - Effective August 1, 2002 until further notice lawful to retain chinook in daily limit in those waters of the Toutle River from mouth to forks. Release chum and wild coho.

(17) North Fork Toutle River (Cowlitz County) - Effective August 1, 2002 until further notice lawful to retain chinook in daily limit in those waters of the North Fork Toutle River from confluence at the forks upstream to posted deadline downstream of the fish collection facility. Release chum and wild coho.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 28, 2002:

WAC 232-28-61900U Exceptions to statewide rules—Baker, Cispus, Columbia, Cowlitz, Hoh, Kalama, Lewis (including North Fork), Nooksack, Puyallup, Skagit, Skykomish and Toutle (including North Fork) rivers and Lake Scanewa (Cowlitz Falls Reservoir) (02-124)

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

WSR 02-14-064
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Rehabilitative Services Division)
[Filed June 27, 2002, 3:18 p.m.]

Date of Adoption: June 26, 2002.

Purpose: The Division of Developmental Disabilities has been directed by the 2002 Washington state legislature to begin paying an income supplemental, called state supplementary payment (SSP). Implementation of this directive requires amendment of rules in chapters 388-820, 388-825 and 388-850 WAC, as well as adoption of new WAC 388-825-500 through 388-825-580, Division of Developmental Disabilities state supplemental payment.

Citation of Existing Rules Affected by this Order: Amending WAC 388-850-035, 388-820-020, 388-820-060, 388-820-120, 388-825-020, 388-825-055, 388-825-120, 388-825-180, 388-825-252, and 388-825-254.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.10.020.

Other Authority: 2001-03 Supplemental Budget ESSB 6387 (chapter 371, Laws of 2002).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The state legislature in adopting ESSB 6387 (chapter 371, Laws of 2002), has directed the Division of Developmental Disabilities to begin paying an income supplement, called state supplemental payment. In its published "Final Budget - Statewide Agency Detail" for ESSB 6387, the legislature also clearly stated its intent that "Beginning July 2002, state supplemental payments will no longer be provided automatically to all persons receiving a federal SSI benefit. SSI recipients will continue to receive their federal benefits and their federally provided annual cost of living increases each January. Some recipients who are dependent on larger state supplements will be provided a transitional state supplemental payment. The remaining amount of state supplemental payments required by federal rules will be used to support low . . . income families who are struggling to continue to care for children and other relatives with developmental disabilities." Emergency adoption of these rules is necessary to implement ESSB 6387 and the legislature's intent.

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 17, Amended 10, 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 17, Amended 10, Repealed 0.

Effective Date of Rule: Immediately.

June 26, 2002

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 02-15 issue of the Register.

EMERGENCY

WSR 02-14-065
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 27, 2002, 3:20 p.m.]

Date of Adoption: June 26, 2002.

Purpose: The purpose of this rule is to explain how we treat the income of people who have family members that cannot receive assistance because of their alien status.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0106.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Immediate implementation of these rules is necessary in order to comply with federal regulations (45 C.F.R. chapter II). If we do not implement this rule, needy clients could receive incorrect benefits, thereby exposing the department to potential federal sanctions.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

June 26, 2002

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 388-450-0106 (~~Allocating the~~) How does the department count my income (of a financially responsible person included in the) if someone in my family cannot get assistance (unit to household members excluded) because of their alien status(=)? This section applies to TANF/SFA, RCA, and RMA (~~and TANF/SFA-related medical programs~~). We count your income differently if you are applying for medical assistance only. See WAC 388-408-0055.

~~(When a)~~ If you are included in the assistance unit and you are financially responsible (person) for someone, as defined in WAC 388-450-0100((3), is included in the assis-

tance unit, that person's income is allocated to household members who are excluded from the assistance unit because of their alien status, as defined in WAC 388-450-0100 (4)(a), after allowing the following deductions), who does not meet the alien requirements described in WAC 388-424-0005, we do not count all of your income. We subtract some of it so that you can use that part to help support the people who cannot get assistance. To figure out how much we count, we take the following seven steps:

(1) ((The)) We start by only counting fifty percent of your earned income ((incentive for TANF/SFA assistance units or the ninety dollar work expense deduction for RCA assistance units, if the income is earned)), as defined in WAC 388-450-0030;

(2) ((An amount equal to)) We add all of your unearned income, as defined in WAC 388-450-0025.

(3) We subtract the difference between the following payment standards (payment standards can be found in WAC 388-478-0020):

(a) One that ((would include the)) includes both eligible assistance unit members and those ((individuals excluded from the assistance unit)) who cannot get assistance because of their alien status; and

(b) One that includes only the eligible assistance unit members.

((3)) (4) We subtract the payment standard ((amount equal to)) for the number of people who are ineligible ((persons)) for reasons other than alien status, as defined in WAC 388-450-0100 (4)(b) through (f)(;

(4) An amount not to exceed the need standard, as defined in WAC 388-478-0015, for);

(5) We subtract any court or administratively ordered ((current or back)) child support ((paid)) you pay for legal dependents(;

(5) The)). This includes both current and back support. The amount cannot be more than the need standard in WAC 388-478-0015 for the number of dependents.

(6) We subtract any employment-related child care expenses ((for which the household is liable)) you have.

(7) Then, we count whatever is left as unearned income.

WSR 02-14-068
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-134—Filed June 27, 2002, 3:30 p.m., effective June 27, 2002, 8:00 p.m.]

Date of Adoption: June 27, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100C and 220-69-24000C; and amending WAC 220-52-051 and 220-69-240.

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 rule is necessary to meet allocation, conservation and management agreements. Openings and closures are consistent with these elements. Spot shrimp quotas have been reached in areas closed by 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 over-harvest, 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 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 27, 2002, 8:00 p.m.

June 27, 2002

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-52-05100D 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 1A, 1C, 2, 3, 4, and 6 are open to harvest of all shrimp species until further notice, except as provided below:

(i) Effective immediately, until further notice, it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 23D.

(ii) Effective 8:00 p.m. June 27, 2002, until further notice, it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 25D.

(iii) Effective immediately, until further notice, it is unlawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 23A-W (described in subsection 1(f)).

(iv) Effective 8:00 p.m. June 30, 2002, until further notice, it is unlawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 26B-1 (described in subsection 1(h)) and 26C.

(v) Effective immediately, closed until 8:00 a.m. on July 10 in Marine Fish-Shellfish Catch and Reporting Area 22A south of a line projected east and west from the northern tip of Trump Island.

(b) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 1B, 1C, 2, 4 and 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C, 29, or the southwestern portion of Marine Fish-Shellfish Catch and Reporting Area 23A (west of a line projected 335 degrees true from the Dungeness light-house), 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.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) 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.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(f) above.

(e) 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 of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores of San Juan Island, then south of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, 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.

(f) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into three subareas: 23A-E (east) is those waters of Catch Area 23A east of a line projected 122.59°N longitude. 23A-W (west) is those waters of Catch Area 23A east of a line projected 335 degrees true from

the Dungeness lighthouse and west of a line projected 122.59°N longitude. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(g) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26A is divided into two subareas: 26A-E (east); those waters of Catch Area 26A north and east of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore. 26A-W (west); those waters of Catch Area 26A south and west of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore.

(h) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26B is divided into two subareas: 26B-1; those waters of Catch Area 26B westerly of a line projected from West Point to Alki Point. 26B-2; those waters easterly of a line projected from West Point to Alki Point.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 1B - Open until further notice, except as provided below:

(i) Effective immediately, until 8:00 a.m. July 1, 2002, it is unlawful to harvest shrimp for commercial purposes in Marine Fish Shellfish Catch and Reporting Area 21A. Effective July 1 Area 21A remains closed except for waters of 21A north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(ii) It is unlawful to fish for shrimp in Puget Sound with shellfish beam trawl gear in waters of Lopez Sound (22A) south of a line projected east and west from the northern tip of Trump Island until 8:00 a.m. on July 10.

(b) Crustacean Management Region 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) 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.

(e) 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.

NEW SECTION

WAC 220-69-24000D Puget Sound shrimp dealer reporting - required information. Notwithstanding the provisions of WAC 220-69-240, effective immediately until further notice:

(1) It is unlawful for the original receiver of shrimp, other than ghost shrimp, taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday.

(2) For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice (360) 466-4345 extension 245, or facsimile (360) 466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice (360) 796-4601, extension 800, or facsimile (360) 586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket.

(4) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Marine Fish-Shellfish Management and Catch Reporting Area 23A, shall record either 23A-E, 23A-W or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-05100C section (1)(e)(f).

(5) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Marine Fish-Shellfish Management and Catch Reporting Area 26A, shall record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-05100C section (1)(g).

(6) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Marine Fish-Shellfish Management and Catch Reporting Area 26B, shall record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-05100C section (1)(h).

REPEALER

The following sections of the Washington Administrative Code are repealed effective 8:00 p.m. June 27, 2002:

WAC 220-52-05100C	Puget Sound shrimp pot and beam trawl fishery—Seasons and weekly trip limits. (02-122)
WAC 220-69-24000C	Puget Sound shrimp dealer reporting - required information. (02-122)

EMERGENCY

WSR 02-14-069

EMERGENCY RULES

DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-133—Filed June 27, 2002, 3:33 p.m., effective July 1, 2002,
12:01 a.m.]

Date of Adoption: June 27, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-62100G; 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: This emergency regulation is necessary to correct three problems in current regulations. First, it conforms regulations for the East Duwamish Waterway with the concise explanatory statement of Fish and Wildlife Commission actions taken earlier this year, and second, it corrects two oversights in regulations implementing the North of Falcon fishing plan. The concise explanatory statement says the rule adopted by the Fish and Wildlife Commission requiring use of bait suspended below a float in the East Duwamish Waterway involves the area between a line projected east along the path of S.W. Hanford Street on Harbor Island and a line projected east from the south tip of Harbor Island. Current regulations in effect state it differently. The proper area description as contained in the concise explanatory statement is presented in this regulation. Agreements reached in the North of Falcon forum say the daily limit for the Elliott Bay sport fishery openings in July and August is two salmon per day and chinook may be retained in that limit. Order 02-111, the order implementing the Puget Sound portion of the North of Falcon fishing plan, does not provide for chinook retention in Elliott Bay, so this regulation corrects that error. The other change effected by this order is maintenance of the Minter Creek mouth 1000 foot closure zone during the July coho salmon fly fishing opening in Carr Inlet. In past years, Carr Inlet has been closed to salmon angling during the spring and early summer months May through July, and a separate creek mouth closure continued through the end of September. The package implementing North of Falcon regulations opened the entire Carr Inlet area for fly fishing for coho, but there was no provision for the creek mouth closure zone in the package. This action rectifies that oversight. 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 1, 2002, 12:01 a.m.

June 27, 2002

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 232-28-62100H Puget Sound salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 220-56-126 and WAC 232-28-621, effective July 1, 2002 until further notice, it is unlawful to fish for salmon in Puget Sound except as provided for in this section:

(1) Area 5 - Open through September 30 - Daily limit 2 salmon except release chum and wild coho salmon. Release chinook salmon through July 7, and after July 7 the daily limit may contain no more than one chinook salmon.

(2) Area 6 - Open through September 30 - Daily limit 2 salmon except release chinook, chum, and wild coho salmon.

(3) Area 7:

(a) Open until further notice - Daily limit 2 salmon not more than one of which may be a chinook salmon. Effective August 1 through September 30 release chum and wild coho salmon, and effective October 1 until further notice release chinook salmon.

(b) Notwithstanding the provisions of this subsection, during the period August 16 until further notice, the daily limit in Bellingham Bay and adjacent waters described in WAC 220-56-195(1) is 4 salmon, no more than 2 of which may be chinook.

(4) Area 8-1 - Open August 1 until further notice - Daily limit 2 salmon except release chinook salmon.

(5) Area 8-2:

(a) Waters adjacent to Tulalip Bay west of the closed area line, within 2000 feet of shore, north of pilings at old Bower's Resort and south of a fishing marker 1.4 miles northwest of Hermosa Point:

(i) Effective immediately through September 30 open Friday through 11:59 a.m. the following Monday of each week. Daily limit 2 salmon.

(ii) Open October 1 until further notice - Daily limit 2 salmon except release chinook

(b) All other waters of Area 8-2: open August 1 until further notice - Daily limit 2 salmon except release chinook salmon.

(6) Area 9 - Open until further notice - Daily limit 2 salmon except release chinook. Release chum salmon through September 30.

(a) Open year round when fishing from the Edmonds Fishing Pier. Daily limit 2 salmon, not more than one of

which may be a chinook salmon, and effective August 1 through September 30 release chum salmon.

(b) Open year round when fishing from the Hood Canal Bridge Fishing Pontoon:

(i) Effective immediately through August 31 - Daily limit 2 salmon except release chinook, and effective August 1 release chum salmon.

(ii) Effective September 1 until further notice - Daily limit 2 salmon not more than one of which may be a chinook. Release chum salmon through October 15.

(7) Area 10 - Open until further notice - Daily limit 2 salmon except release chinook salmon, and effective August 1 through September 15 release chum salmon.

(a) Elliott Bay east of a line from West Point to Alki Point closed through August 31, except waters east of a line from Pier 91 to Duwamish Head are open Friday through Sunday of each week during the period July 12, 2002 through August 18, 2002 - Daily limit 2 salmon (lawful to retain chinook).

(b) Terminal gear in waters of the East Duwamish Waterway between a line projected east along the path of SW Hanford Street on Harbor Island and a line projected east from the south tip of Harbor Island is restricted to bait suspended above the bottom from a float.

(c) Shilshole Bay east of a line from Meadow Point to West Point closed through August 31.

(d) Effective through September 15 it is lawful to retain chinook salmon caught in waters of Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true west from Battle Point, and west of a line projected true south from Point White.

(e) Open year round when fishing from Elliott Bay Public Fishing Pier, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier. Daily limit 2 salmon, not more than one of which may be a chinook salmon. Effective August 1 through September 15 release chum salmon.

(8) Area 11:

(a) Open until further notice - Daily limit 2 salmon.

(b) Open year round when fishing from Les Davis Public Fishing Pier, Des Moines Public Fishing Pier, Redondo Public Fishing Pier, Dash Point Dock, and Point Defiance Boat-house Dock. Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(9) Area 12, except waters of the Hoodport Hatchery Zone which are managed separately as provided for in WAC 220-56-124:

(a) Waters south of Ayock Point:

(i) Open through October 15 - Daily limit 4 salmon, not more than two of which may be chinook salmon, and release chum salmon.

(ii) Open October 16 until further notice - Daily limit 4 salmon, not more than one of which may be a chinook salmon.

(b) Waters north of Ayock Point excluding waters of Quilcene Bay north of a line running east from Point Whitney to the Toandos Peninsula:

(i) Open September 1 through October 15 - Daily limit 4 coho salmon only.

(ii) Open October 16 until further notice - Daily limit 4 salmon, not more than one of which may be a chinook salmon.

(c) Open August 16 until further notice in waters of Quilcene Bay north of a line running east from Point Whitney to the Toandos Peninsula - Daily limit 4 coho salmon only.

(10) Area 13:

(a) Open until further notice - Daily limit 2 salmon except release wild coho.

(b) Carr Inlet north of a line from Penrose Point to Green Point - July 1 through July 31 terminal gear is restricted to fly fishing only, daily limit 2 hatchery coho salmon.

(c) Waters at Minter Creek mouth within 1,000 feet of outer oyster stakes are closed to salmon angling through September 30.

(d) Open year round when fishing from the Fox Island Public Fishing Pier. Daily limit 2 salmon not more than one of which may be a chinook salmon, and release wild coho salmon.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 1, 2002:

WAC 232-28-62100G

Puget Sound salmon seasons—North of Falcon (02-111)

WSR 02-14-073
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed June 28, 2002, 12:02 p.m.]

Date of Adoption: June 28, 2002.

Purpose: Manufactured homes (chapter 296-150M WAC) and Factory-built and commercial structures (chapter 296-150F WAC). These rules are necessary to implement several of the changes that were authorized by chapter 268, Laws of 2002 (SSB 6364) that was enacted in 2002, including:

- Changes to the fee schedules for mobile/manufactured homes and factory-built housing and commercial structures rules;
- Provisions to allow the department to waive mobile/manufactured home alteration permit fees for indigent permit applicants;
- Revisions to the disclosure requirements pertaining to the sale of mobile/manufactured homes;
- Allowing the parties involved to enter into a conditional sales agreement as is consistent with the sale of a site-built home;
- Changes to the department's ability to prohibit the sale or lease of mobile/manufactured homes; and
- Establishing notification provisions when an inspection is requested and if alterations to the home constitute a hazard to life, safety, or health.

Citation of Existing Rules Affected by this Order: Amending WAC 296-150M-0020, 296-150M-0049, 296-150M-0050, 296-150M-0320, 296-150M-3000, and 296-150F-3000.

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, and chapter 268, Laws of 2002 (SSB 6364).

Other Authority: Chapter 43.22 RCW.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: These emergency rules are necessary to implement chapter 268, Laws of 2002 (SSB 6364). Section 10 of this act states: "Sections 1, 2, and 4 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

As these emergency rules are for purposes of implementing several of the provisions authorized under sections 1, 2, and 4 through 9 of the act the department is authorized to adopt these rules using the emergency rule-making process and to put these rules into effect immediately per RCW 34.05.380(3).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 6, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 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 2, Amended 6, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Chapter 268, Laws of 2002 (SSB 6364) contains an emergency clause (see section 10) that adopted several of the provisions of the act immediately. As these rules are necessary to implement several of the provisions included in the act the department is authorized to adopt these rules using the emergency rule-making process and to put these rules into effect immediately per RCW 34.05.380(3).

Effective Date of Rule: Immediately.

June 28, 2002

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 02-15 issue of the Register.

WSR 02-14-075
EMERGENCY RULES
STATE BOARD OF HEALTH

[Filed June 28, 2002, 2:05 p.m., effective July 1, 2002]

Date of Adoption: June 28, 2002.

Purpose: The emergency rule enables the state health officer to declare a vaccines shortage, and establish conditional status for children who may not receive required immunizations during a vaccine shortage. The rule will enable children who are not fully immunized to enter and attend school and licensed day care facilities until they can obtain full immunization status following the end of the vaccine shortage.

Citation of Existing Rules Affected by this Order: Amending WAC 246-100-166.

Statutory Authority for Adoption: RCW 28A.210.140.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to preserve the general welfare of Washington citizens. There has been national vaccine shortages that may continue within the state for some time. It currently appears that the DTaP vaccine shortage will end by the end of the year. Without the option of using extended conditional status, some children may be unable to attend school or licensed day care facilities.

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: July 1, 2002.

June 28, 2002

Don Sloma
Executive Director

AMENDATORY SECTION (Amending WSR 96-04-079, filed 2/7/96, effective 3/9/96)

WAC 246-100-166 Immunization of child care and school children against certain vaccine-preventable diseases. (1) Definitions for purposes of this section:

(a) "Certificate of immunization status (CIS) form" means a form provided by the department labeled DOH 348-

013, including data entry spaces for immunization information including:

- (i) Name of child or student,
- (ii) Birth date,
- (iii) Gender,
- (iv) Type of vaccine,
- (v) Date of each dose of vaccine received specifying day, month, and year,
- (vi) Signature of parent, legal guardian, or adult in loco parentis, and
- (vii) Documented exemptions, if applicable and as specified in subsection (5) of this section.

(b) "Chief administrator" means:

(i) The person with the authority and responsibility for the immediate supervision of the operation of a school, child care center, or

(ii) A designee of the chief administrator assigned in writing to carry out the requirements of RCW 28A.210.160 through the statutory or corporate board of directors of the school district or school, or

(iii) Person or persons with the authority and responsibility for the general supervision of the operation of the school district or school.

(c) "Child" means any person regardless of age admitted to any child care center, preschool, kindergarten, or grades one through twelve program of education in:

(i) Any public school district, or

(ii) Any private school or private institution subject to approval by the state board of education or described in RCW 28A.305.130 and 28A.195.010 through 28A.195.060, or

(iii) Any licensed child care facility which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours subject to licensure by the department of social and health services as described in chapter 74.15 RCW.

(d) "Full immunization" means vaccinated in accordance with schedules and immunizing agents approved by the state board of health in WAC 246-100-166 against:

- (i) Diphtheria,
- (ii) Tetanus,
- (iii) Pertussis or whooping cough,
- (iv) Measles or rubeola,
- (v) Rubella,
- (vi) Mumps,
- (vii) Poliomyelitis,
- (viii) Haemophilus influenzae type b disease, and
- (ix) Hepatitis b, after September 1, 1997.

(e) "Immunizing agents" means any vaccine or other biologic licensed and approved by the United States Food and Drug Administration (FDA), or meeting World Health Organization (WHO) requirements, for immunization of persons against:

- (i) Diphtheria, tetanus, pertussis (DTP, DT, Td);
- (ii) Measles;
- (iii) Mumps;
- (iv) Poliomyelitis, types I, II, and III (TOPV, IPV);
- (v) Rubella;
- (vi) Haemophilus influenzae type b vaccine (Hib); and
- (vii) Hepatitis b.

(f) "National immunization guidelines" means the schedule for immunization described in the "Recommended Childhood Immunization Schedule: United States—(~~January 1995~~) December 2001," approved by the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP).

(g) "Parent" means a person who is:

- (i) The mother, father, legal guardian, or any adult in loco parentis of a child seventeen years of age or younger; or
- (ii) A person eighteen years of age or older; or
- (iii) An emancipated minor.

(h) "Transfer student" means a student previously enrolled in grades kindergarten through twelve moving from one school district or system to another at any time during the school year, excluding students transferring within a district or system when the school transfers records within the district.

(2) Full immunization schedule. Each child care center, preschool, and school shall establish and maintain requirements for full immunization of children attending child care and preschool through grade twelve.

(3) For child care and preschool children, full immunization means a child received the age-appropriate vaccines as ~~((enumerated in the National Immunization Guidelines as defined))~~ required in subsection (1)(d) of this section at intervals specified in the National Immunization Guidelines.

(4) For a child entering kindergarten or first grade (school entry level), full immunization means a child received the age-appropriate vaccines as ~~((enumerated in the National Immunization Guidelines as defined))~~ required in subsection (1)(d) of this section at intervals specified in the National Immunization Guidelines.

For transfer students and those above kindergarten or first grade, full immunization means a child received the age-appropriate vaccines ~~((consistent with the National Immunization Guidelines as defined))~~ required in subsection (1)(d) of this section at intervals specified in the National Immunization Guidelines (not required of persons eighteen years of age and older).

(5) Conditions for child care, preschool, and school attendance when a child is not fully immunized:

(a) When a child lacks full immunization, the child care center, preschool, or school shall require satisfactory progress toward full immunization (conditional status) as a condition of school attendance including:

(i) Documented proof of start or continuance of child's schedule of immunization;

(ii) Assurance the scheduled immunization is consistent with the national immunization guidelines defined in subsection (1) of this section;

(iii) Notification of child's parent(s) of when the schedule must be completed; and

(iv) Exclusion of child from attendance as described in subsection (9) of this section if child has not received required immunizations on schedule and if sufficient time has elapsed (one month from date due) for completion of next dose.

(b) When the state health officer declares a shortage of specific vaccine(s) within the full immunization schedule under this section (conditional status).

(i) Only the state health officer may declare a shortage over.

(ii) A school or daycare may exclude a child if the child has not received required immunizations within sixty days from the date the health officer declares a shortage over.

(6) Schools, preschools, and child care centers shall require documented proof related to immunization including:

(a) Completion of a certificate of immunization status (CIS) form by a parent as documented proof of:

(i) Full immunization, or

(ii) Initiation or continuation of a schedule (conditional status), or

(iii) Exemption.

(b) Information from a written personal immunization record, as the source of the immunization data entered on the CIS form (substitution of a personal immunization record for a CIS form is prohibited);

(c) Acceptance of only the CIS form (no other state or local immunization forms) from new enrollees registering in kindergarten through grade twelve;

(d) In addition to current CIS form, acceptance of previous CIS forms, or locally developed forms approved by the department indicating the month and year of each immunization as the official immunization status for children enrolled prior to September 1, 1979.

(7) Schools, preschools, and child care centers shall accept medical exemptions and:

(a) Require a signature of a licensed medical doctor (M.D.), doctor of osteopathy (D.O.), doctor of naturopathy (N.D.), physician assistant, or nurse practitioner practicing within the limits of the medical or nurse practice acts to certify medical reasons to defer one or more immunizations on the CIS form;

(b) Admit children and keep on file a CIS form for children with:

(i) Temporary exemption from immunization for medical reasons if the required immunizations are received upon expiration of the exemption, or

(ii) Permanent exemptions.

(c) Include a statement on the CIS form informing the parent that should an outbreak of vaccine preventable disease for which the child is exempted occur, the child may be excluded from school or child care for the duration of the outbreak by order of the local health department as described in subsection (9) of this section; and

(d) Keep on file a list of children so exempted and transmit the list to the local health department if requested.

(8) Schools, preschools, and child care centers shall:

(a) Allow a parent to exempt his/her child from the required immunizations for religious, philosophical, or personal objections when the CIS form indicates:

(i) Type or exemption, and

(ii) Signature of parent.

(b) Keep on file a CIS form for each child so enrolled;

(c) Include a statement on the CIS form informing the parent that should an outbreak of vaccine preventable disease for which the child is exempted occur, the child may be

excluded from school for the duration of the outbreak by order of the local health department as described in subsection (9) of this section; and

(d) Keep on file a list of children so exempted and transmit the list to the local health department if requested.

(9) Schools, preschools, and child care centers shall exclude children from school as follows:

(a) Exclude any child from school for failure to provide a completed CIS form as defined in subsection (1) of this section before or on the child's first day of attendance consistent with procedures required by the state board of education, Title 180 WAC;

(b) Exclude from attendance any child in a child care center for failure to provide a completed CIS form as defined in subsection (1) of this section before or on the child's first day of attendance;

(c) The chief administrator shall retain records on excluded children for at least three years including:

(i) Name,

(ii) Address, and

(iii) Date of exclusion.

(d) A health officer may exclude children from school, preschool, and child care attendance in the event of a child's exposure to a disease according to chapter 246-110 WAC, including children presenting proof of:

(i) Initiation of a schedule of immunization,

(ii) Medical exemption,

(iii) Religious exemption,

(iv) Philosophical exemption, or

(v) Personal exemption.

(10) Schools, preschools, and child care centers shall maintain records and require:

(a) A completed CIS form retained in the files for every child enrolled;

(b) Return of original CIS form or a legible copy to the parent in the event of the child's withdrawal or transfer from school (withholding a record for any reason, including non-payment of school, preschool, or child care fees is prohibited);

(c) Access to immunization records by agents of the state or local health department for each child enrolled.

(11) Persons or organizations administering immunizations, either public or private, shall:

(a) Furnish each person immunized, or his or her parent, with a written record of immunization containing information required by the state board of health; and

(b) Provide immunizations and records in accordance with chapter 246-100 WAC.

(12) Chief administrators of schools, preschools, and child care centers shall forward a written annual report to the department and local health department on the immunization status of children as follows:

(a) For schools: By November 1 of each year on forms provided by the department (except in the event of a late school opening when the report is due thirty days after the first day of school);

(b) For preschools and child care centers: By February 1 of each year on forms provided by the department.

WSR 02-14-080
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 28, 2002, 4:03 p.m.]

Date of Adoption: June 28, 2002.

Purpose: The Division of Employment and Assistance Programs is adopting new WAC 388-474-0012, defining who is eligible to receive payments from the state supplemental payment program; amending WAC 388-478-0055, changing state supplemental payment standards to reflect the payment standard changes; and amending WAC 388-474-0015, to reflect changes in the state supplemental payment program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0055 and 388-474-0015.

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

Other Authority: ESSB 6387 (chapter 371, Laws of 2002).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The 2002 supplemental budget, section 207, chapter 371, Laws of 2002, reduced funding available to the Economic Services Administration for state supplementary payments to SSI eligible recipients, and directed that "within the amount remaining in this section, SSI supplemental payments shall be used for current SSI recipients who have ineligible spouses." In its published "Final Budget - Statewide Agency Detail" for ESSB 6387 (chapter 371, Laws of 2002), the legislature clearly stated its intent that "Beginning July 2002, state supplemental payments will no longer be provided automatically to all persons receiving a federal SSI benefit. SSI recipients will continue to receive their federal benefits and their federally provided annual cost of living increases each January. Some recipients who are dependent on larger state supplements will be provided a transitional state supplemental payment." To comply with this requirement, it is necessary to modify the existing rules on an emergency basis. Following the statutory timeline for nonemergency adoption would mean the legislative changes could not be implemented by the beginning of the next fiscal year on July 1, 2002, and in turn that would result in an over-expenditure of funds appropriated for this purpose. Over-expenditure would result in the department making more drastic cuts later in the fiscal year, leaving many clients without needed benefits.

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 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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 2, Repealed 0.

Effective Date of Rule: Immediately.

June 28, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-11-033, filed 5/7/02, effective 6/7/02)

WAC 388-474-0015 What happens to my categorically needy (CN) medical coverage when my Supplemental Security Income (SSI) cash payment is terminated? (1) Your CN medical coverage (WAC 388-505-0110) continues after an SSI cash payment ends when:

(a) Countable income exceeds the SSI income standard due solely to the annual cost-of-living adjustment (COLA); or

(b) A timely request for a hearing has been filed. CN medical coverage is continued until Social Security Administration (SSA) makes a final decision on the hearing request and on any subsequent timely appeals.

(2) If your SSI ends your CN medical coverage continues for a period of up to one hundred twenty days while the department reviews your eligibility for other cash or medical programs.

(3) If you are a terminated SSI or SSI-related client, the department will review your disability status when:

(a) You present new medical evidence;

(b) Your medical condition changes significantly; or

(c) Your termination from SSI was not based on a review of current medical evidence.

(4) Children terminated from SSI due to loss of disabled status may be eligible for medical benefits under WAC 388-505-0210.

NEW SECTION

WAC 388-474-0012 What is a state supplemental payment and who can get it? (1) The state supplemental payment (SSP) is a state-paid cash assistance program for certain clients who the Social Security Administration determines are eligible for Supplemental Security Income (SSI).

(2) You can get an SSP if:

(a) You are a grandfathered SSI recipient under WAC 388-474-0001; or

(b) You are an individual with an ineligible spouse under WAC 388-474-0001; or

(c) You are an individual with developmental disabilities who applies for and meets the division of developmental disabilities criteria for SSP.

AMENDATORY SECTION (Amending WSR 01-19-024, filed 9/12/01, effective 11/1/01)

WAC 388-478-0055 ((SSI payment standards for eligible recipients.)) How much do I get from my Supplemental Security Income (SSI) and state supplemental payments (SSP)? (1) ((Supplemental Security Income (SSI)) is a federal 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)) SSP is a payment from the state for certain SSI eligible people (see WAC 388-474-0012).

If you are eligible for SSI, you may receive a federal cash payment from the federal Social Security Administration, as well as a SSP cash payment from the state.

If you were converted from state assistance to the federal SSI program in January 1974 because you were aged, blind, or disabled, the department calls you a grandfathered client. Social Security calls you a mandatory income level (MIL) client. To be a grandfathered (MIL) client, you must have remained continuously eligible for SSI from January 1974.

A change in living situation, cost-of-living adjustment (COLA) or federal payment level (FPL) can affect a grandfathered (MIL) client. A grandfathered (MIL) client gets a federal SSI payment and a SSP payment, which totals the higher of one of the following:

(a) The state assistance standard set in December 1973, unless you lived in a medical institution at the time of conversion, plus the federal cost-of-living adjustments (COLA) since then; or

(b) The current payment standard.

(2) The federal, state and combined ((benefit levels)) payment level 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

Individual

Federal ((Benefit)) Payment Level	State Supplement ((Benefit)) Payment Level	Combined Federal/State ((Benefit)) Payment Level
\$ ((531.00)) <u>545.00</u>	\$ ((25.90)) <u>0.00</u>	\$ ((556.90)) <u>545.00</u>

Individual with:

One essential person

(((\$797.00)) <u>818.00</u>	(((\$19.90)) <u>0.00</u>	(((\$816.90)) <u>818.00</u>
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((Individual with:

Multiple essential persons))

(((\$531 for the eligible individual plus \$266 for each essential person (no state supplement)))

Individual with an ineligible spouse

\$ ((531.00)) <u>545.00</u>	\$ ((166.10)) <u>70.00</u>	\$ ((697.10)) <u>615.00</u>
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Couple

\$ ((796.00)) <u>817.00</u>	\$ ((19.90)) <u>0.00</u>	\$ ((815.90)) <u>817.00</u>
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((Couple with one or more essential persons))

(((\$796 for eligible couple plus \$266 for each essential person (no state supplement)))

Couple with one essential person

<u>\$817.00</u>	<u>\$0.00</u>	<u>\$817.00</u>
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(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

Individual

Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
\$ 531.00	\$ 5.45	\$ 536.45
\$ 797.00	\$ 0.00	\$ 797.00

Individual with:

One essential person

Individual with:

Multiple essential persons

\$531 for the eligible individual plus \$266 for each essential person (no state supplement)

Individual with an ineligible spouse

\$ 531.00	\$ 136.15	\$ 667.15
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Couple

\$ 796.00	\$ 0.00	\$ 796.00
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Couple with one or more essential persons

\$796 for eligible couple plus \$266 for each essential person (no state supplement)

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

	Federal ((Benefit)) <u>Payment Level</u>	State Supplement ((Benefit)) <u>Payment Level</u>	Combined Federal/State ((Benefit)) <u>Payment Level</u>
SHARED LIVING - In the home of another person			
Individual	\$ ((354.00)) <u>363.34</u>	\$ ((3.71)) <u>0.00</u>	\$ ((357.71)) <u>363.34</u>
Individual with:			
One essential person	((531.34)) <u>545.34</u>	((4.20)) <u>0.00</u>	((535.54)) <u>545.34</u>
((Individual with: Multiple essential persons))	((354.00 for the eligible individual plus \$177.00 for each essential person (no state supplement)))		
Individual with an ineligible spouse	\$ ((354.00)) <u>363.34</u>	\$ ((41.66)) <u>70.00</u>	\$ ((455.66)) <u>433.34</u>
Couple	\$ ((530.67)) <u>544.67</u>	\$ ((4.20)) <u>0.00</u>	\$ ((534.87)) <u>544.67</u>
((Couple with one or more essential persons))	((530.67 for eligible couple plus \$177.00 for each essential person (no state supplement)))		
<u>Couple with one essential person</u>	<u>\$544.67</u>	<u>\$0.00</u>	<u>\$544.67</u>

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

MEDICAL INSTITUTION	Federal ((Benefit)) <u>Payment Level</u>	State Supplement ((Benefit)) <u>Payment Level</u>	Combined ((Benefit)) <u>Payment Level</u>
Individual	\$ 30.00	\$ 11.62	\$ 41.62

~~((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 02-14-081
EMERGENCY RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
[Filed June 28, 2002, 4:05 p.m., effective July 1, 2002]

Date of Adoption: June 26, 2002.

Purpose: To implement a \$2.7 million reduction of funding for fiscal year 2003 for the assisted living facility (ALF) capital add-on rate. To increase the daily payment rates for boarding homes and adult family homes by the vendor rate increase of 1.5%.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-105-0005.

Statutory Authority for Adoption: Chapter 371, Laws of 2002.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: In 2001-03 supplemental budget (section 206, chapter 371, Laws of 2002), the legislature reduced the amount of available funding for the assisted living facility rate add-on for capital improvements and/or new construction. The legislature's intent was clear in the "Final Budget - Agency Summary Detail," stating, "The assisted living reimbursement rate is adjusted by eliminating the capital add-on provision to the assisted living rate for those facilities with fewer than 50 percent Medicaid residents." Failure to implement the reduction effective July 1, 2002, would result in a larger reduction later making even more assisted living facilities ineligible for the rate add-on. Regular adoption would delay by four months or more the reduction. Delay threatens the health, safety and general welfare of all assisted living facility residents because of the fewer assisted living facilities that receive the rate add-on results in more assisted living facilities diverting funds from direct care to pay for capital improvements.

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.

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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 3, Amended 1, Repealed 0.

Effective Date of Rule: July 1, 2002.

June 26, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-105 WAC

MEDICAID RATES FOR CONTRACTED HOME AND COMMUNITY RESIDENTIAL CARE ((SERVICE-RATES)) SERVICES

AMENDATORY SECTION (Amending WSR 01-21-077, filed 10/18/01, effective 11/18/01)

WAC 388-105-0005 What are the daily Medicaid payment rates for contracted adult family home (AFH), adult residential care (ARC), and enhanced adult residential care (EARC) services? For contracted AFH, ARC, and EARC services, the department pays the following daily rates for care of a Medicaid resident:

Four level payment system rates for AFHs, ARCs, & EARCs			
Care Levels	Non-metropolitan	Metropolitan*	King Co.
Level 1	\$((44.94)) <u>45.97</u>	\$((43.68)) <u>44.70</u>	\$((43.68)) <u>44.70</u>
Level 2	\$((47.84)) <u>49.19</u>	\$((50.05)) <u>51.43</u>	\$((55.42)) <u>56.88</u>
Level 3	\$((55.40)) <u>56.98</u>	\$((57.80)) <u>59.42</u>	\$((63.96)) <u>65.67</u>
Level 4	\$((66.66)) <u>68.06</u>	\$((70.52)) <u>71.98</u>	\$((76.67)) <u>78.22</u>

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima Counties.

NEW SECTION

WAC 388-105-0030 What are the daily Medicaid payment rates for contracted assisted living facilities (ALF) not receiving a capital rate add-on? For contracted ALF services for care of a Medicaid resident, the department pays the following daily rates:

COPEs ALF Daily Payment Rates w/o Capital Add-on Rate			
Care Levels	Non-metropolitan	Metropolitan*	King Co.
Level 1	\$ 54.75	\$ 56.26	\$ 60.94
Level 2	\$ 61.05	\$ 62.83	\$ 68.43
Level 3	\$ 67.45	\$ 69.81	\$ 76.37

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima Counties.

NEW SECTION

WAC 388-105-0035 What are the requirements for a capital add-on rate for assisted living facilities (ALF)? (1) Effective July 1, 2002, the department will grant a capital add-on rate to an ALF that:

- (a) Meets the construction requirements of WAC 388-110-140; and
- (b) Has a Medicaid occupancy percentage that equals or exceeds the applicable bi-yearly Medicaid minimum occupancy percentage set in accordance with subsection (3) of this section.

(2) The department will determine an ALF's Medicaid occupancy percentage by dividing its Medicaid resident days by the product of all its licensed boarding home beds irrespective of use times calendar days for the six-month period beginning one year prior to the percentage effective date.

(3)(a) To set the bi-yearly Medicaid minimum occupancy percentage, the department will:

- (i) Determine the estimated total budgeted funds for capital add-on rates for the six-month period;
- (ii) Rank from highest to lowest the individual ALF occupancy percentages determined in accordance with subsection (2) of this section;
- (iii) Assign, beginning with the highest ALF Medicaid occupancy percentage, the estimated expenditure needed to pay the capital add-on rate to each facility for the six-month period;

(iv) Identify the ALF Medicaid occupancy percentage at which the estimated total budgeted funds determined under subsection (3)(a)(i) of this section would be expended; and

(v) Set that Medicaid occupancy percentage as the bi-yearly Medicaid minimum occupancy percentage.

(b) The bi-yearly Medicaid minimum occupancy percentage will be set every January 1 and July 1.

(4) The method selected by the department to determine individual ALF Medicaid occupancy percentages and the bi-yearly Medicaid minimum occupancy percentages are not subject to review under chapter 34.05 RCW or chapter 388-02 WAC. Assisted living facilities may appeal their facility specific data used in the methodology i.e., Medicaid days and number of licensed boarding home beds.

NEW SECTION

WAC 388-105-0040 What are the daily capital add-on rates for assisted living facilities (ALF) and the ALF

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daily payment rates with a capital add-on rate? For an ALF that qualifies for a capital add-on rate, the department will add the following amount to the per resident day payment rates in WAC 388-105-0030:

COPES ALF Add-on Rate July 1, 2002		
Non-metropolitan	Metropolitan*	King Co.
\$ 4.68	\$ 4.39	\$ 4.84

COPES ALF Daily Payment Rates with a Capital Add-on Rate			
Care Levels	Non-metropolitan	Metropolitan*	King Co.
Level 1	\$ 59.43	\$ 60.65	\$ 65.78
Level 2	\$ 65.73	\$ 67.22	\$ 73.27
Level 3	\$ 72.13	\$ 74.20	\$ 81.21

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima Counties.

**WSR 02-14-082
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Adult Services Administration)
[Filed June 28, 2002, 4:07 p.m., effective July 1, 2002]

Date of Adoption: June 26, 2002.

Purpose: To change the nursing home (NH) license fee from \$127 per bed per year to \$275 per bed per year to implement the legislative intent of ESSB 6387 (chapter 371, Laws of 2002).

Citation of Existing Rules Affected by this Order: Amending WAC 388-97-550 and 388-97-555.

Statutory Authority for Adoption: RCW 18.51.050.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Under RCW 18.51.050 the department must set NH license fees at an amount adequate to cover in full the costs of the licensing activities for nursing homes. In the "Final Budget - Agency Summary Detail" to ESSB 6387 (chapter 371, Laws of 2002), the legislature stated its intent that, "Nursing home licensing fees are to be increased from their current level of \$127 (per bed) per year to \$275, so that those fees will fully cover the cost of the licensing and inspection function, as required by RCW 18.51.050." Regular adoption would delay by four months or more the increase needed to adequately fund NH licens-

ing/inspection. Inadequate funding for NH inspection and licensing risks the health, safety and general welfare of all NH residents.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: July 1, 2002.

June 26, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-550 Initial nursing home license. (1) A complete nursing home license application must be:

- (a) Submitted at least sixty days prior to the proposed effective date of the license on forms designated by the department;
- (b) Signed by the proposed licensee or the proposed licensee's authorized representative;
- (c) Notarized; and
- (d) Reviewed by the department in accordance with this chapter.

(2) All information requested on the license application must be provided. At minimum, the nursing home license application will require the following information:

- (a) The name and address of the proposed licensee, and any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee;
- (b) The names of the administrator, director of nursing services, and, if applicable, the management company;
- (c) The specific location and the mailing address of the facility for which a license is sought;
- (d) The number of beds to be licensed; and
- (e) The name and address of all nursing homes that the proposed licensee or any partner, officer, director, managerial employee, or owner of five percent or more of the proposed licensee has been affiliated with in the past ten years.

(3) The proposed licensee must be:

- (a) The individual or entity responsible for the daily operation of the nursing home;
- (b) Denied the license if any individual or entity named in the application is found by the department to be unqualified.

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(4) For initial licensure of a new nursing home, the proposed licensee must submit the annual license fee with the initial license application. The nonrefundable nursing home license fee is ~~((one))~~ two hundred ~~((twenty-seven))~~ seventy-five dollars per bed per year.

(5) If any information submitted in the initial license application changes before the license is issued, the proposed licensee must submit a revised application containing the changed information.

(6) If a license application is pending for more than six months, the proposed licensee must submit a revised application containing current information about the proposed licensee or any other individuals or entities named in the application.

AMENDATORY SECTION (Amending WSR 00-06-028, filed 2/24/00, effective 3/26/00)

WAC 388-97-555 Nursing home license renewal. (1) All nursing home licenses must be renewed annually.

(2) License renewals must be:

(a) Submitted at least thirty days prior to the license's expiration date on forms designated by the department;

(b) Signed by the current licensee or the current licensee's authorized representative;

(c) Notarized; and

(d) Reviewed by the department in accordance with this chapter.

(3) The current licensee must provide all information on the license renewal form or other information requested by the department.

(4) The application for a nursing home license renewal must be:

(a) Made by the individual or entity currently licensed and responsible for the daily operation of the nursing home;

(b) Denied if any individual or entity named in the renewal application is found by the department to be unqualified.

(5) The nursing home license renewal fee must be submitted at the time of renewal. The nonrefundable nursing home license renewal fee is ~~((one))~~ two hundred ~~((twenty-seven))~~ seventy-five dollars per bed per year.

(6) In unusual circumstances, the department may issue an interim nursing home license for a period not to exceed three months. The current licensee must submit the prorated nursing home license fee for the period covered by the interim license. The annual date of license renewal does not change when an interim license is issued.

(7) A change of nursing home ownership does not change the date of license renewal and fee payment.

Purpose: To establish a definition and standards for the implementation of a system to file declarations of candidacy electronically.

Citation of Existing Rules Affected by this Order: Amending WAC 434-215-012 and 434-208-060.

Statutory Authority for Adoption: Section 3, chapter 140, Laws of 2002.

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: To implement on-line declaration of candidacy filing for the 2002 filing period, July 22nd-July 26th, it is necessary to adopt these rules immediately.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 4, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 1, 2002.

June 28, 2002

Steve Excell

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-215-012 Declaration of candidacy—Offices subject to a primary. Declarations of candidacy for all partisan and nonpartisan offices ~~((shall be))~~ filed either in person or by mail shall be in substantially the following form:

WSR 02-14-088

EMERGENCY RULES

SECRETARY OF STATE

[Filed June 28, 2002, 4:22 p.m., effective July 1, 2002]

Date of Adoption: July 28, 2002.

FILING DATA . . . FOR OFFICE USE ONLY

Date/Time _____	Fee Paid \$ _____	File No. _____
Paid By (Check one)		
<input type="checkbox"/> Check	<input type="checkbox"/> Other	Office _____
<input type="checkbox"/> Cash	<input type="checkbox"/> Nom. Petition	Code: _____
Clerk/Cashier initials _____		

DECLARATION OF CANDIDACY

1. I, _____ am a registered voter residing at:

(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. _____ (STREET ADDRESS OR RURAL ROUTE WHERE REGISTERED TO VOTE) (CITY) (COUNTY) (ZIP CODE)

_____ (MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE)

_____ (TELEPHONE NO.) (EMAIL ADDRESS)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of:

_____ (NAME OF OFFICE)

_____ (CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

_____ (POSITION NUMBER IF APPLICABLE)

_____ (DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- A full term or a full term and a short term, or
- An unexpired term

5. This office is:

- Nonpartisan, or
- Partisan, and I am: a candidate of the _____ party, or an independent candidate nominated pursuant to chapter 29.24 RCW.

6. Filing Fee (Check one):

- There is no filing fee because the office has no fixed annual salary, or
- I am submitting a filing fee of \$10 because the fixed annual salary of the office being sought is \$1,000 or less, or
- I am submitting a filing fee of \$ _____, an amount equal to 1% of the annual salary, or
- I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.15.050.

7. Please print my name on the ballot exactly as follows: _____ (PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

Note: Your signature must be personally attested to either by a notary public or by the officer with whom the declaration is filed.

8. Sign Here X _____ (SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF _____

SIGNED OR ATTESTED BEFORE ME ON _____ (DATE)

by _____ (CANDIDATE)

_____ (SIGNATURE OF NOTARY)

_____ (TITLE)

MY APPOINTMENT EXPIRES _____

(SEAL OR STAMP)

EMERGENCY

Candidate: Return all copies of this declaration to the filing officer. Distribution by the filing officer: White—County; Yellow—PDC; Pink—Candidate
The form(s) shall measure eight and one-half inches by eleven inches and be printed on paper stock of good quality. The form shall also contain space for recording the date and time of filing and a sequential filing and receipt number. One copy of the form or an electronic file, in a format approved by the secretary of state and acceptable to the public disclosure commission, containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW 29.15.030, and one copy of the form or an electronic file containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be returned to the candidate.

NEW SECTION

WAC 434-215-070 Definition and standards for systems to file declarations of candidacy electronically. An electronic system to file declarations of candidacy shall be an online system accessible to candidates on the world wide web that records the information specified in RCW 29.15.010 (1) through (4) and WAC 434-215-090. At a minimum, the system shall perform the following functions:

- (1) Verify the candidate's voter registration status;
- (2) Check the candidate's name against the name returned by electronic transfer of funds process;
- (3) Allow the filing officer to verify filings before filing information is made public;
- (4) Accept electronic transfer of funds for the payment of filing fees required by RCW 29.15.050, except that a candidate submitting a nominating petition in the place of a filing fee may not file the declaration of candidacy electronically;
- (5) Inform, and require the candidate to acknowledge, that submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitution and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of the filing fee established in RCW 29.15.050; and
- (6) Inform the candidate that knowingly providing false information on a declaration of candidacy is a class C felony as provided by RCW 29.85.100.

NEW SECTION

WAC 434-215-080 Jurisdictions eligible to accept electronically filed declarations of candidacy. The secretary of state and county auditors may accept electronically filed declarations of candidacy for any office for which they are authorized to accept filings provided by RCW 29.15.030. Any system designed to accept electronically filed declarations of candidacy must comply with the requirements of WAC 434-215-070.

NEW SECTION

WAC 434-215-090 Information requirements for electronically filed declarations of candidacy beyond

those required in RCW 29.15.010. At a minimum, electronically filed declarations of candidacy shall provide:

- (1) The month and day of the candidate's date of birth;
- (2) An electronic mail address, phone number, and mailing address where the candidate may be contacted.

NEW SECTION

WAC 434-215-110 Interlocal agreements to provide electronic filing services. The secretary of state may enter into interlocal agreements with county auditors to provide services in order that county auditors may accept electronic filings. Nothing in an agreement shall contravene RCW 29.15.030, determining where candidates file for office.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-208-060 Filing of electronic facsimile documents. In addition to those documents specified by RCW 29.04.230, the secretary of state or the county auditor shall accept and file in his or her office electronic facsimile transmissions of the following documents:

- (1) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;
- (2) Any minor party or independent candidate filing material except nominating petitions;
- (3) Lists of presidential electors selected by political parties or independent candidates;
- (4) Voted ballots, provided the voter agrees to waive the secrecy of his or her ballot;
- (5) Resolutions from cities, towns, and other districts calling for a special election;
- (6) Filling of vacancies on the ticket by a major political party;
- (7) Voter registration form.

**WSR 02-14-089
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-136—Filed June 28, 2002, 4:55 p.m., effective July 1, 2002]

Date of Adoption: June 28, 2002.

Purpose: Adopt interim direct retail sales rules.

Statutory Authority for Adoption: Chapter 301, Laws of 2002.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Chapter 310, Laws of 2002, establishes a direct retail sale endorsement to a commercial crab and salmon license. This legislation will take effect on July 1, 2002, and an interim rule is needed until the permanent rule takes effect after the August 2-3 commission meeting.

EMERGENCY

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 1, 2002.

June 28, 2002

J. P. Koenings

Director

by Larry Peck

(5) In order to allow inspection and sampling, each fisher offering salmon or crab for retail sale must notify the department forty-eight hours prior to sale and identify the location of the fisher's temporary food service establishment. The only acceptable notification is by telephone to (360) 902-2936, FAX to 902-2155, or e-mail to enforcement-web@dfw.wa.gov.

(6) Salmon or Dungeness crab sold under a retail sale endorsement may only be sold to a consumer. Sale is not allowed to any person who will resell the product, such as a restaurant. Dungeness crab must be sold uncooked.

(7) If salmon or crab offered for retail sale and documented on a fish receiving ticket are subsequently sold to a licensed wholesale dealer, the sale must be documented by a sale receipt, not a fish receiving ticket, and it is the responsibility of the wholesale dealer to maintain the product separately, until the product is resold or processed.

(8) Violations of subsections (2), (3), and (7) of this section are punishable under RCW 77.15.640.

(9) Violations of subsections (4), (5), and (6) of this section are punishable under RCW 77.15.540.

NEW SECTION

WAC 220-20-08000A Sale under a direct retail endorsement. It is unlawful for any fisher selling salmon or Dungeness crab taken by that fisher under a direct retail endorsement, or for a wholesale dealer accepting salmon or crab from such a fisher, to fail to comply with the requirements of this section.

(1) A direct retail endorsement will not be issued to a licensee who is other than a natural person and, after 2002, will only be issued upon renewal of a qualifying license. Applicants for the endorsement must present a letter from the county health department of the fisher's county of residence certifying that the methods used by the fisher for transport, storage and display of product meet the county and statewide standards for food service operations. If the fisher is landing product from a documented vessel, the letter may be from the county health department of the hailing port of the vessel. Additionally, applicants must present a valid food and beverage service worker's permit at the time of application, and pay the direct retail administrative cost of fifty dollars. The health department letter, permit, and administrative cost are required for each application or renewal for a direct retail endorsement.

(2) Any fisher who offers salmon or crab for retail sale must complete a fish receiving ticket for all salmon or crab aboard the harvesting vessel before the product is offered for retail sale. The price shown on the fish receiving ticket must be the price at which the fisher is offering the salmon or crab for sale.

(3) Any fisher selling salmon or crab at retail, which salmon or crab are taken from an area under the quick reporting requirements of WAC 220-69-240, is required to comply with the quick reporting requirement.

(4) Salmon and crab offered for retail sale must be landed in the round. Salmon may not be cleaned or headed until the fish ticket documenting the landing is completed.

WSR 02-14-090

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 02-132—Filed June 28, 2002, 4:57 p.m.]

Date of Adoption: June 26, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-04000D; and amending WAC 220-24-040.

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: Immediately.

June 26, 2002
 J. P. Koenings
 Director
 by Larry Peck

south of Cape Falcon, Oregon, and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

(9) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279 or faxing the information to (360) 902-2949 or E-mailing to trollfishtickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, the species. The total number for each species and the total weight for each species including halibut.

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 220-24-04000D All-citizen commercial salmon troll. Notwithstanding the provisions of WAC 220-24-040, effective immediately until further notice is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section:

(1) Salmon Management and Catch Reporting Areas 1, 2, 3 and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open July 1 through July 8, 2002. Unlawful to retain coho. Cape Flattery and Columbia River Control Zones closed.

(2) Minimum size for chinook salmon is 28 inches in length. No minimum size for pink, sockeye or chum salmon.

(3) Lawful troll gear is restricted to single point, single shank barbless hooks.

(4) No vessel may possess, land or deliver more than 250 chinook for the entire eight day period.

(5) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and must land within the Salmon Management and Catch Reporting Areas fished, or within an adjacent Salmon Management and Catch Reporting Area closed to all-citizen troll fishing.

(6) The Cape Flattery Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ: and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and west of 125°05'00" W longitude.

(7) Columbia Control Zone - An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09' N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" West. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(8) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 9, 2002:

WAC 220-24-04000D All-citizen commercial salmon troll.

**WSR 02-14-114
 EMERGENCY RULES
 STATE BOARD OF EDUCATION**

[Filed July 2, 2002, 1:55 p.m.]

Date of Adoption: June 21, 2002.

Purpose: To amend language in chapters 180-16, 180-18, 180-53, and 180-55 WAC as recommended by the State Board of Education Accreditation Advisory Committee to align school accreditation and school district approval with the continuing implementation of a performance-based education system.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-16-006, 180-18-020, 180-53-005, 180-53-010, 180-53-020, 180-53-025, 180-53-030, 180-53-035, 180-53-040, 180-53-045, 180-53-050, 180-53-055, 180-53-060, 180-53-070, 180-55-010, 180-55-025, 180-55-030, 180-55-035, 180-55-050, 180-55-070, 180-55-075, 180-55-080, 180-55-085, 180-55-090, 180-55-095, 180-55-100, 180-55-105, 180-55-110, 180-55-115, 180-55-120, 180-55-125, 180-55-130 and 180-55-135; amending WAC 180-16-002, 180-16-195, 180-16-220, 180-18-010, 180-55-005, 180-55-015 and 180-55-020; and new WAC 180-16-227, 180-55-032, 180-55-034, and 180-55-150.

Statutory Authority for Adoption: RCW 28A.150-220(4), chapter 28A.010 RCW, RCW 28A.58.754(6).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

EMERGENCY

Reasons for this Finding: Approval of school district programs are for entitlement to state basic education allocation funding.

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 4, Amended 7, Repealed 33.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 7, Repealed 33.

Number of Sections Adopted Using Negotiated Rule Making: New 4, Amended 7, Repealed 33; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 27, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 98-08-039, filed 3/24/98, effective 4/24/98)

WAC 180-16-002 Purpose and authority. (1) In support of improving student learning and growth, the purpose of this chapter is to establish the policies and procedures for state board of education approval of school district programs for entitlement to state basic education allocation funding.

(2) ~~The authority for this chapter is RCW 28A.150-220(4) ((which requires the state board of education to adopt rules that implement and ensure compliance with the basic program of education requirements of RCW 28A.150.250, 28A.150.260, and 28A.150.220 and such related basic program of education requirements as may be established by the state board of education)).~~

AMENDATORY SECTION (Amending WSR 99-10-091, filed 5/4/99, effective 6/4/99)

WAC 180-16-195 Annual reporting and review process. (1) **Annual school district reports.** A review of each school district's kindergarten through twelfth grade program shall be conducted annually for the purpose of determining compliance or noncompliance with ~~((these))~~ basic education ~~((allocation entitlement))~~ program approval requirements. On or before the ~~((third))~~ first Monday in ~~((October))~~ November of each school year, each school district superintendent shall complete and return the program ~~((data report))~~ assurance form ~~((s) prepared and))~~ (OSPI Form 1497) distributed by the ~~((superintendent of public instruction))~~ state board of education. ~~((Such))~~ The form ~~((s))~~ shall be designed to elicit data necessary to a determination of a school district's compliance or noncompliance with ~~((these entitlement))~~ basic education program approval requirements. Data reported ~~((on any such form(s)))~~ by a school district shall

accurately represent the actual status of the school district's program as of the first school day in October and as thus far provided and scheduled for the entire current school year. ~~((Such))~~ The form ~~((s))~~ shall be signed by:

- (a) The school board president or chairperson, and
- (b) The superintendent of the school district.

(2) **State board staff review.**

~~((a))~~ State board of education staff shall review each school district's program ~~((data report and such supplemental state reports as staff deems necessary))~~ assurance form, conduct on-site monitoring visits of randomly selected school districts, as needed and subject to funding support, and prepare recommendations and ~~((supporting))~~ reports for presentation to the state board of education: Provided, That, if a school district's initial program ~~((data report and any other state reports considered do))~~ assurance form does not establish compliance with ~~((these))~~ the basic education ~~((allocation entitlement))~~ program approval requirements, the district shall be provided the opportunity to explain the deficiency ~~((and provide supplemental data))~~ or deficiencies. School districts which foresee that they will not be able to comply with ~~((these entitlement))~~ the program approval requirements, or that are deemed by the state board to be in noncompliance, may petition for a waiver on the basis of ~~((the limited ground of))~~ substantial lack of classroom space as set forth in WAC 180-16-225 and instructional hours offering requirements under WAC 180-18-030.

~~((b))~~ School districts may use the personnel and services of the educational service district to assist the district and schools in the district that are out of compliance with basic education program approval requirements.

(3) **Annual certification of compliance or noncompliance—Withholding of funds for noncompliance.**

(a) At the annual ~~((March))~~ spring meeting of the state board of education, or at such other meeting as the board shall designate, the board shall certify by motion each school district as being in compliance or noncompliance with ~~((these))~~ the basic education ~~((allocation entitlement))~~ program approval requirements.

(b) A certification of compliance shall be effective for the then current school year subject to any subsequent ad hoc review and determination of noncompliance as may be deemed necessary by the state board of education or advisable by the superintendent of public instruction. In addition, a certification of compliance shall be effective tentatively for the succeeding school year until such time as the state board takes its annual action certifying compliance or noncompliance with ~~((these entitlement))~~ the program approval requirements.

(c) A certification of noncompliance shall be effective until program compliance is assured by the school district to the satisfaction of state board of education staff, subject to review by the state board. Basic education allocation funds shall be deducted from the basic education allocation of a school district that has been certified as being in noncompliance unless such district has received a waiver ~~((, pursuant to WAC 180-16-225,))~~ from the state board for such noncompliance, pursuant to WAC 180-16-225 or 180-18-030, or assurance of program compliance is subsequently provided

for the school year previously certified as in noncompliance and is accepted by the state board.

(d) The withholding of basic education allocation funding from a school district shall not occur for a noncompliance ~~((provided that))~~ if the school district has ~~((been given a reasonable amount of time to remediate))~~ remediated the noncompliance situation ~~((, not to exceed forty))~~ within sixty school business days from the time the district receives notice of the noncompliance from the state board of education. ~~((It is presumed that forty school business days is a reasonable time for school districts to correct an existing noncompliance.))~~ The state board of education may extend ~~((such))~~ the sixty days timeline only if the district demonstrates ~~((,))~~ by clear and convincing evidence ~~((,))~~ that ~~((such timeline))~~ sixty days is not reasonable to make the necessary corrections. For the purposes of this section, a school business day shall mean any calendar day, exclusive of Saturdays, Sundays, and any federal and school holidays upon which the office of the superintendent of the school district is open to the public for the conduct of business. A school business day shall be concluded or terminated upon the closure of said office for the calendar day.

(e) The superintendent of public instruction, or his/her designee, after notification by the state board of education to a school district regarding an existing noncompliance, shall enter into a compliance agreement with the school district that shall include, but not be limited to, the following criteria:

(i) A deadline for school district remediation of the noncompliance(s), not to exceed ~~((forty))~~ sixty school business days per noncompliance as specified in (d) of this subsection.

(ii) A listing of all the noncompliance areas and the necessary terms that must be satisfied in each area in order for the school district to gain compliance status. This listing also shall specify additional deadlines for the accomplishment of the stated terms if different from the final deadline as specified in subsection (1) of this section.

(iii) A closing statement specifying that a school district's failure to remediate a noncompliance by the determined deadline shall result in the immediate withholding of the district's basic education allocation funding by the superintendent of public instruction.

(iv) The date and the signatures of the superintendent of the school district, ~~((or his/her designee))~~ the chair of the district's board of directors, and the superintendent of public instruction, or his/her designee, to the agreement. A copy of the completed compliance agreement shall be sent to the chairperson of the school district's board of directors and the school district superintendent.

(f) In the event a school district fails to sign the compliance agreement within five school business days from the date of issuance or does not satisfy the terms of the signed compliance agreement within the designated amount of time, the superintendent of public instruction shall withhold state funds for the basic education allocation until program compliance is assured ~~((,~~

~~((g))~~ The superintendent of public instruction shall withhold state funds for the basic education allocation to a school district) based on the following procedure:

(i) For the first month that a noncompliance exists following the conditions as specified in (f) of this subsection,

the superintendent of public instruction shall withhold twenty-five percent of the state funds for the basic education allocation to a school district.

(ii) For the second month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold fifty percent of the state funds for the basic education allocation to a school district.

(iii) For the third month that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold seventy-five percent of the state funds for the basic education allocation to a school district.

(iv) For the fourth month, and every month thereafter, that a noncompliance exists following the conditions as specified in (f) of this subsection, the superintendent of public instruction shall withhold one hundred percent of the state funds for the basic education allocation to a school district until compliance is assured.

~~((h))~~ (g) Any school district may appeal to the state board of education the decision of noncompliance by the state board of education ~~((staff))~~. Such appeal shall be limited to the interpretation and application of these rules ~~((and regulations))~~ by ~~((such superintendent of public instruction))~~ the state board of education. Such appeal shall not stay the withholding of any state funds pursuant to this section. The state board of education may not waive any of the basic education entitlement requirements as set forth in this chapter, except as provided in WAC 180-16-225 or 180-18-030.

(4) The provisions of subsection (3)(f) of this section shall not apply if the noncompliance is related to the district's fiscal condition and results in the implementation of a financial plan under RCW 28A.505.140(3).

AMENDATORY SECTION (Amending WSR 99-10-091, filed 5/4/99, effective 6/4/99)

WAC 180-16-220 Supplemental ~~((program and))~~ basic education ~~((allocation entitlement))~~ program approval requirements. The following requirements ~~((, while not imposed by the "Basic Education Act of 1977," is))~~ are hereby established by the state board of education as ~~((a))~~ related supplemental condition to a school district's entitlement to state basic education allocation funds, as authorized by RCW 28A.150.220(4).

(1) Current and valid certificates. Every school district employee required by WAC 180-79A-140 to possess ~~((a professional))~~ an education permit, certificate, or credential issued by the superintendent of public instruction for his/her position of employment, shall have a current and valid permit, certificate or credential. In addition, ~~((effective August 31, 1987,))~~ classroom teachers, principals, vice principals, and educational staff associates shall be required to possess endorsements as required by WAC 180-82-105, 180-82-120, and 180-82-125, respectively.

(2) Annual school building approval.

(a) Each school in the district shall be approved annually by the school district board of directors under an approval process determined by the district board of directors.

(b) At a minimum the annual approval shall require each school to have in place, and reviewed annually for implementation progress and possible changes, a school improvement plan or process that is data driven and promotes a positive impact on student learning. For the purpose of this section "positive impact on student learning" shall mean:

(i) Supporting the goal of basic education under RCW 28A.150.210, "...to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives...";

(ii) Promoting continuous improvement of student achievement of the state learning goals and essential academic learning requirements; and

(iii) Recognizing nonacademic student learning and growth related, but not limited to: Public speaking, leadership, interpersonal relationship skills, teamwork, self-confidence, and resiliency.

(c) The school improvement plan or process shall be based on a self-review of the school's program for the purpose of annual building approval by the district. The self-review shall include active participation and input by building staff, students, parents, and community members.

(d) The school improvement plan or process shall address, but is not limited to:

(i) The characteristics of successful schools as identified by the superintendent of public instruction and the educational service districts, including safe and supportive learning environments;

(ii) Educational equity factors such as, but not limited to: Gender, race, ethnicity, culture, language, and physical/mental ability, as these factors relate to having a positive impact on student learning. The state board of education strongly encourages that equity be viewed as giving each student what they need and when and how they need it to reach their achievement potential;

(iii) The use of technology to facilitate instruction and a positive impact on student learning; and

(iv) Parent and community involvement, as these factors relate to having a positive impact on student learning.

(3) Nothing in this section shall prohibit a school improvement plan or process from focusing on one or more characteristics of effective schools during the ensuing three school years.

(4) School involvement with school improvement assistance under the state accountability system or involvement with school improvement assistance through the federal Elementary and Secondary Education Act shall constitute a sufficient school improvement plan or process for the purposes of this section.

NEW SECTION

WAC 180-16-227 Implementation timeline for WAC 180-16-220(2). The provisions of WAC 180-16-220(2) shall take effect beginning the 2003-04 school year. If a school district already requires its schools to have a school improvement plan or process, but such plan or process does not include some or all of the required elements listed in WAC 180-16-220 (2)(c) and (d) as of the beginning of the 2003-04

school year, the district may request from the state board of education an extension of the timeline to the beginning of the 2004-05 school year.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-16-006 Purpose.

AMENDATORY SECTION (Amending WSR 98-05-001, filed 2/4/98, effective 3/7/98)

WAC 180-18-010 Purpose and authority. (1) The purpose of this chapter is to support local educational improvement efforts by establishing policies and procedures by which schools and school districts may request waivers from basic education program approval requirements.

(2) ~~The authority for this chapter is RCW 28A.305.140 and ((28A.630.945 which authorizes the state board of education to adopt rules that implement and ensure compliance with the basic program of education requirements and such related requirements as may be established by the state board of education)) 28A.655.180(1).~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-18-020 Purpose.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 180-53-005 Authority.
- WAC 180-53-010 Purpose.
- WAC 180-53-020 Self-study schedule.
- WAC 180-53-025 Self-study criteria.
- WAC 180-53-030 Elementary school—Joint self-study process.
- WAC 180-53-035 Initial self-study cycle.
- WAC 180-53-040 Self-study cycles.
- WAC 180-53-045 Initial self-study cycle plan—Report to superintendent of public instruction.
- WAC 180-53-050 Subsequent self-study cycle plan—Report to superintendent of public instruction.
- WAC 180-53-055 Biennial report—To superintendent of public instruction.
- WAC 180-53-060 Waiver for economic reasons.

EMERGENCY

WAC 180-53-070

Waiver option, application and renewal procedures.

AMENDATORY SECTION (Amending WSR 91-04-015, filed 1/28/91, effective 2/28/91)

WAC 180-55-005 ((Statutory)) Purposes and authority. ((Pursuant to provision of RCW 28A.305.130(6), the state board of education hereby establishes standards and procedures for accreditation of all schools as hereinafter set forth.)) (1) **Purposes.** The provision of school accreditation procedures by the state board of education is designed to serve the following purposes:

(a) Support the state board's long-term vision of a performance-based education system under WAC 180-51-001 by aligning school accreditation requirements to continuous improvement of student learning, achievement, and growth;

(b) Promote educational excellence and equity for every student through enhancement of the quality and effectiveness of the school's educational program in safe and supportive learning environments;

(c) Promote staff growth and commitment to the learning of every student;

(d) Build stronger links with the community by reaching consensus about educational expectations through community involvement;

(e) Provide a statement of accountability to the public;

(f) Assure that school districts, under the district policy on recognizing earned credits under WAC 180-51-050, shall accept credits earned from schools or programs, accredited by the state board of education, the Northwest Association of Schools, Colleges and Universities, or other accrediting body as may be recognized by the state board of education pursuant to WAC 180-55-150; and

(g) Facilitate the sharing of effective schools practices and positive impacts on student learning through an external appraisal process.

(2) **Authority.** The authority for this chapter is RCW 28A.305.130(6).

AMENDATORY SECTION (Amending WSR 91-04-015, filed 1/28/91, effective 2/28/91)

WAC 180-55-015 Definitions. (1) An "accredited school" is a public or ((an)) state board of education approved private school that meets ((the regulations)) statutory requirements and rules established by the state board of education, and one that has satisfactorily completed the accreditation procedures described by the state ((superintendent of public instruction)) board of education pursuant to RCW 28A.305.130(6) and WAC 180-55-005 through ((180-55-135)) 180-55-032.

(2) "Approved private school" shall mean a school approved by the state board of education pursuant to chapter 28A.195 RCW and chapter 180-90 WAC.

(3) "Accredited" status shall be assigned to public or state board of education approved private schools that:

(a) Complete and meet fully ((the)) state board of education requirements for accreditation as described in WAC 180-55-020 ((through 180-55-135)), or;

(b) Participate and qualify in accordance with standards and procedures established by the Northwest Association of Schools ((and)) Colleges and Universities ((NASC)) NASCU (see WAC 180-55-032).

~~((3)) "Standards review" shall mean an appraisal whereby requirements established by the state board of education are applied to an individual school. The standards review shall take place during the application process and implementation update.~~

(4) "Self study" shall mean an approved comprehensive set of needs assessment and program improvement plan procedures as described in WAC 180-55-050.

(5) "Plan for school improvement" shall mean a formal document produced as a result of the self study procedure for implementation at an accredited school.)) (4) "School improvement plan or process" shall mean the same as described under WAC 180-16-220(2).

(5) "Self-review" shall mean the same as described under WAC 180-16-220(2).

(6) ((("Validation")) "Appraisal" shall mean an objective, external ((review)) appraisal of a school's ((accreditation)) self-review activities ((for the purposes of establishing their correctness, accuracy and thoroughness, including an objective, external review of the self study process, the plan for program improvement, and the accreditation standards as part of the application process and implementation update as described in WAC 180-55-035.

(7) ~~"Implementation update" shall mean an interim report submitted to the superintendent of public instruction by an accredited school after three years in the standard accreditation status. The implementation update shall include a status report on the implementation of the plan for school improvement and an accreditation standards review.~~

(8) "Northwest Association of Schools and Colleges alternative" shall mean the accreditation activities provided through school membership in the NASC and shall be accepted by the state board of education in lieu of state board accreditation procedures.

(9) "Approved private school" shall mean a school approved by the state board of education pursuant to chapter 180-90 WAC.

(10) "Vocational technical institute" shall mean a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area for persons sixteen years of age or older without regard to residence, pursuant to laws and rules and regulations pertaining to the maintenance, operation, and funding of vocational technical institutes. In applying the provisions of this chapter the terms "school" and "principal" shall mean a vocational technical institute and director of such institute, respectively)) and school improvement plan or process pursuant to WAC 180-55-020(5).

AMENDATORY SECTION (Amending WSR 91-01-068, filed 12/14/90, effective 1/14/91)

WAC 180-55-020 Compliance with requirements for entitlement to basic education allocation funds ((or)) is

prerequisite to application for accreditation by public schools—Compliance with requirements for approved private school status is prerequisite to application for accreditation by private schools—Types of accreditation—Conditions—Effective periods—Administration of accreditation procedures. ((1) **Public schools.**

(a) **District compliance.** Certification by the state board of education of compliance by a school district's program pursuant to provisions of "basic education allocation entitlement requirements" or receipt of waiver therefrom (WAC 180-16-191 through 180-16-225) shall be prerequisite to a public school's participation in accreditation activities and to a public school's receipt of any accreditation status from the state board of education. Such requirements hereby are included within the standards upon which accreditation is conditioned.

(b) **School contribution to district compliance with requirements for entitlement to basic education allocation funds.** Each public school engaged in the state board of education's accreditation program shall be in compliance with such entitlement requirements (WAC 180-16-191 through 180-16-225).

(c) **Assessment of school compliance with supplemental program standards.** Each public school engaged in the state board of education's accreditation program shall be in compliance with the supplemental program standards (WAC 180-16-240).

(d) **Vocational technical institutes—Additional requirement.** Certification by the state board of education of compliance with the program approval provisions of chapter 180-58 WAC shall be conditional to the receipt of accreditation status by a vocational technical institute.

(2) **Private schools.** Certification by the state board of education of compliance by a private school with the approval requirements of chapter 180-90 WAC shall be prerequisite to a private school's participation in the state board of education's accreditation activities and to a private school's receipt of any accreditation status from the state board of education. Such requirements hereby are included within the standards upon which accreditation is conditioned.) (1)(a) **Certification by the state board of education of compliance by a school district with basic education program approval requirements under WAC 180-16-220, or receipt of a waiver from WAC 180-16-225, shall be prerequisite to a public school's application to the state board of education for accreditation.**

(b) **Certification by the state board of education of compliance with private school approval requirements under chapter 28A.190 RCW and chapter 180-90 WAC shall be prerequisite to a private school's application to the state board of education for accreditation.**

(2) **Standard accreditation - six years, shall be granted to a school after a satisfactory external appraisal of the school's self-review activities and improvement plan or process and approval by the state board of education of the appraisal findings and recommendations by the superintendent of public instruction under WAC 180-55-030.**

(3) **Conditional accreditation - one year, for a school where the external appraisal identifies omissions, inaccuracies or weaknesses in the building's self-review activities or school improvement plan or process.**

(4) **Application.** Application for school accreditation shall be made to the state board of education. Such application shall be submitted jointly by the appropriate officials of the school and school district, or school and governing board in the case of private schools, in accordance with procedures and timelines established by the state board of education.

(5)(a) **External appraisal.** The state superintendent of public instruction shall direct an external appraisal program for school accreditation purposes. The state superintendent may place yearly limits on the number of schools that may participate in the external appraisal program. The external appraisal shall be conducted by persons external to the school and district.

(b) The external appraisal shall focus on the provisions of WAC 180-16-220 (2)(c) and (d), and 180-55-005(1). The appraisal shall give weight to the district's school approval process and focus on, but not be restricted to, an appraisal of the progress and impact of the school improvement plan or process.

NEW SECTION

WAC 180-55-032 Compliance with requirements prerequisite for accreditation recognition by the state board of education. (1) Certification by the state board of education of compliance by a school district with basic education program approval requirements under WAC 180-16-220, or receipt of a waiver from WAC 180-16-225 or 180-18-030, shall be prerequisite to a public school's application for accreditation under WAC 180-55-015 (3)(b).

(2) Certification by the state board of education of compliance with private school approval requirements under chapter 28A.190 RCW and chapter 180-90 WAC shall be prerequisite to a private school's application for accreditation under WAC 180-55-015 (3)(b).

NEW SECTION

WAC 180-55-034 Temporary extension of accreditation status. (1) The state board of education may, in its discretion, grant to a school an extension of its accreditation status for a period not to exceed two school years under the following conditions:

(a) Staffing and resources directly or indirectly available to the state board for administration of the accreditation program are insufficient to timely process applications for accreditation under regular procedures;

(b)(i) The school has current accredited status through the state board accreditation process; or

(ii) The school has current accredited status through the Northwest Association of Schools, Colleges and Universities (NASCU) accreditation process and desires to switch to the state board process upon termination of the validity period of its NASCU accreditation; or

(iii) The school began the process for first-time accreditation or renewal accreditation, using the state board of education accreditation option, before January 1, 2001.

(2) In order to be considered for a temporary extension of accredited status, a school must submit to the state board a written request for an extension, signed by the building principal.

(3) This section shall expire June 30, 2003, unless program staffing and funding support issues are not resolved.

NEW SECTION

WAC 180-55-150 Standards and criteria study and report. (1) The accreditation committee of the state board of education shall study and recommend for adoption to the state board formal standards and criteria for recognizing organizations that offer accreditation services and designations.

(2) The committee shall submit its study findings and recommendations to the state board not later than the board's fall 2002 meeting.

(3) This section shall expire not later than January 31, 2003.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-55-010	Intent and purposes.
WAC 180-55-025	Types of accreditation—Conditions—Effective periods.
WAC 180-55-030	Administration of accreditation procedures.
WAC 180-55-035	Validation of accreditation activities.
WAC 180-55-050	Self-study—Common guidelines.
WAC 180-55-070	Standards—General conditions.
WAC 180-55-075	Standards—Elementary and secondary—Professional preparation of staff.
WAC 180-55-080	Standards—Elementary and secondary—Guidance services.
WAC 180-55-085	Standards—Elementary and secondary—School health services.
WAC 180-55-090	Standards—Elementary and secondary—Textbook and supplementary reference materials.

WAC 180-55-095	Standards—Elementary and secondary—Equipment and materials.
WAC 180-55-100	Standards—Elementary and secondary—Facilities.
WAC 180-55-105	Standards—Elementary—Program offerings.
WAC 180-55-110	Standards—Elementary—Number and time assignment of personnel.
WAC 180-55-115	Standards—Elementary—Instructional and learning resources.
WAC 180-55-120	Standards—Secondary—Unit of credit.
WAC 180-55-125	Standards—Secondary—Minimum program offerings.
WAC 180-55-130	Standards—Secondary—Number and time assignment of personnel.
WAC 180-55-135	Standards—Secondary—Instructional and learning resources.

**WSR 02-14-127
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE**

[Filed July 2, 2002, 2:31 p.m.]

Date of Adoption: July 1, 2002.

Purpose: These emergency rules implement chapter 322, Laws of 2002 (SSB 6254) by:

- Repealing WAC 16-458-080 Fruit and vegetable district three (Moses Lake district) to comply with the statutory mandate that the state be divided into not less than two fruit and vegetable inspection districts.
- Amending WAC 16-458-075 Fruit and vegetable district two (Yakima) and 16-458-085 Fruit and vegetable district four (Wenatchee) to divide Moses Lake district three between district two and district four. By eliminating Moses Lake district three the fruit and vegetable inspection program operating expenses will decrease due to the elimination of two management and three clerical positions.
- Adopting a new section, WAC 16-400-008, which reduces fees charged for inspection services in the area served by Moses Lake district three (as defined in rule on January 1, 2000) by nine and one-half percent (except for inspection charges accrued on FV-300 and FV-301 certificates). This fee reduction begins July 1, 2002, and remains in effect through June 30, 2003, at which time the fees return to the level of fees established in chapter 16-400 WAC. WAC 16-400-008 also reduces fees charged for inspection services in the area

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served by Yakima district two (as defined by rule on January 1, 2002) by twelve and one-half percent (except for inspection charges accrued on FV-300 and FV-301 certificates). This reduction begins July 1, 2002, and continues until the conditions established in chapter 322, Laws of 2002 (SSB 6254) are met, at which time the fees return to the level of fees established in chapter 16-400 WAC.

Citation of Existing Rules Affected by this Order: Chapters 16-400 and 16-458 WAC; repealing WAC 16-458-080; and amending WAC 16-458-075 and 16-458-085.

Statutory Authority for Adoption: Chapter 15.17 RCW.
Other Authority: RCW 34.05.350 and 34.05.380(2).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: To implement chapter 322, Laws of 2002 (SSB 6254) passed by the 57th legislature and signed by Governor Locke on April 2, 2002, with an effective date of July 1, 2002.

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 2, Repealed 1.

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 2, Repealed 1.

Effective Date of Rule: Immediately.

July 1, 2002

Valoria H. Loveland
Director

NEW SECTION

WAC 16-400-008 Reduction of inspection fees levied under this chapter. All inspection fees levied under this chapter shall be reduced as follows:

(1) Fees charged for inspection services in the area served by the Moses Lake District number three (as the district was constituted by rule on January 1, 2002*) shall be reduced by nine and one-half percent, except for inspection charges accrued on FV-300 and FV-301 certificates. The fee reduction shall begin July 1, 2002, and remain in effect through June 30, 2003, at which time the fees charged shall return to the level of fees adopted in this chapter.

Note: On January 1, 2002, Moses Lake District three consisted of all counties located west of the Cascade Mountains, Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman counties, and that portion of Benton County lying

south and east of the Sellards Road, from its junction with Yakima County on the west thence east to the center line of Range 27E, thence north to the Columbia River; this excludes the Benton City, Kiona and Prosser areas.

(2) Fees charged for inspection services in the area served by the Yakima District number two (as the district was constituted by rule on January 1, 2002*) shall be reduced by twelve and one-half percent, except for inspection charges accrued on FV-300 and FV-301 certificates. The fee reduction shall begin July 1, 2002, and continue until the conditions established in chapter 322, Laws of 2002 (SSB 6254) are met at which time the fees charged shall return to the level of fees adopted in this chapter.

Note: On January 1, 2002, Yakima District two consisted of Kittitas, Klickitat, Skamania, Yakima and that portion of Benton County lying west of a line running south from the Columbia River known as the center line of Range 27E, and north of Sellards Road from its junction with Range 27E on the east, thence west to the Yakima County line; this includes the Prosser, Kiona, and Benton City areas.

AMENDATORY SECTION (Amending WSR 99-17-002, filed 8/4/99, effective 9/4/99)

WAC 16-458-075 Fruit and vegetable district two. Fruit and vegetable district two shall consist of Kittitas, Klickitat, Skamania, Yakima (~~and that portion of Benton County lying west of a line running south from the Columbia River known as the center line of Range 27E, and north of Sellards Road from its junction with Range 27E on the east, thence west to the Yakima County line; this includes the Prosser, Kiona, and Benton City areas~~), Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Benton, Franklin, Walla Walla, Columbia, Asotin, Whitman and Garfield counties.

AMENDATORY SECTION (Amending WSR 99-17-002, filed 8/4/99, effective 9/4/99)

WAC 16-458-085 Fruit and vegetable district four. Fruit and vegetable district four shall consist of Grays Harbor, Jefferson, Clallam, Island, Mason, Kitsap, Pierce, Thurston, King, Snohomish, Skagit, Grant, Adams, Ferry, Pend Oreille, Stevens, Spokane, Lincoln, San Juan, Whatcom, Chelan, Douglas and Okanogan counties.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-458-080 Fruit and vegetable district three.

WSR 02-14-136
EMERGENCY RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed July 2, 2002, 4:33 p.m.]

Date of Adoption: July 2, 2002.

Purpose: Amends the state need grant rules to reflect changes as authorized by the 2002 legislature in SB 5166. The changes include recognition of all the nationally recognized regional accrediting bodies.

Citation of Existing Rules Affected by this Order: Amending WAC 250-20-021.

Statutory Authority for Adoption: Chapter 28B.80 RCW and RCW 28B.10.822.

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 will allow the Higher Education Coordinating Board to process applications from schools meeting the revised institutional eligibility criteria for participation in the state need grant, as authorized in SB 5166, and consequently allow the eligible students to receive state student financial aid.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 2, 2002

John Klacik

Associate Director

AMENDATORY SECTION (Amending WSR 99-16-015, filed 7/23/99, effective 8/23/99)

WAC 250-20-021 Program definitions. (1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the higher education coordinating board the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter. The determination of need shall be made in accordance with federal needs analysis formulas and provisions as recognized and modified by the board.

(2) The term "disadvantaged student" shall mean a student who by reasons of adverse cultural, educational, environmental, experiential, or familial circumstance is unlikely to aspire to, or enroll in, higher education. Generally, this shall mean a dependent student whose parents have not

attained a college education and/or whose family income is substantially below the state's median.

(3) The term "postsecondary institution" shall mean:

(a) Any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of ((one of the following)) an approved accrediting association((s: The Northwest Association of Schools and Colleges, the Accrediting Bureau of Health Education Schools, the Accrediting Council for Continuing Education and Training, the Accrediting Commission of Career Schools and Colleges of Technology, the Accrediting Council for Independent Colleges and Schools, or the National Accrediting Commission of Cosmetology Arts and Sciences and)).

(b) If such institution agrees to participate in the program in accordance with all applicable rules and regulations.

(c) Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of ((one of the above named)) an approved accrediting association((s)).

(d) The separate accreditation requirement is waived for branch campuses of out-of-state institutions if the branch campus:

(i) Is eligible to participate in federal student aid programs; and

(ii) Has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington; and

(iii) Has an annual enrollment of at least seven hundred full-time equivalent students.

(4) The term "approved accrediting association" shall mean the following organizations:

(a) Northwest Association of Schools and Colleges;

(b) Middle States Association of Colleges and Schools, Commission on Higher Education;

(c) New England Association of Schools and Colleges;

(d) North Central Association of Colleges and Schools;

(e) Southern Association of Colleges and Schools;

(f) Western Association of Schools and Colleges;

(g) Accrediting Bureau of Health Education Schools;

(h) Accrediting Council for Continuing Education and Training;

(i) Accrediting Commission of Career Schools and Colleges of Technology;

(j) Accrediting Council for Independent Colleges and Schools;

(k) National Accrediting Commission of Cosmetology Arts and Sciences.

(5) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.012 (2)(a) through (d) and board-adopted rules and regulations pertaining to the determination of residency.

((5)) (6) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(6).

EMERGENCY

~~((6))~~ (7) "Independent student" shall mean any student who qualifies as an independent student for the receipt of federal aid. These qualifications include a student who has either:

- (a) Reached his or her twenty-fourth birthday before January 1st of the aid year; or,
- (b) Is a veteran of the U.S. Armed Forces; or,
- (c) Is an orphan or ward of the court; or,
- (d) Has legal dependents other than a spouse; or,
- (e) Is a married student or a graduate/professional student; or,
- (f) Is determined to be independent for the receipt of federal aid on the basis of the professional judgment of the aid administrator.

~~((7))~~ (8) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the board.

~~((8))~~ (9) "Student budgets" shall consist of that amount required to support an individual as a student for nine months and may take into consideration cost factors for maintaining the student's dependents. This should be the amount used to calculate the student's total need for all state and federal funds.

~~((9))~~ (10) "State need grant cost-of-attendance" is the standard student cost per sector, as developed by the board.

(a) The costs-of-attendance for each sector are calculated by adding together a standard maintenance allowance for books, room, board, transportation and personal items, for all undergraduate students statewide as developed by the Washington Financial Aid Association, and the sector's regular tuition and fees for full-time, resident, undergraduate students.

(b) In no case may the costs-of-attendance exceed the statutory ceiling established by RCW 28B.10.808(4). The ceiling is calculated by adding together the same standard maintenance allowance used in determining the state need grant cost-of-attendance, plus the regular tuition and fees charged for a full-time resident undergraduate student at a research university, plus the current average state appropriation per student for operating expenses in all public institutions.

(c) For example, in the 1992-93 academic year, the value of the statutory ceiling is \$13,783. This value is composed of the Washington Financial Aid Association's maintenance budget of \$6,964, plus the regular tuition and fees charged for a resident undergraduate student at a research university of \$2,274, plus the current average state appropriation per student for operating expenses in all public institutions of \$4,545.

(d) The value of each element used in the construction of the statutory ceiling will be updated annually.

(e) The higher education coordinating board will consult with appropriate advisory committees and the representative association of student financial aid administrators, to annually review and adjust the costs-of-attendance. The costs-of-attendance for each sector will be published concurrent with annual guidelines for program administration.

~~((10))~~ (11) "Family income" is the student's family income for the calendar year prior to the academic year for which aid is being requested.

(a) Income means adjusted gross income and nontaxable income as reported on the federally prescribed application for federal student aid.

(b) For the dependent student family income means parental income.

(c) For the independent student family income means the income of the student and any other adult, if any, reported as part of the student's family.

(d) The institutional aid administrator may adjust the family's income up or down to more accurately reflect the family's financial situation during the academic year. When such adjustments are made they shall be consistent with guidelines for making changes to determine federal student aid eligibility.

~~((11))~~ (12) "Income cutoff" means the amount of family income below which a student is determined to be eligible for the state need grant.

(a) The cutoff shall be expressed as a percent of the state's median family income. The exact point of cutoff shall be determined each year by the board based on available funding.

(b) The board will endeavor to award students, in order, from the lowest income to the highest income, within the limits of available funding.

(c) At the discretion of the institution's aid administrator, a student who is eligible for a state need grant in a given academic year may be deemed eligible for the ensuing academic year if his or her family income increases by no more than three percent, even if the stated median family income cutoff for grant eligibility is lower than that amount.

~~((12))~~ (13) "Median family income" is the median income for Washington state, adjusted by family size and reported annually in the federal register.

~~((13))~~ (14) "Base grant" is the state need grant award for each sector before the addition of a dependent care allowance. The base grant per student will be no less than the published base grant in 1998-1999. The base grant may be further adjusted according to the student's family income level and rate of enrollment as described in WAC 250-20-041.

For certain students who have completed board approved early awareness and preparation programs such as the Washington National Early Intervention Scholarship Program, its successor program, or a Trio program, the base grant will be an amount fixed annually by the board. Generally the base grant, in these cases, will be no less than the current value of the federal PELL grant program.

~~((14))~~ (15) "Dependent care allowance" is a flat grant amount, to be determined by the board, which is in addition to the eligible student's base grant.

(a) The allowance is awarded to those students who have dependents in need of care. The dependent must be someone (other than a spouse) living with the student.

(b) Care must be that assistance provided to the dependent by someone outside of the student's household and not paid by another agency.

(c) Eligible grant recipients must document their need for the dependent care allowance.

~~((15))~~ (16) "State need grant award" is the base grant adjusted according to level of family income, plus a dependent care allowance, if applicable.

~~((16))~~ (17) "Academic year" is that period of time between July 1 and the following June 30 during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

~~((17))~~ (18) "Clock hours" means a period of time which is the equivalent of either:

(a) A 50 to 60 minute class, lecture, or recitation, or

(b) A 50 to 60 minute period of faculty-supervised laboratory shop training or internship.

~~((18))~~ (19) "Gift equity packaging policy" is the institution's policy for assigning gift aid to all needy, eligible students.

~~((19))~~ (20) "Satisfactory progress" is the student's successful completion of a minimum number of credit or clock hours for each term in which the grant was received. Each school's policy for measuring progress of state need grant recipients must define satisfactory as the student's completion of the minimum number of credit or clock hours for which the aid was disbursed.

(a) The minimum satisfactory progress standard for full-time students is twelve credits per term or 300 clock hours per term. Satisfactory progress for three-quarter time students is nine credits per term or 225 clock hours per term. Satisfactory progress for half-time students is six credits per term or 150 clock hours per term.

(b) Each school's policy must deny further disbursements of the need grant at the conclusion of any term in which he or she fails to complete at least one-half of the minimum number of credits or clock hours for which the aid was disbursed or otherwise fails to fulfill the conditions of the institution's satisfactory progress policy.

(c) The school may make disbursements to a student who is in a probationary status. "Probation" is defined as completion of at least one-half, but less than all of the minimum number of credits for which the aid was calculated and disbursed. The school must have a probation policy, approved by the board, which limits the number of terms in which a student may receive the need grant while in a probationary status.

(d) The school's aid administrator may at any time, using professional judgment exercised on a case-by-case basis, reinstate a student back into a satisfactory progress status, in response to an individual student's extenuating circumstances.

~~((20))~~ (21) The term "full institutional accreditation" shall mean the status of public recognition that an accrediting agency recognized by the U.S. Department of Education grants to an educational institution that meets the agency's established standards and requirements. Institutional accreditation applies to the entire institution, indicating that each of an institution's parts is contributing to the achievement of the institution's objectives.

~~((21))~~ (22) The term "eligible program" for a public or private nonprofit educational institution, shall mean an associate or baccalaureate degree program; at least a two-year program that is acceptable for full credit toward a bachelor's degree, or at least a one-year educational program that leads to a degree or certificate and prepares the student for gainful employment in a recognized occupation. The term "eligible program" for a for-profit or a postsecondary vocational insti-

tion shall mean a program which provides at least a 15-week undergraduate program of 600 clock hours, 16 semester hours, or 24 quarter hours. The program may admit students without an associate degree or equivalent. The term "eligible program" for a for-profit or a postsecondary vocational institution may also be a program that provides at least a 10-week program of 300 clock hours, 8 semester hours, or 12 quarter hours. A program in this category must be an undergraduate program that admits only students with an associate degree or equivalent. To be an "eligible program," a program must be encompassed within the institution's accreditation and be an eligible program for purposes of the federal Title IV student financial aid programs.

~~((22))~~ (23) The three "public sectors of higher education" are the research universities, comprehensive universities, and the community and technical colleges.

~~((23))~~ (24) A "for-profit institution" is a postsecondary educational institution other than a public or private nonprofit institution which provides training for gainful employment in a recognized profession.

~~((24))~~ (25) A "postsecondary vocational institution" is a public or private nonprofit institution which provides training for gainful employment in a recognized profession.

WSR 02-14-137

EMERGENCY RULES

HIGHER EDUCATION COORDINATING BOARD

[Filed July 2, 2002, 4:34 p.m.]

Date of Adoption: July 2, 2002.

Purpose: Amends the promise scholarship program to incorporate changes to the program as authorized by the 2002 legislature in SHB 2807.

Citation of Existing Rules Affected by this Order: Amending WAC 250-80-010, 250-80-020, and 250-80-070.

Statutory Authority for Adoption: Chapter 28B.80 RCW and SHB 2807 as authorized by the 2002 legislature.

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 allows the Higher Education Coordinating Board to process applications from students who meet the revised eligibility criteria enumerated in SHB 2807.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 2, 2002

John Klacik

Associate Director

AMENDATORY SECTION (Amending WSR 00-08-082, filed 4/4/00, effective 5/5/00)

WAC 250-80-010 Purpose. The Washington promise scholarship program recognizes and encourages the aspiration for superior academic achievement of high school students who attend and graduate from Washington high schools. The program offers a two-year scholarship for eligible students that may be used at any accredited institution within the borders of the state. The scholarship may also be used at certain Oregon institutions offering programs not offered in Washington.

AMENDATORY SECTION (Amending WSR 00-08-082, filed 4/4/00, effective 5/5/00)

WAC 250-80-020 Definitions. (1) "Board" means the higher education coordinating board.

(2) "OSPI" means the office of the superintendent of public instruction.

(3) "High school" means a secondary institution in Washington state identified by the office of the superintendent of public instruction as qualified to confer high school diplomas to a graduating senior class.

(4) "Parent(s)" mean the biological or adoptive parent of the student applicant and the spouse of a biological or adoptive parent. In cases of divorce or separation the parent for purposes of reporting income and family size is the biological or adoptive parent who provided more than one-half of the applicant's support in the previous twelve months. The term parent does not include either foster parents or legal guardians.

(5) "Family size" is the number of people for whom the applicant's parent(s) provided more than one-half of the support in the previous twelve months.

(6) "Income," in most cases means the applicant parent's adjusted gross income (AGI) as reported on the previous calendar year's federal tax return. For the independent student, income means the student's adjusted gross income as reported on the previous calendar year's federal tax return.

(7) "Independent student" means a student whose biological parents are both deceased and there is no adoptive parent, or the student is a "ward of the court," or the student has been legally emancipated by court order. The board may also recognize a student as independent due to exceptional circumstances as recognized by the appeal committee.

(8) "Appeals committee" means a committee convened by the board to review petitions and requests by students for consideration of individual exceptional circumstances.

(9) "Median family income (MFI)" means the median income for the state of Washington, by family size, as compiled by the federal Bureau of the Census and reported annually in the *Federal Register*.

(10) "Income cutoff" means one hundred thirty-five percent of the median family income.

(11) "Academic year" means the fall, winter, and spring quarters or the fall and spring semesters between July 1st and June 30th.

(12) "Eligible student" means a person who:

(a) Graduates from a public or private high school located in the state of Washington; and

(b) ~~((Is in the top ten percent of his or her 1999 graduating class; or~~

~~((e)))~~ Is in the top fifteen percent of his or her 2000 graduating class; or

(c) Attained a cumulative score of 1200 or better on the Scholastic Assessment Test I (SATI) on the first attempt; or

(d) Attained a cumulative score of 27 or better on the American College Test (ACT) on the first attempt; and

~~((f)))~~ (e) Has a family income less than one hundred thirty-five percent of the state's median; and

~~((e)))~~ (f) Enrolls at least half time in an eligible postsecondary institution in the state of Washington; and

~~((f)))~~ (g) Is not pursuing a degree in theology.

(13) "Eligible postsecondary institution" means:

(a) A public institution authorized by the Washington legislature and receiving operating support through the state general fund; or

(b) A postsecondary institution, whose campus or branch campus is physically located in the state of Washington, and who is accredited by a nationally recognized accrediting body. The recognized accrediting bodies are:

(i) ~~((The))~~ Northwest Association of Schools and Colleges or a similar regional accrediting body as determined by the board;

(ii) ~~((The))~~ Accrediting Bureau of Health Education Schools;

(iii) ~~((The))~~ Accrediting Council for Continuing Education and Training;

(iv) ~~((The))~~ Accrediting Commission of Career Schools and Colleges of Technology;

(v) The Accrediting Council for Independent Colleges and Schools;

(vi) The National Accrediting Commission of Cosmetology Arts and Sciences; ~~((and))~~

(vii) Middle States Association of Colleges and Schools, Commission on Higher Education;

(viii) New England Association of Schools and Colleges;

(ix) North Central Association of Colleges and Schools;

(x) Southern Association of Colleges and Schools;

(xi) Western Association of Schools and Colleges; or

(c) An accredited Oregon postsecondary institution that offers a program not offered in Washington and is located in either Columbia, Gilliam, Hood River, Multnomah, Clatsop,

Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco or Washington county. The institution must be accredited by one of the accrediting bodies listed above; and

(d) Agrees to administer the program in accordance with the applicable rules and program guidelines.

(14) "Authorized use period" means the period of time the eligible student has to complete using his or her scholarship. ~~((The board will determine the authorized use period for each class of graduating high school seniors.))~~

AMENDATORY SECTION (Amending WSR 00-08-082, filed 4/4/00, effective 5/5/00)

WAC 250-80-070 Renewals and authorized use period. (1) Eligible students may renew their award for the second year's benefits, subject to the availability of funding.

(2) The deadline for the return of renewal applications will be set annually by the board.

(3) The board will determine the maximum number of years each class of graduating high school seniors has to complete usage of the scholarship.

(4) ~~((For the graduating classes of 1999 and 2000,))~~ The authorized use period is limited to two consecutive years following graduation. Students who were not eligible for the first year of benefits, or who did not use the first year of benefits, may reapply for the second year benefits, but may not renew for a third year.

(5) Receipt of the scholarship is dependent upon the availability of funding.

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 3, 2002, 6:00 a.m.

July 2, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-32-05100T Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, White Salmon River 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, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

a) Open Periods: 6:00 a.m. July 3 to 6:00 p.m. July 7, 2002

6:00 a.m. July 19 to 6:00 p.m. July 31, 2002.

b) Open Areas: SMCRA 1F, 1G, 1H, Wind River and Klickitat River.

c) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

d) Allowable sale includes: salmon, shad, and carp. Only fish caught from platforms and hook and line may be sold. Fish caught in the tributaries may be sold during the open period.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. July 31, 2002:

WAC 220-32-05100T Columbia River salmon seasons above Bonneville Dam.

WSR 02-14-138

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 02-142—Filed July 2, 2002, 4:42 p.m., effective July 3, 2002, 6:00 a.m.]

Date of Adoption: July 2, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100T; 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 platform caught fish and tributary caught fish. The summer chinook run size has been updated to 145,000. The fishery catches are expected to remain within the allocation and guidelines of the 2001 management agreement and will be consistent with the biological opinion. Rule is consistent with action of the Columbia River compact on July 2, 2002. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

WSR 02-14-139
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-137—Filed July 2, 2002, 4:43 p.m.]

Date of Adoption: July 2, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-56-25500Z; and amending WAC 220-56-255.

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 rule is needed to comply with regulations issued by the National Marine Fisheries service to regulate the halibut fishery in 2002. The rules will be published in the Federal Register. 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 2, 2002

J. P. Koenings

Director

NEW SECTION

WAC 220-56-25500A Halibut—Seasons—Daily limits. Notwithstanding the provisions of WAC 220-56-255, it is unlawful to fish for or possess halibut taken for personal use except as provided for in this section:

(1) Catch Record Card Area 1: Closed until further notice

(2) Catch Record Card Area 2:

(a) Those waters south of the Queets River, north of 47°N lat and east of 124°40'W long - Open immediately through September 30.

(b) All other open waters of Area 2 - Fishing is open immediately through July 4 and July 7 through July 11. Sundays through Thursdays only.

(c) Effective July 12, 2002 until further notice the following waters of Catch Record Card Area 2 are open Fridays and Saturdays only:

47°19'00"N; 124°53'00"W

47°19'00"N 124°48'00"W

47°16'00"N 124°53'00"W

47°16'00"N 124°48'00"W

(d) The daily bag limit is one halibut of any size

(3) Catch Record Card Areas 3 and 4: Open 12:01 a.m. July 3 through 11:59 p.m. July 4. The following area southwest of Cape Flattery is closed to halibut fishing at all times: those waters within a rectangle defined by the following four corners: 48°18'N, 125°11'W; 48°18'N, 124°59'W; 48°00'N, 125°11'W; 48°00'N, 124°59'W. The daily bag limit is one halibut of any size.

(4) Catch Record Card Area 5: Open through 11:59 p.m. July 26. Closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday. The daily bag limit is one halibut of any size.

(5) Catch Record Card Areas 6-13: Open through 11:59 p.m. July 12. Closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday. The daily bag limit is one halibut of any size.

(6) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-25500Z

Halibut—Seasons—Daily limits. (02-123)

EMERGENCY



WSR 02-14-005
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
 (Commission on Pesticide Registration)
 [Memorandum—June 18, 2002]

The Washington State Commission on Pesticide Registration (WSCPR) has determined a revised schedule for the remainder of 2002. Per RCW 42.30.075, we are making this schedule available to the public through your office.

**SCHEDULE FOR THE REMAINDER
 OF CALENDAR YEAR 2002**

Tuesday, July 9, 2002	Tri-Cities, Franklin County PUD
Wednesday, September 11, 2002	Mt. Vernon, WSU
Wednesday - Thursday, November 13-14, 2002	Ellensburg, Hal Holmes Center

Meetings commence at 10:00 a.m. and are open to the public.

Proposals are accepted throughout the year but must be received thirty days prior to the meeting at which they will be presented. November and January meetings have been designated to hear proposals. A mechanism is in place to accept emergency requests at any time.

Examples available: <http://www.wscpr.org>. For information, call (509) 266-4305.

Should you have any further questions in regard to WSCPR proposals or meetings specifics, please contact Alan Schreiber, 2621 Ringold Road, Eltopia, WA 99330, aschreib@centurytel.net; or Donna Gorham, 2621 Ringold Road, Eltopia, WA 99330, dgorham@centurytel.net.

WSR 02-14-010
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
 (Board of Natural Resources)
 [Memorandum—June 19, 2002]

Special Meeting

Date	Time	Location
July 19, 2002	9:00 a.m.	NRB-Room 175A/B

If there are any questions regarding the special meeting, direct them to Maureen Malahovsky, (360) 902-1103. She will be taking over the board coordinator duties as of July 1, 2002.

WSR 02-14-012
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
 [Filed June 20, 2002, 1:51 p.m.]

ADOPTION OF INTERPRETIVE STATEMENT

Excise Tax Advisory 2002.16.179—Low-density light and power utility deduction

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 issued a revised Excise Tax Advisory 2002 (Low-density light and power utility deduction). This advisory explains the public utility tax deduction provided by RCW 82.16.053 to qualifying power and light businesses.

RCW 82.16.053 requires that the department determine the state average electric power rate each year and inform taxpayers of this rate. This rate is used by the power and light business to compute the amount of the deduction. This document updates the information to provide the rate to be used for the period of July 2002 through June 2003.

A copy of this advisory can be obtained via the Internet at <http://dor.wa.gov/docs/rules/eta/2002r4.pdf> or by contacting Roseanna Hodson, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6119, fax (360) 664-0693.

Alan R. Lynn
 Rules Coordinator

WSR 02-14-015
AGENDA
JAIL INDUSTRIES BOARD
 [Filed June 21, 2002, 8:40 a.m.]

Rule Making Semi Annual 2002

New WAC. Purpose: Establish an arbitration process for resolving conflicts arising among the local business community and labor organization concerning new industries programs, products, services, or wages.

Jill Will
 Executive Director

WSR 02-14-016
DEPARTMENT OF AGRICULTURE
 [Filed June 21, 2002, 11:00 a.m.]

LEGAL NOTICE

The Washington State Department of Agriculture (WSDA) Laboratory Services Division is hereby notifying the affected public that the herbicide Rodeo® (glyphosate), surfactant (R-11, X-77 or LI-700) and marker dyes may be used between June 15, 2002, and October 31, 2002. Properly

MISC.

licensed pesticide applicators who have obtained coverage under a WSDA National Pollutant Discharge Elimination System Waste Discharge General Permit may apply Rodeo® to control the noxious weed *Spartina* on the saltwater tide-flats of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

Use of the herbicide Rodeo® is one of the options used to control *Spartina*. These infestations may also be treated by mowing, digging or covering.

For more information, including locations of possible application sites, contact the WSDA *Spartina* Control Program at (360) 902-1923 or (360) 902-1853, or write WSDA *Spartina* Program, P.O. Box 42560, Olympia, WA 98504-2560. The Washington State Department of Ecology 24-hour emergency/spill response hotline is (425) 649-7000 (northwest region) or (360) 407-6300 (southwest region).

WSR 02-14-018

NOTICE OF PUBLIC MEETINGS GROWTH MANAGEMENT HEARINGS BOARDS

[Memorandum—June 21, 2002]

Growth Management Hearings Boards Joint Annual Board Meeting

Date: August 15, 2002 Noon - 5:00 p.m.
August 16, 2002 9:00 a.m. - 2:00 p.m.

Location: Camas Meadows Golf Club
Meeting Room
4105 N.W. Camas Meadows Drive
Camas, WA 98607

WSR 02-14-027

NOTICE OF PUBLIC MEETINGS WASHINGTON STATE SCHOOL FOR THE DEAF

[Memorandum—June 21, 2002]

Listed below are the 2002 regular meeting dates and times of the board of trustees for the Washington State School for the Deaf:

July 18, 2002	9:00 a.m.
August 15, 2002	9:00 a.m.
October 2, 2002	1:00 p.m.
November 21, 2002	9:00 a.m.

All meetings will be held at the Washington State School for the Deaf, Administrative Conference Room, 611 Grand Boulevard, Vancouver, WA 98661.

WSR 02-14-028

NOTICE OF PUBLIC MEETINGS PUBLIC WORKS BOARD

[Memorandum—June 24, 2002]

NOTICE OF MEETING CANCELLATION

The Public Works Board regular meeting, rescheduled as a conference call on July 9, 2002, has been cancelled.

Proposed agenda items will be presented to the board at the regular meeting in SeaTac, Washington, scheduled for August 6, 2002.

WSR 02-14-030

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed June 24, 2002, 3:18 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-40 MAA.
Subject: Vendor rate increase for neurodevelopmental centers.

Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2002 relative value units (RVUs);
- Additions to the year 2002 current procedural terminology (CPT™) codes;
- Technical changes; and
- A legislatively appropriated 1.5% 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 98504-5533, 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>.

June 20, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-14-033

NOTICE OF PUBLIC MEETINGS SHORELINE COMMUNITY COLLEGE

[Memorandum—June 21, 2002]

The board of trustees of Shoreline Community College will hold a special meeting on Wednesday, June 26, begin-

ning at 2:30 p.m. in the Central Conference Room of the Administration Building 1000.

This special meeting is called for the board of trustees to convene in executive session for the purpose of evaluating a public employee. Immediately following the special session, the board will convene in open public meeting to hold their regular monthly meeting.

Please call (206) 546-4552 or e-mail Michele Foley at mfoley@ctc.edu if you have further questions or need additional clarification.

WSR 02-14-040
PROCLAMATION
OFFICE OF
THE GOVERNOR
[June 18, 2002]

TERMINATING STATE OF EMERGENCY

I, **GARY LOCKE**, Governor of the state of Washington, pursuant to RCW 43.06.210, do hereby terminate the following proclamations:

- I. Proclamation of January 12, 1999, that declared a state of emergency in Washington State for storm-related transportation damages in Snohomish, Whatcom, King, Mason, Lewis, Thurston, Pacific, and Grays Harbor counties.
- II. Proclamation of January 21, 2000, that declared a state of emergency in Washington State for storm-related transportation damages in Clallam, Grays Harbor, Jefferson, Skagit, Pierce, and Whatcom counties.
- III. Proclamation of January 8, 2002, and a related amendment signed on February 12, 2002, that declared a state of emergency in Washington State for storm-related transportation damages in Mason, Whatcom, and other western Washington counties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 18th day of June, A.D., Two Thousand Two.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Steve Excell

Assistant Secretary of State

WSR 02-14-043
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 26, 2002, 3:56 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-43 MAA.
Subject: Vendor rate increase for physical therapists.
Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2002 relative value units (RVUs);
- Additions to the year 2002 current procedural terminology (CPT[™]) codes;
- Changes to the Health Care Financing Administration common procedure coding system (HCPCS) Level II codes; and
- A legislatively appropriated 1.5% 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 98504-5533, 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>.

June 21, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-14-044
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 26, 2002, 3:57 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-61 MAA.
Subject: Group clinical visits for clients with diabetes and asthma.

Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement a group clinical visits program for clients with diabetes or asthma. All policies and reimbursement methodologies are described 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, P.O. Box 45533, Olympia, WA 98504-5533, 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>.

June 21, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-14-045

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed June 26, 2002, 3:57 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-41 MAA.

Subject: Vendor rate increase for occupational therapists.

Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, MAA will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2002 relative value units (RVUs);
- The year 2002 additions of current procedural terminology (CPT™) codes;
- Changes to the Health Care Financing Administration common procedure coding system (HCPCS) Level II codes;
- Technical changes; and
- A legislatively appropriated 1.5% 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 98504-5533, 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>.

June 21, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-14-055

PROCLAMATION OFFICE OF THE GOVERNOR

[June 25, 2002]

WHEREAS, The Director of the Department of Agriculture has conducted a thorough evaluation of risks posed by the plant pest citrus longhorned beetle (*Anoplophora chinensis*), and pursuant to RCW 17.24.171 has determined that there exists an imminent danger of an infestation of the pest which seriously endangers the agricultural and horticultural indus-

tries of the state of Washington, and seriously threatens the economic well-being and quality of life of state residents; and

WHEREAS, after thorough evaluation of all other alternatives and in accordance with RCW 17.24.171, the Director of the Department of Agriculture has requested that the governor order emergency measures to control the pest; and

WHEREAS, the most effective and preferred treatment alternative for eradicating this pest includes a combination of:

- removal of all plants, including trees and selected tree stumps, of species susceptible to citrus longhorned beetle infestation as listed in WAC 16-470-830 on public and private property within an area of up to one eighth of a mile radius from the beetle escape site,
- injection of the systemic insecticide imidacloprid into trees or tree root zones within an area of up to one quarter mile radius from the beetle escape site,
- ground and aerial survey, including brush cutting to secure access to susceptible vegetation and removal of susceptible vegetation which is too hazardous to survey for the beetle within an area of up to one half mile radius from the beetle escape site,
- removal of all vegetation shown to be infested and removal or injection of all potential host species located within an 82 foot radius of infested vegetation, within a half mile radius from the beetle escape site, and
- mitigation of environmental effects by replanting of damaged sensitive areas, replacement of yard and garden trees, and other revegetation; and

WHEREAS, portions of City of Tukwila, in an area located within a half mile radius of the escape site, near the intersection of S. 144th St. and MacAdam Rd. S./51st Ave. S., are already under quarantine pursuant to WAC 16-470 because of the imminent danger of infestation, and further emergency measures are necessary to prevent establishment of the pest;

NOW THEREFORE, I, Gary Locke, governor of the state of Washington, by virtue of the authority vested in me under RCW 43.06.010, RCW 38.52.050, and all other applicable law, find that a public disaster exists within the state which affects life, health, property or the public peace, and further find that there exists within this state an imminent danger of infestation of plant pests or plant diseases which seriously endangers the agricultural or horticultural industries of the state, or which seriously threatens life, health, or economic well-being, do hereby declare a state of emergency and, notwithstanding provisions of state law, including but not limited to the State Environmental Policy Act, chapter 43.21C RCW, the Growth Management Act, chapter 36.70A RCW, and further notwithstanding all local and county ordinances, authorize and order the Director of the Department of Agriculture to use emergency measures, including ground and aerial survey, vegetation removal, insecticide injection, and selective revegetation of the affected areas as described above, to prevent or abate the infestation or disease situation.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the state of Washington to be affixed at Olympia, this 25th day of June, A.D., Two Thousand Two.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Steve Excell

Assistant Secretary of State

2002, be established for the December 2002 board meeting and that the dates of December 5, 6, 2002, be released.

**Board of Trustees
2002 Meeting Schedule**

- February 7, 8, 2002
- April 11, 12, 2002
- June 13, 14, 2002
- August 1, 2, 2002
- October 3, 4, 2002
- December 12, 13, 2002

WSR 02-14-070

NOTICE OF PUBLIC MEETINGS

EASTERN WASHINGTON UNIVERSITY

[Memorandum—June 20, 2002]

**BOARD OF TRUSTEES
2002 RETREAT NOTICE**

The board of trustees of Eastern Washington University will hold their annual retreat on June 25-26, 2002, at Mukogawa Fort Wright Institute, 4000 West Randolph Road, Spokane, WA, according to the following schedule:

Tuesday, June 25

9:30 - 10:30 a.m. Executive session under RCW 42.30.110(1) for the purpose of reviewing the performance of a public employee.

10:30 a.m. - 5:00 p.m. Open meeting to discuss the board's structural process, university enrollment management and strategic planning.

Wednesday, June 26

8:00 a.m. - 12:00 p.m. Open meeting to discuss the biennial enrollment, a wrap-up discussion of last year and the future, and goal setting for 2002-2003.

12:00 - 1:00 p.m. Executive session under RCW 42.30.110(1) for the purpose of reviewing the performance of a public employee.

WSR 02-14-076

NOTICE OF PUBLIC MEETINGS

WESTERN WASHINGTON UNIVERSITY

[Memorandum—June 25, 2002]

Following is a revised 2002 meeting schedule for the Western Washington University board of trustees.

At the June 14, 2002, board of trustees meeting the board moved and approved that the dates of December 12 and 13,

**WSR 02-14-077
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed June 28, 2002, 4:00 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-65 MAA.
Subject: Mandatory provider reenrollment.
Effective Date: November 30, 2002.

Document Description: **The Medical Assistance Administration (MAA) has revised its core provider agreement.** This memorandum is an advance notice to providers who serve medical assistance clients that in order to continue serving these clients, you must reenroll with MAA by filling out a new core provider agreement. Further details are provided in the 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, P.O. Box 45533, Olympia, WA 98504-5533, 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>.

June 27, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-14-078

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed June 28, 2002, 4:01 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-64 MAA.
Subject: Clarification of MAA's notification requirements for discontinuing inpatient hospitalization when no longer medically necessary.

Effective Date: July 1, 2002.

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Document Description: This memorandum clarifies MAA's notification requirements and reimbursement policy for situations where a client no longer requires medically necessary, inpatient hospital medical care but chooses to remain in the hospital past the period of medical necessity.

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 98504-5533, 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>.

June 26, 2002

E. A. Myers, Manager

Rules and Publications Section

WSR 02-14-079

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed June 28, 2002, 4:02 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-62 MAA.
Subject: Therapeutic consultative service (TCS) update.
Effective Date: July 1, 2002.

Document Description: Effective February 1, 2002, MAA implemented the therapeutic consultation service (TCS) for prescribes per WAC 388-530-1260. This memorandum describes the addition of a **Voluntary Preferred Drug List** in TCS and provides further program guidance.

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 98504-5533, 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>.

June 26, 2002

E. A. Myers, Manager

Rules and Publications Section

WSR 02-14-093

**NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY**

[Memorandum—June 28, 2002]

Following is the **revised** 2002 Public Employees Benefits Board (PEBB) meeting information.

PUBLIC EMPLOYEES BENEFITS BOARD

2002 Meeting Schedule

1.	January 29, 2002 CANCELLED	
	Location:	Health Care Authority 676 Woodland Square Loop S.E. Room E402 Lacey, WA
	Time:	1:00-3:30 p.m.
2.	February 21, 2002	
	Location:	Health Care Authority 676 Woodland Square Loop S.E. Room E402 Lacey, WA
	Time:	9:00 a.m. to 11:30 a.m.
3.	March 19, 2002	
	Location:	Health Care Authority 676 Woodland Square Loop S.E. Lacey, WA
	CANCELLED	
4.	April 23, 2002	
	Location:	Academy Classroom Forum Building 605 East 11th Olympia, WA
	Time:	1:00-3:30 p.m.
5.	May 21, 2002	
	Location:	Health Care Authority 676 Woodland Square Loop S.E. Lacey, WA
	CANCELLED	
6.	July 30, 2002 - Location Revised	
	Location:	710 Sleater Kinney Road S.E. Suite Q Lacey, WA
	Time:	1:00-3:30 p.m.
7.	August 6, 2002	
	Location:	Academy Classroom Forum Building 605 East 11th Olympia, WA
	Time:	1:00-3:30 p.m.
8.	October 22, 2002 (Planning Session Retreat)	
	Location:	TBA
	Time:	1:00-3:30 p.m.
9.	November 26, 2002	
	Teleconference	
	Time:	1:00-3:30 p.m.

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If you are a person with a disability and need a special accommodation, please contact Shelley Westall at (360) 923-2829.

WSR 02-14-094

**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Memorandum—July 1, 2002]

NOTICE OF SPECIAL MEETING

**BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE**

2405 East College Way
Mount Vernon, WA 98273
Thursday, June 27, 2002
4:30 p.m.

Mount Vernon Campus - Board Room

Vice Chair, Mrs. Elizabeth Hancock, has called a special meeting of the board of trustees for **Thursday, June 27, 2002, at 4:30 p.m.** This meeting is being held as an executive session to discuss personnel issues. Action from the executive session may be taken, if necessary, as a result of items discussed in the executive session.

WSR 02-14-096

AGENDA

**INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
SALMON RECOVERY FUNDING BOARD**

[Filed July 1, 2002, 2:47 p.m.]

SEMIANNUAL RULE DEVELOPMENT AGENDA

**Interagency Committee for Outdoor Recreation (IAC)/
Salmon Recovery Funding Board (SRFB)**

To comply with RCW 34.05.314, IAC/SRFB has prepared the following agenda for rules under development. As required, filing will be made with the code reviser for publication in the *State Register* by January 31 and July 31 each year. Within three days of publication, IAC/SRFB will provide copies to each person so requesting, the director of the Office of Financial Management, the Rules Review Committee, and other state agencies that may reasonably be expected to have an interest in this subject.

Contact: Greg Lovelady, Rules Coordinator, (360) 902-3008, GregL@IAC.WA.GOV.

Subject of possible rule making	Reasons why rules on this subject may be needed and what might be accomplished:
WAC 286-13-085(2) Retroactive and increase costs.	Authorizes IAC's director to grant a waiver of retroactivity (provides approval to incur reimbursable costs) for development costs when the governor, or his designee, suspends or otherwise delays grant program funding. Without this amendment, the standard rule prohibits reimbursement for certain expenditures or costs incurred without prior IAC approval.

WSR 02-14-097

AGENDA

**PUBLIC EMPLOYMENT
RELATIONS COMMISSION**

[Filed July 1, 2002, 3:24 p.m.]

**RULES DEVELOPMENT AGENDA
OF THE**

**PUBLIC EMPLOYMENT RELATIONS COMMISSION
July 1, 2002**

This agenda is prepared pursuant to RCW 34.05.314. The commission adopted emergency rules on June 14, 2002, to implement two recent statutory changes: (1) Initiative Measure No. 775 passed by Washington voters in November of 2001; and (2) Personnel System Reform Act of 2002 (chapter 354, Laws of 2002) passed by the Washington legislature in March of 2002, and signed into law by Governor Locke on April 3, 2002. The emergency rules became effective on June 18, 2002.

The emergency rules affect the following section of chapter 391-08 WAC: WAC 391-08-001 Application and scope of chapter 391-08 WAC.

The emergency rules affect the following sections of chapter 391-25 WAC: WAC 391-25-001 Scop—Contents—Other rules, 391-25-002 Sequence and numbering of rule—Special provisions, 391-25-011 Special provision—Optional coverage of classified employees of institutions of higher education under chapter 41.56 RCW, 391-25-036 Special provision—State civil service employees (window period), 391-25-051 Special provision—Individual providers under home care quality authority, 391-25-076 Special provision—State civil service employees (representation cases pending before Washington Personnel Resources Board (PRB) transferred to commission), 391-25-096 Special provision—State civil service employees (employer petition), 391-25-136 Special provision—State civil service employees (list of employees), 391-25-396 Special provision—State civil service employees (cross-check), 391-25-416 Special provision—State civil service employees (life of authorization cards for

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cross-check), and 391-25-496 Special provision—State civil service employees (absentee ballots).

The emergency rules affect the following sections of chapter 391-35 WAC: WAC 391-35-001 Scope—Contents—Other rules, 391-35-002 Sequence and numbering of rules—Special provisions, 391-35-026 Special provision—State civil service employees (until July 1, 2004, allows: (1) Division of existing units into separate units of supervisors and nonsupervisory employees; and (2) perfection of existing units based on five criteria, 391-35-056 Special provision—State civil service employees (unit clarification cases pending before PRB transferred to commission), 391-35-326 Special provision—State civil service employees (exclusion of confidential employees), and 391-35-346 Special provision—State civil service employees (exclusion of supervisors).

The emergency rules affect the following sections of chapter 391-45 WAC: WAC 391-45-001 Scope—Contents—Other rules, 391-45-002 Sequence and numbering of rules—Special provisions, and 391-45-056 Special provision—State civil service employees (unfair labor practice cases pending before PRB transferred to commission).

The emergency rules affect the following section of chapter 391-55 WAC: WAC 391-55-200 Interest arbitration—Certification of issues.

The commission will be considering permanent adoption of these emergency rules, as emergency rules are effective for only one hundred twenty days.

The commission will also be considering adoption of emergency rules to implement a collective bargaining statute for faculty at four-year institutions of higher education. 2SHB 2403 (chapter 356, Laws of 2002) was passed by the legislature in March of 2002, and signed into law by Governor Locke (with a partial veto) in April of 2002. When that legislation goes into effect on October 1, 2002, the commission will administer a new chapter of the Revised Code of Washington.

Please contact Mark S. Downing, Rules Coordinator, at (360) 570-7305 if you have any questions concerning this matter.

WSR 02-14-101
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 1, 2002, 4:41 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PCM 02-008.

Subject: Forwarding mail from one party on a case to another.

Effective Date: June 20, 2002.

Document Description: This memo to the Division of Child Support (DCS) staff explains DCS policy on forwarding mail from one party on a case to another.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-

5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail sschille@dshs.wa.gov.

June 28, 2002
 Stephanie E. Schiller

WSR 02-14-102
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 1, 2002, 4:41 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 222.

Subject: Child care.

Effective Date: May 29, 2002.

Document Description: This notice to the Division of Child Support (DCS) staff explains how DCS handles child care collections.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail sschille@dshs.wa.gov.

June 28, 2002
 Stephanie E. Schiller

WSR 02-14-104
AGENDA
DEPARTMENT OF
NATURAL RESOURCES

[Filed July 2, 2002, 11:12 a.m.]

DEPARTMENT OF NATURAL RESOURCES
RULE DEVELOPMENT AGENDA

July 2002 - January 2003

<u>WAC Chapter or Section</u>	<u>Purpose of rule being developed or amended</u>
WAC 332-30-171 (new section)	Address residential uses on state-owned aquatic lands.
WAC 332-30-139	Same as above.
WAC 332-30-106	Same as above.
WAC 332-30-109	Same as above.
WAC 332-30-115	Same as above.
WAC 332-30-144	Same as above.
WAC 332-30-148	Same as above.
WAC 332-130-060	Revise geodetic datum.
WAC 332-130-080	New vertical measurement survey standards.
WAC 332-130-090	Revise field traverse survey standards.

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<u>WAC Chapter or Section</u>	<u>Purpose of rule being developed or amended</u>	<u>WAC Chapter or Section</u>	<u>Purpose of rule being developed or amended</u>
WAC 332-130-100	Survey equipment and procedures.	WAC 332-18-01005	County permit fees.
WAC 332-10-041	Board of Natural Resources member participation in official board meetings via electronic means.	WAC 332-18-50003	Procedures relating to DNR's issuance of civil penalties for surface mine reclamation violations.
Chapter 332-10 or 332-100 WAC	Establish rates for "reasonable administrative costs" associated with the processing and monitoring rights of ways and easements.	WAC 332-18-05004	Civil penalty base calculations for various violations.
WAC 332-24-710	Correct errors in the legal description of the Forest protection zone—Kitsap County.	WAC 332-18-05005	DNR's calculation of civil penalties.
WAC 332-08-115	Establishing appeal timelines for persons to request adjudicative proceedings regarding DNR's surface mining determinations.	WAC 332-18-120	Establishing the form for surface mine reclamation bonds.
WAC 332-08-125	Describing the place for persons to file their request for an adjudicative proceeding of a DNR surface mining determination.	WAC 332-18-140	Requirements for use of an interest in real property in lieu of other reclamation performance security.
WAC 332-08-505	Identifying when brief adjudicative proceedings are available to review DNR's surface mining determinations.	WAC 332-18-150	Requirements for surface mine reclamation permit transfers.
WAC 332-08-515	Describing the necessity, method, and timeline for requesting a brief adjudicative proceeding.	WAC 332-18-(new section)	Describing a "complete application" and when it is "received" by DNR.
WAC 332-08-(new section)	Identifying the Administrative Procedure Act hearing provisions that will be applicable to DNR emergency orders to rectify deficiency and emergency suspension orders.	WAC 332-18-(new section)	Describing DNR's process of reviewing surface mine reclamation permit applications at the Geology and Earth Resources Division.
WAC 332-18-010	Defining key terms relating to surface mining and the permitting process.	WAC 332-18-(new section)	Describing reclamation planning assistance that is available from DNR.
WAC 332-18-01003	Describing certain minimum requirements prior to DNR's approval of a reclamation permit.		
WAC 332-18-01004	Describing when DNR may deny an application for a reclamation permit.		

Dave Dietzman
Rules Coordinator

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WSR 02-14-105
AGENDA
RULES COORDINATOR
TOBACCO SETTLEMENT AUTHORITY
[Filed July 2, 2002, 1:33 p.m.]

The Tobacco Settlement Authority wishes to file with the code reviser for publication in the State Register the following information: (1) Designation of rules coordinator and (2) agenda of rules under development.

(1) *Designation of Rules Coordinator:* Pursuant to RCW 34.05.312, the Tobacco Settlement Authority has designated the following rules coordinator: Paul Edwards, Deputy Director, Tobacco Settlement Authority, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, (206) 287-4462.

(2) *Agenda of Rules under Development:* Pursuant to RCW 34.05.314, the Tobacco Settlement Authority provides the following agenda of rules under development for the period July 1, 2002, through December 31, 2002.

Chapter 465-10 WAC, Description of organization—
Public records policy.

CR-105 Filed June 18, 2002, for publication on
July 3, 2002.

CR-103 Expected to be filed on September 18,
2002.

Chapter 465-20 WAC, Public meetings policy—Rules
of procedure.

CR-105 Filed June 18, 2002, for publication on
July 3, 2002.

CR-103 Expected to be filed on September 18,
2002.

Chapter 465-30 WAC, Environmental policy.

CR-105 Filed June 18, 2002, for publication on
July 3, 2002.

CR-103 Expected to be filed on September 18,
2002.

Chapter 465-40 WAC, Ethics policy.

CR-105 Filed June 18, 2002, for publication on
July 3, 2002.

CR-103 Expected to be filed on September 18,
2002.

Paul Edwards
Deputy Director

WSR 02-14-129

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF REVENUE**

[Filed July 2, 2002, 3:13 p.m.]

**CANCELLATION OF INTERPRETIVE
AND/OR POLICY STATEMENT**

This announcement of the cancellation of this interpre-
tive statement is being published in the Washington State
Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has cancelled the following
Interim Audit Guideline effective June 30, 2002.

IAG 04. Taxability of investment income: The pur-
pose of this document is to provide guidance regarding the
application of the business and occupation (B&O) tax deduc-
tion provided in RCW 82.04.4281 for investment income of
persons other than those engaging in "banking, loan, security,
or other financial business." This document is being can-
celled because the information is out-of-date. It fails to re-
cognize that chapter 150, Laws of 2002 (HB 2641), made sub-
stantial changes to RCW 82.04.4281.

Questions regarding the cancellation of this document
may be directed to Alan R. Lynn, Legislation and Policy,
P.O. Box 47467, Olympia, WA 98504-7467, phone (360)
570-6125, fax (360) 664-0693, Internet alanl@dor.wa.gov.

Alan R. Lynn
Rules Coordinator

WSR 02-14-130

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF REVENUE**

[Filed July 2, 2002, 3:15 p.m.]

**CANCELLATION OF INTERPRETIVE AND/OR POLICY STATE-
MENT**

This announcement of the cancellation of these interpre-
tive statements is being published in the Washington State
Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has cancelled the following
Excise Tax Advisories effective June 30, 2002.

**ETA 165.04.109 Interest received on funds procured
for affiliated companies and ETA 571.04.169 Taxability
of investment income:** ETA 165 explains the department's
position on interest received for loans made to affiliated com-
panies when the business making the loans has procured
these funds from a third-party lending source. ETA 571 pro-
vides guidance on the B&O tax deduction provided by RCW
82.04.4281, which provides a deduction for amounts
received from investments or the use of money as such for
taxpayers not engaged in banking, loan, security, or other
financial business.

These documents are being cancelled because the infor-
mation is out-of-date. They fail to recognize that chapter
150, Laws of 2002 (HB 2641), made substantial changes to
the B&O tax deduction provided for certain investment
income by RCW 82.04.4281.

Questions regarding the cancellation of these documents
may be directed to Alan R. Lynn, Legislation and Policy,
P.O. Box 47467, Olympia, WA 98504-7467, phone (360)
570-6125, fax (360) 664-0693, Internet alanl@dor.wa.gov.

Alan R. Lynn
Rules Coordinator

WSR 02-14-141

**AGENDA
DEPARTMENT OF ECOLOGY**

[Filed July 3, 2002, 8:40 a.m.]

Pursuant to RCW 34.05.314, shown below is the Depart-
ment of Ecology's rule agenda for July 2002 - December
2003.

If you have any questions please contact Jerry Thielen at
(360) 407-6998 or e-mail at jthi461@ecy.wa.gov.

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WAC Chapter	Chapter Title	Contact Person	Filing Information	Scope of Changes / Sections to Amend
Air Quality				
173-400, 173-405, 173-410, 173-433, 173-434 AO # 99-07 7/96	Emissions standards for solid waste incinerators: general regulation for air pollution sources; kraft pulping mills; sulfite pulping mills; solid fuel burning device standards	Peter Lyon (360) 407-7530 plyo461@ecy.wa.gov	CR-101 Filed: 3/22/1999 CR-102 Expected: Dec. 2002 Adoption Expected: June 2003	Hog Fuel Boiler RACT; define terms related to wood derived fuels; reorganize state incinerator rule.
173-422 AO # 02-04 2/02	Motor vehicle emission inspection	John Raymond (360) 407-6856 jray461@ecy.wa.gov	CR-101 Filed: Feb. 2002 CR-102 Filed: April 2002 Adopted: June 2002	Revisions including: (1) Upgrades the vehicle emission testing procedures for diesel cars and light trucks; (2) clarifies that all emission tests are valid for at least twelve months; (3) requires that automotive repair businesses have the equipment to check on-board diagnostic system of 1996 and newer vehicles if they wish to be on the list of businesses provided to owners of vehicles that fail the test; and (4) removes obsolete language.
173-434 AO # 02-05 3/02	Solid waste incinerator facilities	Peter Lyon (360) 407-7530 plyo461@ecy.wa.gov	CR-101 Filed: March 2002 CR-102 Expected: July 2002 Adoption Expected: December 2002	The purpose of the proposed rule change is to incorporate new federal language; add new terms to the definition section; change existing definitions; and provide alternate means of compliance demonstration with WAC 173-434-130(3) and 173-434-160(1).
173-401 AO # 02-02 2/02	Operating permit regulation	Tom Todd (360) 407-7528 ttod461@ecy.wa.gov	CR-101 Filed: February 2002 CR-102 Filed: April 2002 Adoption Expected: September 2002	Changes may include: (1) Changing the treatment of insignificant emissions units at air operating permit sources; (2) updating the definition of "major source" to reflect certain changes made in federal rules; (3) adding certain definitions that deal with compliance; and (4) updating the audit requirements, and certain other minor housekeeping changes.
173-400-075 AO # 02-09 4/02 Expedited	Emission standards for sources emitting hazardous air pollutants	Tom Todd (360) 407-7528 ttod461@ecy.wa.gov	CR-105 Filed (Expedited): April 2002 Adoption Expected: July 2002	This rule is intended to update the adoption by reference of national emission standards for hazardous air pollutants (NESHAPS), 40 C.F.R. 61 and appendices 40 C.F.R. 63 and appendices, from July 1, 2000 to May 15, 2002.
Environmental Assessment Program				
173-50 AO # 01-12 12/01	Accreditation of environmental laboratories	Perry Brake (360) 895-6149 pbra461@ecy.wa.gov	CR-101 Filed: December 2001 CR-102 Filed: May 2002 Adoption Expected: October 2002	The amendments will add accreditation for matrices other than water, accreditation for drinking water laboratories, granting NELAP accreditation, make changes to the fee schedule, and add accreditation for physical tests.
Shorelands and Environmental Assistance				
173-700 AO # 98-26 1/99 WITHDRAWN	Compensatory wetland mitigation banks	Lauren Driscoll (360) 407-6861 ldri461@ecy.wa.gov	CR-101 Filed: January 1999 CR-102 Filed: December 2001 CR-102 Withdrawn: May 2002	Develop procedures for the operation, monitoring and implementation of wetland banks.

MISC.

WAC Chapter	Chapter Title	Contact Person	Filing Information	Scope of Changes / Sections to Amend
173-158 AO # 00-26 7/99	Floodplain management	Scott McKinney (360) 407-7297 smck461@ecy.wa.gov	CR-101 Filed: October 2000 CR-102 Filed: February 2002 Expected Adoption: July 2002	Amend WAC to implement ESHB 1963 which allows reconstruction in floodways under certain circumstances.
197-11 AO # 00-05 7/00	SEPA rules	Brenden McFarland (360) 407-6976 mvia461@ecy.wa.gov	CR-101 Filed: March 2000	Revise environmental checklists (nonproject).
Solid Waste and Financial Assistance				
173-350 AO # 99-24 7/97	Minimum functional standards for solid waste handling	Mike Hibbler (509) 456-3270 MHIB461@ecy.wa.gov	CR-101 Filed: November 1999 CR-102 Filed: July 2002 Adoption Expected: November 2002	Update approaches to nonmunicipal solid waste management. Respond to state legislation aimed at removing impediments to recycling.
173-312 AO # 01-11 12/01 Expedited	Coordinated prevention grants	Randy Martin (360) 407-6136 rmar461@ecy.wa.gov	CR-105 Filed (Expedited): December 2001 Adopted: February 2002	Clean up outdated language, simplify application and reporting requirements—Expedited adoption process.
Water Resources				
173-537 AO # 99-25 1/00	Water resources management for the Yakima River basin	Bob Barwin (509) 457-7107 bbar461@ecy.wa.gov	CR-101 Filed: October 1999 CR-102 Expected: December 2002 Adoption Expected: May 2003	Withdraw ground water from further appropriation, per MOA with BoR and Yakama Nation.
173-563 and 531A AO # 01-05 7/01	Columbia River main stem and John Day-McNary pools	Bob Barwin (509) 457-7107 bbar461@ecy.wa.gov	CR-101 Filed: July 2001 CR-102 Expected: June 2003 Adoption Expected: December 2003	Clarify elements of the instream flow program.
173-153 AO # 01-13 12/01	Water conservancy boards	Thom Lufkin (360) 407-6631 tlhw461@ecy.wa.gov and Janet Carlson (360) 407-6274 jaca461@ecy.wa.gov	CR-101 Filed: December 2001 CR-102 Expected: August 2002 Adoption Expected: November 2002	To amend chapter 173-153 WAC, Water conservancy boards, adopted in 1999, so it will conform to the changes made to chapter 90.80 RCW through ESHB 1832, that was passed by the legislature during the 2001 session.
173-157 AO # 02-06 4/02	Underground artificial storage and recovery	Kathleen Enseat (360) 407-6780 kspa461@ecy.wa.gov	CR-101 Filed: April 2002 CR-102 Expected: July 2002 Adoption Expected: October 2002	As a result of increasingly competing demands for water use in the state, the legislature has identified the storage of water for future recovery as a viable and important approach to augment water availability in certain situations. Specifically, the 2000 legislature broadened the possibilities for underground storage of water in the state and directed ecology to establish standards to ensure that such storage activities do not have adverse effects on the environment.
Water Quality				
173-224 AO # 01-09 8/01	Wastewater discharge permit fees	Bev Poston (360) 407-6425 bpos461@ecy.wa.gov	CR-101 Filed: August 2001 CR-102 Filed: March 2002 Adopted: May 2002	Amend fee rule, add fee category for aquatic pesticide applicators.
173-201A AO # 98-20 7/98	Surface water quality standards for the state of Washington	Mark Hicks (360) 407-6477 mhic461@ecy.wa.gov	CR-101 Filed: February 1999 CR-102 Expected: October 2002 Adoption Expected: January 2003	A. Develop regulatory language to guide the implementation of a water quality antidegradation policy. This would focus on protecting water quality standards, implementing technology-based pollution control requirements, and ensuring degradation that is allowed is in the overriding public interest. It would also include provisions to set aside waters constituting an outstanding national resource from all degradation.

MISC.

WAC Chapter	Chapter Title	Contact Person	Filing Information	Scope of Changes / Sections to Amend
				B. Look at the way beneficial uses are assigned for protection to waterbodies under the water quality standards.
173-216,220,226 AO # 01-08 12/01	State waste discharge, NPDES	Keith Johnson (360) 407-6442 kjoh461@ecy.wa.gov	CR-101 Filed: August 2001 CR-102 Filed: December 2001 Adoption: February 2002	Exempt turbidity needing certified lab test.
173-218, 216, 226 AO # 01-10 5/01	Underground injection control program	Mary Shaleen-Hansen (360) 407-6143 maha461@ecy.wa.gov	CR-101 Filed: December 2001 CR-102 Expected: January 2003 Adoption Expected: June 2003	The rule amendments will: (1) Bring it current with new federal rule changes; (2) create consistency between the rules that govern UIC wells; and (3) clarify the language of the rule.
173-222 AO # 02-08 3/02 Expedited	Wastewater discharge permit fees	Jerry Thielen (360) 407-7551 jthi461@ecy.wa.gov	CR-105 Filed (Expedited): March 2002 Adopted: May 2002	This rule making will repeal chapter 173-222 WAC which has already been replaced by chapter 173-224 WAC, Wastewater discharge permit fees.
Spill Prevention, Preparedness and Response				
317-10,173-181 AO # 00-03 7/99	Oil spill contingency plans and response contractor standards	Linda Pilkie-Jarvis (360) 407-7447 jpil461@ecy.wa.gov	CR-101 Filed: February 2000 CR-102 Expected: October 2002 Adoption Expected: December 2002	Update plan requirements, mandate incident command systems, incorporate planning standards, and update primary response contractor standards.
173-xx AO # 00-23 9/00	Tank vessel rule	Jeff Fishel (360) 407-7504 jfis461@ecy.wa.gov	CR-101 Filed: September 2000 CR-102 Expected: January 2003 Adoption Expected: May 2003	Develop rules for tank vessels that address peculiarities of Washington waters.
Hazardous Waste and Toxic Reduction				
173-303-071 AO # 02-10 1/02 Emergency	Hazardous waste regulation: Excluded categories of waste	Chipper Hervieux (360) 407-6756 pher461@ecy.wa.gov	Emergency Adoption: May 2002 Expiration: September 2002	Emergency rule to exclude wastes that are regulated as state only dangerous waste; that is, they are not also regulated under federal hazardous waste regulations.
173-303-071 AO # 02-03 1/02	Hazardous waste regulation: Excluded categories of waste	Chipper Hervieux (360) 407-6756 pher461@ecy.wa.gov	CR-101 Filed: February 2002 CR-102 Filed: May 2002 Adoption Expected: August 2002	Rule to exclude wastes that are regulated as state only dangerous waste; that is, they are not also regulated under federal hazardous waste regulations.

Dates that are in "bold" print, indicate that filing has occurred

Jerry Thielen
Rules Coordinator

MISC.

WSR 02-14-142
NOTICE OF PUBLIC MEETINGS
EVERETT COMMUNITY COLLEGE
[Memorandum—July 2, 2002]

Following is the listing of board meeting dates for the Everett Community College board of trustees.
Everett Community College Board of Trustees
Board Meeting Schedule for
2002-03

The meetings will begin at 5:00 p.m.
Special meeting July 10, 2002
August 14, 2002
September 11, 2002

October 9, 2002
November 13, 2002
December 11, 2002
January 8, 2003
February 12, 2003
March 12, 2003
April 9, 2003
May 14, 2003
June 11, 2003

WSR 02-14-144

POLICY STATEMENT

MARINE EMPLOYEES' COMMISSION

[Filed July 3, 2002, 9:12 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Maintaining the Policy-Procedure Manual.

Issuing Entity: Marine Employees' Commission.

Description: Policy adopted to ensure creation of policies as required by executive order or directive or revision of policies and procedures as needed.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: June 28, 2002.

WSR 02-14-145

POLICY STATEMENT

MARINE EMPLOYEES' COMMISSION

[Filed July 3, 2002, 9:13 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Reporting Improper Governmental Actions (Whistleblower).

Issuing Entity: Marine Employees' Commission.

Description: In compliance with chapter 42.40 RCW, policy and procedures adopted concerning reporting improper governmental actions.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: June 28, 2002.

WSR 02-14-146

POLICY STATEMENT

MARINE EMPLOYEES' COMMISSION

[Filed July 3, 2002, 9:13 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Supporting Risk Management.

Issuing Entity: Marine Employees' Commission.

Description: Describes the agency's commitment to risk management.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: June 28, 2002.

WSR 02-14-147

POLICY STATEMENT

MARINE EMPLOYEES' COMMISSION

[Filed July 3, 2002, 9:14 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title: Assessing Risk and Identifying Internal Controls.

Issuing Entity: Marine Employees' Commission.

Description: The agency is committed to identifying, analyzing and managing risk and identifying controls to minimize those risks.

Contact: Kathy Marshall, Administrator, Marine Employees' Commission, Evergreen Plaza Building, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354.

Effective Date: June 28, 2002.

WSR 02-14-156

OFFICE OF

INSURANCE COMMISSIONER

[Filed July 3, 2002, 11:05 a.m.]

In the Matter of the Merger of)
NORTHERN LIFE INSURANCE) No. G 2002 - 38
COMPANY Into RELIASTAR LIFE) NOTICE OF HEARING
INSURANCE COMPANY)

TO:

Thomas J. McInerney, President
Northern Life Insurance Company
PO Box 12530
Seattle, WA 98101

Chris D. Schreier, President
ReliaStar Life Insurance Company
Box 20
Minneapolis, MN 55401

AND TO:

James R. Mumford
ING Americas US Legal Services
Des Moines Site
909 Locust Site
Des Moines, IA 50309

Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Commissioner
James T. Odiorne, Deputy Commissioner, Company Supervision
James Tompkins, Holding Company Manager, Company Supervision
Office of the Insurance Commissioner
PO Box 40259
Olympia, WA 98504-0259

On May 24, 2002, the Insurance Commissioner, by and through James Tompkins, filed its request for hearing concerning the proposed merger of Northern Life Insurance Company with and into ReliaStar Life Insurance Company.

MISC.

Together with this request, which is in the form of a memorandum dated May 23, 2002, the Commissioner forwarded a copy of a letter dated May 3, 2002 from James R. Mumford, Counsel to ING, concerning this proposed merger and draft documents concerning this proposed merger.

Northern Life Insurance Company is a Washington domestic insurance company. ReliaStar Life Insurance Company is a Minnesota domiciled insurance Company.

Northern Life Insurance Company proposes to merge with and into ReliaStar Life Insurance Company with ReliaStar Life Insurance Company being the surviving company.

The merger of a domestic Washington insurance company is controlled by RCW 48.31.010. Pursuant to RCW 48.31.010, a plan of merger has been submitted to the Insurance Commissioner on May 6, 2002. The Insurance Commissioner must hold a hearing and decide whether to approve the merger of the companies.

YOU ARE HEREBY NOTIFIED that a hearing will be held commencing **Friday, July 19, 2002, at 9:00 a.m. Pacific Standard Time.** Pursuant to the authority given to the undersigned pursuant to RCW 34.05.449(3), this hearing will be held by telephone, which will include all parties, it being concluded by the undersigned that the rights of the parties will not be prejudiced thereby. The purpose of this hearing is to consider the proposed merger of the Northern Life Insurance Company into the ReliaStar Life Insurance Company. Pursuant to RCW 48.31.010, approval of this proposed merger is conditioned, in part, upon a finding by the undersigned, based upon evidence presented by testimony and documents at the hearing, that there has been reasonable notice given as to this proposed merger and that this proposed merger is fair, equitable, consistent with law, and that no reasonable objections exists.

Please note that any interested individual or entity may indicate his/her or its support, or objection, to this proposed merger by submitting a letter on or before July 18, 2002 to the undersigned at the above address. Interested individuals and entities may include in their letters a request to be included in the hearing by telephone in order to present their positions orally. If any individual or entity believes there is a reason why the hearing should be heard in person rather than by telephone, then that information should also be included in the individual's or entity's letter.

The hearing will be held under the authority granted the Commissioner by Chapter 48.04 RCW and RCW 48.31.010. RCW 48.31.010 lists the findings which must be made before approval can be given to any proposed merger of a Washington domestic insurer.

The basic facts relied upon are those set forth in the Plan and Agreement of Merger and proposed Articles of Merger filed with the Commissioner. The Plan and Agreement of Merger and proposed Articles of Merger will be made part of the record of the hearing. The Commissioner has not taken, and will not take, any position on this matter prior to entry of the hearing order.

All parties may be represented at the hearing. They may examine witnesses and fully respond and present evidence and argument on all issues involved, as required by the Administrative Procedure Act. The hearing will be governed by the Administrative Procedure Act, Chapter

34.05 RCW, and the model rules of procedure contained in Chapter 10-08 WAC. A party who fails to attend or participate in any stage of the proceeding may be held in default in accordance with Chapter 34.05 RCW.

Administrative Law Judge Patricia D. Petersen, who serves as Chief Hearing Officer for the Office of the Insurance Commissioner, has been designated to hear and determine this matter. Her address is Office of the Insurance Commissioner, Post Office Box 40255, Olympia, Washington 98504-0255. Her telephone number is (360) 664-8768. All interested individuals and entities who have questions or concerns concerning this proceeding should direct them to her Administrative Assistant, Charlene Bowman, at the same address. Ms. Bowman's telephone number is (360) 664-8002.

ENTERED AT OLYMPIA, WASHINGTON, this 14th day of June, 2002.

Mike Kreidler
Insurance Commissioner
By:
Patricia D. Petersen
Administrative Law Judge
Chief Hearing Officer

**WSR 02-14-163
OFFICE OF
INSURANCE COMMISSIONER**

[Filed July 3, 2002, 11:46 a.m.]

In the Matter of the Merger of)
CHARTER TITLE INSURANCE) No. G 2002 - 37
COMPANY)
With and Into) NOTICE OF HEAR-
STEWART TITLE GUARANTY) ING
INSURANCE COMPANY)

TO: Robert P. Oakland, President
Charter Title Insurance Company
PO Box 12489
Mill Creek, WA 98082

Malcolm S. Morris, President
Stewart Title Guaranty Insurance Company
PO Box 2029
Houston, TX 77252

AND TO: Patrick Lamb, Esq.
Carney Badley Spellman, P.S.
700 Fifth Avenue, Ste. 5800
Seattle, WA 98104-5017

MISC.

Mike Kreidler, Insurance Commissioner
 Michael G. Watson, Chief Deputy Commissioner
 James T. Odiorne, Deputy Commissioner, Company
 Supervision
 James Tompkins, Holding Company Manager, Com-
 pany Supervision
 Office of the Insurance Commissioner
 PO Box 40259
 Olympia, WA 98504-0259

On May 22, 2002, Stewart Information Systems Company (SISC), Charter Title Insurance Corporation (Charter) and Stewart Title Guaranty Company (STG), by and through their attorney, Patrick R. Lamb, Esq., filed its request for authorization to merge Charter Title with and into STG. Together with this request, which is in the form of a letter to the Insurance Commissioner dated May 21, 2002, SISC, Charter and STG filed its proposed Agreement and Plan of Merger and proposed Articles of Merger.

Charter is an insurer domiciled in the State of Washington and STG is an insurer domiciled in the State of Texas. Charter and STG are each a wholly owned subsidiary of SISCO. SISCO desires to merge Charter with and into STG, with Charter becoming the disappearing corporation and STG becoming the surviving corporation.

The proposed merger is controlled by RCW 48.31.010. Pursuant to RCW 48.31.010 (1)(a) and (b), a plan of merger must be submitted to and be approved by the Commissioner in advance of the merger, and the Commissioner shall not approve any such plan unless, after a hearing, pursuant to such notice as the Commissioner may require, he finds that the proposed merger is fair, equitable, consistent with law, and that no reasonable objection exists. Further conditions concerning approval of the proposed merger may be found in RCW 48.31.010 (1)(c) and (d).

Accordingly, YOU ARE HEREBY NOTIFIED that a hearing will be held commencing Tuesday, August 6, 2002 at 1:30 p.m. Pacific Standard Time at the Office of the Insurance Commissioner, 5000 Capitol Blvd., Room 206, Tumwater, WA 98501. The purpose of this hearing is to consider the proposed merger of Charter Title Insurance Corporation with and into Stewart Title Guaranty Company. Pursuant to RCW 48.31.010, approval of this proposed merger is conditioned, in part, upon a finding by the undersigned, based upon evidence presented by testimony and documents at the hearing, that there has been reasonable notice given as to this proposed merger and that this proposed merger is fair, equitable, consistent with law, and that no reasonable objections exist.

Please note that any interested individual or entity may indicate his/her or its support, or objection, to this proposed merger by submitting a letter on or before August 5, 2002, to the undersigned at the above address. Interested individuals and entities may include in their letters a request to be included in the hearing by telephone or in person in order to present their positions orally.

The hearing will be held under the authority granted the Commissioner by Chapter 48.04 RCW, and RCW 48.31.010

and Chapter 34.05 RCW (the Administrative Procedure Act). As stated above, RCW 48.31.010 states the findings which must be made before approval can be given to this proposed merger.

The basic facts relied upon are those set forth in the Plan and Agreement of Merger and proposed Articles of Merger filed with the Commissioner. The Plan and Agreement of Merger and proposed Articles of Merger are now included in the hearing file, are available to the public upon request in advance, at the time of, or after the hearing, and will be made part of the record of the hearing. The Commissioner has not taken, and will not take, any position on this matter prior to entry of the final hearing order which will be entered several days after the hearing has terminated and mailed to the parties and others by request. It should be noted that, in the case that this proposed plan of merger is approved, such approval will be made contingent upon approval of this proposed plan of merger by the Texas Insurance Commissioner.

All parties may be represented at the hearing. They may examine witnesses and fully respond and present evidence and argument on all issues involved, as required by the Administrative Procedure Act. As required, the hearing will be governed by the Administrative Procedure Act, Chapter 34.05 RCW, and the model rules of procedure contained in Chapter 10-08 WAC. A party who fails to attend or participate in any stage of the proceeding may be held in default in accordance with Chapter 34.05 RCW.

Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English-speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by ch. 2.42 RCW. Following this Notice is a form you may use to advise the Chief Hearing Officer of your need for an interpreter.

Administrative Law Judge Patricia D. Petersen, who serves as Chief Hearing Officer for the Office of the Insurance Commissioner, has been designated to hear and determine this matter, including making the findings of facts, conclusions of law and the final order after hearing. Her address is Office of the Insurance Commissioner, Post Office Box 40255, Olympia, Washington 98504-0255. Her telephone number is (360) 664-8768. All interested individuals and entities who have questions or concerns concerning this proceeding should direct them to her Administrative Assistant, Charlene Bowman, at the same address. Ms. Bowman's telephone number is (360) 664-8002.

ENTERED AT OLYMPIA, WASHINGTON, this 3rd day of July, 2002.

Mike Kreidler
 Insurance Commissioner
 By:
 Patricia D. Petersen
 Administrative Law Judge
 Chief Hearing Officer

WSR 02-14-164
AGENDA
DEPARTMENT OF REVENUE

[Filed July 3, 2002, 11:58 a.m.]

The Department of Revenue's rule development agenda shows those rules for which we anticipate some formal rule-making action, either a public meeting, hearing, or adoption, by January 31, 2003. The agenda also identifies some rules for which the department is considering rule-making action, even though formal rule-making action may not necessarily be anticipated by January 31st. The status of these rules is designated as "CR-101 public meeting is possible." Rules

may be added to deleted from work schedule as a result of legislative action, industry, taxpayer or agency request, or court decisions.

We have a website that includes this list at http://www.dor.wa.gov/content/rules_laws/laws_RulesAdmin.asp.

If you would like to receive future copies of this list, please send a request to Roseanna Hodson, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504.

Any person currently on the excise tax rules maintenance list or property tax rules list will automatically receive a copy of the rule development agenda.

RULES DEVELOPMENT AGENDA
DEPARTMENT OF REVENUE
 Activity planned by January 31, 2003

Rule Number	Last Revised	Subject	Explanation	Assigned To	Status
458-12-050 458-12-095 458-12-100 458-12-105 458-12-110	1968 1968 1982 1968 1968	Listing of personal property	Update per rule review. Anticipate combining info into one or two rules.	Mark Mullin	CR-101 public meeting anticipated.
458-12-060 458-12-065 458-12-070 458-12-075 458-12-080	1968 1968 1968 1968 1969	Listing of personal property	Update per rule review and incorporate provisions of chapters 185 and 187, Laws of 2001. Anticipate combining info into one rule.	Mark Mullin	CR-101 public meeting anticipated.
458-12-090 458-12-270 458-12-275 458-12-280 458-16-115	1968 1968 1968 1968 1989	Listing of personal property	Update per rule review. Anticipate combining info into one rule.	Mark Mullin	CR-102 public hearing scheduled for August 8th.
458-12-360	1968	Notice of value change—Real property	Update per rule review.	Mark Mullin	CR-101 public meeting anticipated.
458-14-001 458-14-015 458-14-025 458-14-046 458-14-056 458-14-066 458-14-076 458-14-105 458-14-116 458-14-127 458-14-170	1995 1995 1995 1995 1995 1995 1995 1995 1995 1995 1995	Board of Equalization	To incorporate chapters 185 and 187, Laws of 2001, and chapter 54, Laws of 1998.	Kim Qually	CR-101 public meeting anticipated.

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Rule Number	Last Revised	Subject	Explanation	Assigned To	Status
458-16-010 458-16-011 458-16-012 458-16-013 458-16-020 458-16-022 458-16-030 458-16-040 458-16-060 458-16-070 458-16-079	1983 1981 1981 1992 1992 1976 1988 1974 1981 1981 1981	Senior citizens	Update per rule review.	Ed Ratcliffe	CR-101 public meeting anticipated.
458-16-180	1994	Cemeteries	Update per rule review.	Kim Qually	CR-101 public meeting anticipated.
458-18-220	2001	Rate of interest	Annual update.	Kim Qually	Must be completed by January 1, 2003.
Chapter 458-19 WAC	1994	Property tax levies	To incorporate chapter 185, Laws of 2001 (SHB 1202).	Kim Qually	CR-102 public hearing anticipated.
458-20-122 458-20-209 458-20-210	1994 1994 1994	Sales to/by farmers	To incorporate chapter 118, Laws of 2001 (SHB 1339).	Mark Mullin	CR-102 public hearing anticipated.
458-20-135	2000	Extracting	To incorporate chapter 118, Laws of 2001 (SHB 1339).	Pat Moses	CR-102 public hearing anticipated.
458-20-141	1983	Duplicating industry and mailing bureaus	To incorporate provisions of chapter 367, Laws of 2002 (SB 6835) and update per rule review.	JoAnne Gordon	CR-101 public meeting anticipated.
458-20-144	1970	Printing industry	Update per rule review.	Gil Brewer	CR-101 public meeting anticipated.
458-20-151	1991	Dental labs	Update per rule review.	Mark Mullin	CR-102 public hearing anticipated.
458-20-165	1999	Laundry, dry cleaning, and uniform supply services	To incorporate chapter 186, Laws of 2001.	JoAnne Gordon	CR-102 public hearing anticipated.
458-20-166	1994	Sales of lodging	To incorporate chapter 178, Laws of 2002 (SHB 1521).	JoAnne Gordon	CR-102 public hearing anticipated.
458-20-173	1983	Installing, repairing, etc., tangible personal property	To incorporate provisions of chapter 367, Laws of 2002 (SB 6835).	Julie Sexton	CR-101 public meeting anticipated.
458-20-177	1983	Sales of vehicles to nonresidents	Update per rule review.	Gil Brewer	CR-101 public meeting anticipated.

MISC.

Rule Number	Last Revised	Subject	Explanation	Assigned To	Status
458-20-17803	New	Use tax on promotional materials	To incorporate provisions of chapter 367, Laws of 2002 (SB 6835).	JoAnne Gordon	CR-101 public meeting anticipated. Emergency rule adopted effective June 1, 2002.
458-20-185	1994	Tobacco products tax	To incorporate chapter 325, Laws of 2002 (SB 6591).	Anne Solwick	CR-101 public meeting scheduled for September 5th. Emergency rule adopted effective July 1, 2002.
458-20-189	1995	Sales to/by the state, counties, cities	Update per rule review.	Pat Moses	CR-101 public meeting anticipated.
458-20-193	1991	Inbound and outbound interstate sales of tangible personal property	Update per rule review. May consolidate information into one rule.	Claire Hesselholt	CR-101 public meeting possible.
458-20-193C	1986	Imports and Exports			
458-20-208	1970	Accommodation sales	To incorporate chapter 258, Laws of 2001 (HB 1119).	JoAnne Gordon	CR-102 public hearing anticipated.
458-20-217	2000	Lien for taxes	To correct an erroneous citation.	Alan R. Lynn	Adoption anticipated.
458-20-251	1986	Sewerage collection	Update per rule review.	Gil Brewer	CR-101 public meeting anticipated.
458-20-260	1992	Oil spill response and administration tax	Update per rule review.	Anne Solwick	Adoption anticipated.
458-20-263	1999	Exemption for alternative power sources.	To incorporate chapter 213, Laws of 2001 (HB 1859).	Nicole Stewart	CR-101 public meeting anticipated.
458-20-new	New	High tech B&O tax credits and sales/use tax deferrals	To provide guidance regarding RCW 82.04.4452 and chapter 82.63 RCW.	Greg Potegal	CR-101 public meeting anticipated.
458-29A-400	1999	Leasehold tax	To incorporate chapter 26, Laws of 2001 (HB 1055).	Mark Mullin	Public hearing scheduled for July 25th.
458-30-200	2001	Current use	To incorporate chapter 315, Laws of 2002.	Kim Qually	Candidate for expedited adoption process.
458-30-210	1995				
458-30-232	1995				
458-30-295	2001				
458-30-325	2001				
458-30-500	1995				
458-30-700	2001				
458-30-262	2001	Farm and agricultural land values	Annual update.	Kim Qually	Must be completed by January 1, 2003.

Rule Number	Last Revised	Subject	Explanation	Assigned To	Status
458-30-590	2001	Rate of inflation	Annual update.	Kim Qually	Must be completed by January 1, 2003.
458-40-540	2001	Forest land values	Annual update.	Ed Ratcliffe	Must be completed by January 1st.
458-40-610	2000	Definitions for timber excise tax	To clarify when road abandonment is or is not a part of harvesting activities.	Ed Ratcliffe	CR-102 public hearing anticipated.
458-40-660	2001	Timber/forest tax stumpage values	Required semiannually.	Ed Ratcliffe	Must be completed before July 1st and January 1st each year.
Chapter 458-57 WAC	1999 2000	Estate tax	Update per rule review.	Cindy Evans	CR-101 public meeting scheduled for July 11th.

Alan R. Lynn
Rules Coordinator

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 #
4-25-410	AMD	02-04-064	16-154-060	REP-P	02-04-109	16-157-240	NEW-P	02-04-109
4-25-520	AMD	02-04-064	16-154-070	REP-P	02-04-109	16-157-240	NEW	02-10-090
4-25-530	AMD-P	02-13-022	16-154-080	REP-P	02-04-109	16-157-250	NEW-P	02-04-109
4-25-540	AMD	02-04-064	16-154-090	REP-P	02-04-109	16-157-250	NEW	02-10-090
4-25-610	AMD	02-04-064	16-154-100	REP-P	02-04-109	16-157-255	NEW-P	02-04-109
4-25-610	PREP	02-11-007	16-154-110	REP-P	02-04-109	16-157-255	NEW	02-10-090
4-25-620	AMD	02-04-064	16-154-120	REP-P	02-04-109	16-157-260	NEW-P	02-04-109
4-25-626	AMD	02-04-064	16-154-180	REP-P	02-04-109	16-157-260	NEW	02-10-090
4-25-630	AMD	02-04-064	16-156-003	REP-P	02-04-109	16-157-270	NEW-P	02-04-109
4-25-631	AMD	02-04-064	16-156-004	REP-P	02-04-109	16-157-270	NEW	02-10-090
4-25-640	AMD-W	02-04-062	16-156-005	REP-P	02-04-109	16-157-275	NEW-P	02-04-109
4-25-640	PREP	02-04-063	16-156-010	REP-P	02-04-109	16-157-275	NEW	02-10-090
4-25-660	AMD	02-04-064	16-156-020	REP-P	02-04-109	16-157-280	NEW-P	02-04-109
4-25-710	PREP	02-04-063	16-156-030	REP-P	02-04-109	16-157-280	NEW	02-10-090
4-25-710	AMD	02-04-064	16-156-035	REP-P	02-04-109	16-157-290	NEW-P	02-04-109
4-25-720	AMD	02-04-064	16-156-040	REP-P	02-04-109	16-157-290	NEW	02-10-090
4-25-721	AMD	02-04-064	16-156-050	REP-P	02-04-109	16-158-010	REP-P	02-04-109
4-25-730	AMD	02-04-064	16-156-060	REP-P	02-04-109	16-158-020	REP-P	02-04-109
4-25-735	NEW	02-04-064	16-156-070	REP-P	02-04-109	16-158-027	REP-P	02-04-109
4-25-745	AMD	02-04-064	16-157	AMD-C	02-07-117	16-158-028	REP-P	02-04-109
4-25-746	AMD	02-04-064	16-157-010	NEW-P	02-04-109	16-158-030	REP-P	02-04-109
4-25-750	AMD	02-04-064	16-157-010	NEW	02-10-090	16-158-040	REP-P	02-04-109
4-25-752	NEW	02-04-064	16-157-020	NEW-P	02-04-109	16-158-050	REP-P	02-04-109
4-25-756	NEW	02-04-064	16-157-020	NEW	02-10-090	16-158-060	REP-P	02-04-109
4-25-783	AMD	02-04-064	16-157-030	NEW-P	02-04-109	16-158-080	REP-P	02-04-109
4-25-790	AMD	02-04-064	16-157-030	NEW	02-10-090	16-158-090	REP-P	02-04-109
4-25-791	AMD	02-04-064	16-157-100	NEW-P	02-04-109	16-158-100	REP-P	02-04-109
4-25-792	AMD	02-04-064	16-157-100	NEW	02-10-090	16-158-110	REP-P	02-04-109
4-25-793	NEW	02-04-064	16-157-110	NEW-P	02-04-109	16-158-120	REP-P	02-04-109
4-25-795	AMD	02-04-064	16-157-110	NEW	02-10-090	16-158-130	REP-P	02-04-109
4-25-820	AMD	02-04-064	16-157-120	NEW-P	02-04-109	16-158-135	REP-P	02-04-109
4-25-830	AMD	02-04-064	16-157-120	NEW	02-10-090	16-158-150	REP-P	02-04-109
4-25-910	AMD	02-04-064	16-157-200	NEW-P	02-04-109	16-162-010	REP-P	02-04-109
4-25-930	NEW-P	02-13-021	16-157-200	NEW	02-10-090	16-162-025	REP-P	02-04-109
16-104	PREP	02-06-050	16-157-210	NEW-P	02-04-109	16-162-030	REP-P	02-04-109
16-154-010	REP-P	02-04-109	16-157-210	NEW	02-10-090	16-162-034	REP-P	02-04-109
16-154-030	REP-P	02-04-109	16-157-220	NEW-P	02-04-109	16-162-036	REP-P	02-04-109
16-154-040	REP-P	02-04-109	16-157-220	NEW	02-10-090	16-162-037	REP-P	02-04-109
16-154-050	REP-P	02-04-109	16-157-230	NEW-P	02-04-109	16-162-040	REP-P	02-04-109
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16-162-100	REP-P	02-04-109	16-302-125	PREP	02-05-083	16-303-330	AMD-P	02-09-060
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16-164-020	REP-P	02-04-109	16-302-125	AMD	02-12-060	16-303-340	AMD	02-05-082
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16-164-060	REP-P	02-04-109	16-302-260	PREP	02-05-083	16-324-375	AMD	02-12-010
16-164-070	REP-P	02-04-109	16-302-260	AMD-P	02-09-059	16-324-398	AMD-P	02-08-087
16-164-080	REP-P	02-04-109	16-302-260	AMD	02-12-060	16-324-398	AMD	02-12-010
16-164-085	REP-P	02-04-109	16-302-330	PREP	02-05-083	16-324-401	AMD-P	02-08-087
16-164-090	REP-P	02-04-109	16-302-330	AMD-P	02-09-059	16-324-401	AMD	02-12-010
16-164-100	REP-P	02-04-109	16-302-330	AMD	02-12-060	16-324-431	AMD-P	02-08-087
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16-228-1235	NEW-P	02-07-080	16-302-390	PREP	02-05-083	16-324-730	AMD-P	02-08-087
16-228-1235	NEW-C	02-11-070	16-302-390	AMD-P	02-09-059	16-324-730	AMD	02-12-010
16-228-1235	NEW	02-12-017	16-302-390	AMD	02-12-060	16-324-740	AMD-P	02-08-087
16-228-12351	NEW-E	02-06-048	16-302-410	PREP	02-05-083	16-324-740	AMD	02-12-010
16-228-12351	NEW-P	02-07-080	16-302-410	AMD-P	02-09-059	16-324-750	AMD-P	02-08-087
16-228-12351	NEW-C	02-11-070	16-302-410	AMD	02-12-060	16-324-750	AMD	02-12-010
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16-228-12352	NEW-E	02-06-048	16-302-435	AMD-P	02-09-059	16-325-015	AMD	02-09-030
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16-228-12371	NEW-E	02-06-048	16-302-545	PREP	02-05-083	16-403-141	AMD	02-12-011
16-228-12371	NEW-P	02-07-080	16-302-685	PREP	02-05-083	16-403-142	AMD-P	02-07-118
16-228-12371	NEW-C	02-11-070	16-302-685	AMD-P	02-09-059	16-403-142	AMD-C	02-12-005
16-228-12371	NEW	02-12-017	16-302-685	AMD	02-12-060	16-403-142	AMD	02-12-011
16-228-1238	NEW-P	02-07-080	16-303-200	PREP	02-03-127	16-403-190	PREP	02-03-128
16-228-1238	NEW-C	02-11-070	16-303-200	AMD-P	02-09-060	16-403-190	AMD-P	02-07-118
16-228-1238	NEW-W	02-12-028	16-303-200	AMD	02-12-061	16-403-190	AMD-C	02-12-005
16-228-2000	REP-P	02-14-092	16-303-210	PREP	02-03-127	16-403-190	AMD	02-12-011
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16-470-820	NEW	02-09-099	16-557-041	REP-C	02-09-005	36- 12-240	AMD	02-03-069
16-470-830	NEW-P	02-06-131	16-557-041	REP-W	02-11-083	36- 12-250	AMD	02-03-069
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16-470-830	NEW	02-09-099	16-557-050	REP-W	02-11-083	36- 12-270	AMD	02-03-069
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98- 08-070	REP-P	02-14-058	118- 65-030	AMD	02-12-053	132H-140-060	REP	02-14-007
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98- 08-110	REP-P	02-14-058	118- 65-050	AMD	02-12-053	132H-140-070	AMD	02-14-007
98- 08-120	REP-P	02-14-058	118- 65-060	AMD-P	02-09-072	132H-140-070	AMD	02-14-007
98- 08-130	REP-P	02-14-058	118- 65-060	AMD	02-12-053	132H-140-080	REP-P	02-09-071
98- 08-140	REP-P	02-14-058	118- 65-070	AMD-P	02-09-072	132H-140-080	REP	02-14-007
98- 08-150	REP-P	02-14-058	118- 65-070	AMD	02-12-053	132H-140-085	NEW-P	02-09-071
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98- 08-190	REP-P	02-14-058	118- 65-081	AMD	02-12-053	132H-140-090	REP-P	02-09-071
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98- 08-210	REP-P	02-14-058	118- 65-090	AMD	02-12-053	132H-140-100	REP-P	02-09-071
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98- 08-370	REP-P	02-14-058	130- 14-010	AMD	02-06-043	132H-140-110	AMD-P	02-09-071
98- 08-380	REP-P	02-14-058	130- 14-030	AMD-P	02-03-131	132H-140-110	AMD	02-14-007
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98- 08-480	REP-P	02-14-058	132G-104-020	AMD-P	02-06-127	132H-160-190	AMD	02-14-008
98- 08-480	REP-P	02-14-058	132G-104-020	AMD	02-11-090	132H-410-010	NEW-P	02-03-107
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98- 08-520	REP-P	02-14-058	132H-106-030	AMD	02-10-067	132H-410-030	NEW-P	02-03-107
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173- 50-210	AMD-P	02-11-151	173-224-030	AMD-P	02-06-091	173-312-080	AMD	02-05-070
173- 50-220	AMD-P	02-11-151	173-224-030	REP-X	02-07-038	173-312-090	AMD	02-05-070
173-158-030	AMD-P	02-06-040	173-224-030	REP-W	02-07-098	173-312-100	AMD	02-05-070
173-158-070	AMD-P	02-06-040	173-224-030	AMD	02-12-059	173-350-010	NEW-P	02-14-061
173-158-075	NEW-P	02-06-040	173-224-040	AMD-P	02-06-091	173-350-020	NEW-P	02-14-061
173-158-076	NEW-P	02-06-040	173-224-040	REP-X	02-07-038	173-350-025	NEW-P	02-14-061
173-173-030	NEW-W	02-05-034	173-224-040	REP-W	02-07-098	173-350-030	NEW-P	02-14-061
173-173-070	NEW-W	02-05-034	173-224-040	AMD	02-12-059	173-350-040	NEW-P	02-14-061
173-216-125	AMD	02-05-055	173-224-050	AMD-P	02-06-091	173-350-100	NEW-P	02-14-061
173-220-210	AMD	02-05-055	173-224-050	REP-X	02-07-038	173-350-200	NEW-P	02-14-061
173-222-010	REP-X	02-07-038	173-224-050	REP-W	02-07-098	173-350-210	NEW-P	02-14-061
173-222-010	REP-W	02-07-098	173-224-050	AMD	02-12-059	173-350-220	NEW-P	02-14-061
173-222-010	REP-X	02-07-099	173-224-060	REP-X	02-07-038	173-350-230	NEW-P	02-14-061
173-222-010	REP	02-11-149	173-224-060	REP-W	02-07-098	173-350-240	NEW-P	02-14-061
173-222-015	REP-X	02-07-038	173-224-080	REP-X	02-07-038	173-350-300	NEW-P	02-14-061
173-222-015	REP-W	02-07-098	173-224-080	REP-W	02-07-098	173-350-310	NEW-P	02-14-061
173-222-015	REP-X	02-07-099	173-224-080	REP-W	02-07-098	173-350-320	NEW-P	02-14-061
173-222-015	REP	02-11-149	173-224-090	REP-X	02-07-038	173-350-330	NEW-P	02-14-061
173-222-020	REP-X	02-07-038	173-224-090	REP-W	02-07-098	173-350-350	NEW-P	02-14-061
173-222-020	REP-W	02-07-098	173-224-100	REP-X	02-07-038	173-350-360	NEW-P	02-14-061
173-222-020	REP-X	02-07-099	173-224-100	REP-W	02-07-098	173-350-400	NEW-P	02-14-061
173-222-020	REP	02-11-149	173-224-110	REP-X	02-07-038	173-350-410	NEW-P	02-14-061
173-222-030	REP-X	02-07-038	173-224-110	REP-W	02-07-098	173-350-490	NEW-P	02-14-061
173-222-030	REP-W	02-07-098	173-224-120	REP-X	02-07-038	173-350-500	NEW-P	02-14-061
173-222-030	REP-X	02-07-099	173-226-090	REP-W	02-07-098	173-350-600	NEW-P	02-14-061
173-222-030	REP	02-11-149	173-303	AMD	02-05-055	173-350-700	NEW-P	02-14-061
173-222-040	REP-X	02-07-038	173-303	PREP	02-05-054	173-350-710	NEW-P	02-14-061
173-222-040	REP-W	02-07-098	173-303-045	AMD-P	02-11-101	173-350-715	NEW-P	02-14-061
173-222-040	REP-X	02-07-099	173-303-070	AMD-P	02-11-101	173-350-900	NEW-P	02-14-061
173-222-040	REP	02-11-149	173-303-071	AMD-E	02-04-030	173-350-990	NEW-P	02-14-061
173-222-050	REP-X	02-07-038	173-303-071	AMD-P	02-11-101	173-400-075	AMD-X	02-10-107
173-222-050	REP-W	02-07-098	173-303-071	AMD-E	02-11-102	173-401	PREP	02-05-011
			173-303-100	AMD-P	02-11-101			

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
173-401-200	AMD-P	02-10-031	173-700-311	NEW-W	02-12-058	173-700-730	NEW-W	02-12-058
173-401-300	AMD-P	02-10-031	173-700-320	NEW-W	02-12-058	173-700-731	NEW-W	02-12-058
173-401-500	AMD-P	02-10-031	173-700-330	NEW-W	02-12-058	173-700-732	NEW-W	02-12-058
173-401-530	AMD-P	02-10-031	173-700-340	NEW-W	02-12-058	173-700-740	NEW-W	02-12-058
173-401-615	AMD-P	02-10-031	173-700-350	NEW-W	02-12-058	173-700-750	NEW-W	02-12-058
173-401-710	AMD-P	02-10-031	173-700-351	NEW-W	02-12-058	173-700-800	NEW-W	02-12-058
173-401-722	AMD-P	02-10-031	173-700-352	NEW-W	02-12-058	180- 08	PREP	02-08-041
173-422	PREP	02-05-071	173-700-353	NEW-W	02-12-058	180- 08	AMD-P	02-14-115
173-422-020	AMD-P	02-09-066	173-700-354	NEW-W	02-12-058	180- 08-001	NEW-P	02-14-115
173-422-020	AMD	02-12-072	173-700-355	NEW-W	02-12-058	180- 08-002	NEW-P	02-14-115
173-422-030	AMD-P	02-09-066	173-700-356	NEW-W	02-12-058	180- 08-003	REP-P	02-14-115
173-422-030	AMD	02-12-072	173-700-357	NEW-W	02-12-058	180- 08-004	NEW-P	02-14-115
173-422-031	AMD-P	02-09-066	173-700-358	NEW-W	02-12-058	180- 08-005	REP-P	02-14-115
173-422-031	AMD	02-12-072	173-700-359	NEW-W	02-12-058	180- 08-006	NEW-P	02-14-115
173-422-060	AMD-P	02-09-066	173-700-360	NEW-W	02-12-058	180- 08-008	NEW-P	02-14-115
173-422-060	AMD	02-12-072	173-700-361	NEW-W	02-12-058	180- 10	PREP	02-08-041
173-422-065	AMD-P	02-09-066	173-700-370	NEW-W	02-12-058	180- 10-001	REP-P	02-14-115
173-422-065	AMD	02-12-072	173-700-371	NEW-W	02-12-058	180- 10-003	REP-P	02-14-115
173-422-070	AMD-P	02-09-066	173-700-372	NEW-W	02-12-058	180- 10-005	REP-P	02-14-115
173-422-070	AMD	02-12-072	173-700-373	NEW-W	02-12-058	180- 10-007	REP-P	02-14-115
173-422-075	AMD-P	02-09-066	173-700-374	NEW-W	02-12-058	180- 10-010	REP-P	02-14-115
173-422-075	AMD	02-12-072	173-700-375	NEW-W	02-12-058	180- 10-015	REP-P	02-14-115
173-422-190	AMD-P	02-09-066	173-700-376	NEW-W	02-12-058	180- 10-020	REP-P	02-14-115
173-422-190	AMD	02-12-072	173-700-380	NEW-W	02-12-058	180- 10-025	REP-P	02-14-115
173-422-195	AMD-P	02-09-066	173-700-390	NEW-W	02-12-058	180- 10-030	REP-P	02-14-115
173-422-195	AMD	02-12-072	173-700-391	NEW-W	02-12-058	180- 10-035	REP-P	02-14-115
173-434	PREP	02-07-097	173-700-392	NEW-W	02-12-058	180- 10-040	REP-P	02-14-115
173-700-010	NEW-W	02-12-058	173-700-393	NEW-W	02-12-058	180- 10-045	REP-P	02-14-115
173-700-020	NEW-W	02-12-058	173-700-394	NEW-W	02-12-058	180- 16	PREP	02-08-039
173-700-030	NEW-W	02-12-058	173-700-395	NEW-W	02-12-058	180- 16	PREP	02-08-044
173-700-040	NEW-W	02-12-058	173-700-400	NEW-W	02-12-058	180- 16-002	AMD-E	02-08-038
173-700-100	NEW-W	02-12-058	173-700-401	NEW-W	02-12-058	180- 16-002	AMD-E	02-14-114
173-700-200	NEW-W	02-12-058	173-700-402	NEW-W	02-12-058	180- 16-002	AMD-P	02-14-117
173-700-201	NEW-W	02-12-058	173-700-403	NEW-W	02-12-058	180- 16-006	REP-E	02-08-038
173-700-202	NEW-W	02-12-058	173-700-404	NEW-W	02-12-058	180- 16-006	REP-E	02-14-114
173-700-203	NEW-W	02-12-058	173-700-405	NEW-W	02-12-058	180- 16-006	REP-P	02-14-117
173-700-204	NEW-W	02-12-058	173-700-410	NEW-W	02-12-058	180- 16-162	AMD-P	02-14-126
173-700-205	NEW-W	02-12-058	173-700-411	NEW-W	02-12-058	180- 16-191	AMD-P	02-14-126
173-700-220	NEW-W	02-12-058	173-700-412	NEW-W	02-12-058	180- 16-195	AMD-E	02-08-038
173-700-221	NEW-W	02-12-058	173-700-413	NEW-W	02-12-058	180- 16-195	AMD-E	02-14-114
173-700-222	NEW-W	02-12-058	173-700-414	NEW-W	02-12-058	180- 16-195	AMD-P	02-14-117
173-700-223	NEW-W	02-12-058	173-700-415	NEW-W	02-12-058	180- 16-215	AMD-P	02-14-126
173-700-224	NEW-W	02-12-058	173-700-416	NEW-W	02-12-058	180- 16-220	AMD-E	02-08-038
173-700-230	NEW-W	02-12-058	173-700-420	NEW-W	02-12-058	180- 16-220	AMD-E	02-14-114
173-700-231	NEW-W	02-12-058	173-700-421	NEW-W	02-12-058	180- 16-220	AMD-P	02-14-117
173-700-232	NEW-W	02-12-058	173-700-422	NEW-W	02-12-058	180- 16-227	NEW-E	02-08-038
173-700-233	NEW-W	02-12-058	173-700-423	NEW-W	02-12-058	180- 16-227	NEW-E	02-14-114
173-700-234	NEW-W	02-12-058	173-700-500	NEW-W	02-12-058	180- 16-227	NEW-P	02-14-117
173-700-235	NEW-W	02-12-058	173-700-501	NEW-W	02-12-058	180- 18	PREP	02-08-039
173-700-240	NEW-W	02-12-058	173-700-502	NEW-W	02-12-058	180- 18-010	AMD-E	02-08-038
173-700-241	NEW-W	02-12-058	173-700-503	NEW-W	02-12-058	180- 18-010	AMD-E	02-14-114
173-700-250	NEW-W	02-12-058	173-700-504	NEW-W	02-12-058	180- 18-010	AMD-P	02-14-117
173-700-251	NEW-W	02-12-058	173-700-505	NEW-W	02-12-058	180- 18-020	REP-E	02-08-038
173-700-252	NEW-W	02-12-058	173-700-600	NEW-W	02-12-058	180- 18-020	REP-E	02-14-114
173-700-253	NEW-W	02-12-058	173-700-610	NEW-W	02-12-058	180- 18-020	REP-P	02-14-117
173-700-254	NEW-W	02-12-058	173-700-611	NEW-W	02-12-058	180- 20	PREP	02-10-049
173-700-255	NEW-W	02-12-058	173-700-612	NEW-W	02-12-058	180- 20	PREP	02-10-084
173-700-256	NEW-W	02-12-058	173-700-620	NEW-W	02-12-058	180- 20-005	AMD-P	02-14-116
173-700-257	NEW-W	02-12-058	173-700-630	NEW-W	02-12-058	180- 20-007	NEW-P	02-14-116
173-700-258	NEW-W	02-12-058	173-700-700	NEW-W	02-12-058	180- 20-009	NEW-P	02-14-116
173-700-300	NEW-W	02-12-058	173-700-710	NEW-W	02-12-058	180- 20-030	REP-P	02-14-116
173-700-310	NEW-W	02-12-058	173-700-720	NEW-W	02-12-058	180- 20-031	AMD-P	02-14-116

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180- 20-034	REP-P	02-14-116	180- 31	PREP	02-06-057	180- 53-045	REP-E	02-14-114
180- 20-090	REP-P	02-14-116	180- 32	PREP	02-06-058	180- 53-045	REP-P	02-14-117
180- 20-095	REP-P	02-14-116	180- 33	PREP	02-06-059	180- 53-050	REP-E	02-08-038
180- 20-101	AMD-P	02-14-116	180- 34	PREP	02-08-046	180- 53-050	REP-E	02-14-114
180- 20-111	AMD-P	02-14-116	180- 34-005	REP-P	02-14-119	180- 53-050	REP-P	02-14-117
180- 20-115	REP-P	02-14-116	180- 34-010	REP-P	02-14-119	180- 53-055	REP-E	02-08-038
180- 20-120	AMD-P	02-14-116	180- 36	PREP	02-06-060	180- 53-055	REP-E	02-14-114
180- 20-123	REP-P	02-14-116	180- 37-005	PREP	02-10-051	180- 53-055	REP-P	02-14-117
180- 20-125	REP-P	02-14-116	180- 37-005	NEW-P	02-14-120	180- 53-060	REP-E	02-08-038
180- 20-130	REP-P	02-14-116	180- 37-010	PREP	02-10-051	180- 53-060	REP-E	02-14-114
180- 20-135	AMD-P	02-14-116	180- 37-010	NEW-P	02-14-120	180- 53-060	REP-P	02-14-117
180- 22	PREP	02-08-045	180- 38	PREP	02-08-043	180- 53-070	REP-E	02-08-038
180- 22-100	AMD-P	02-14-118	180- 38	AMD-P	02-14-140	180- 53-070	REP-E	02-14-114
180- 22-105	REP-P	02-14-118	180- 38-005	AMD-P	02-14-140	180- 53-070	REP-P	02-14-117
180- 22-140	AMD-P	02-14-118	180- 38-010	REP-P	02-14-140	180- 55	PREP	02-08-039
180- 22-150	AMD-P	02-14-118	180- 38-020	AMD-P	02-14-140	180- 55-005	AMD-E	02-08-038
180- 22-201	NEW-P	02-14-118	180- 38-025	REP-P	02-14-140	180- 55-005	AMD-E	02-14-114
180- 22-205	NEW-P	02-14-118	180- 38-030	REP-P	02-14-140	180- 55-005	AMD-P	02-14-117
180- 22-210	NEW-P	02-14-118	180- 38-035	REP-P	02-14-140	180- 55-010	REP-E	02-08-038
180- 22-215	NEW-P	02-14-118	180- 38-040	REP-P	02-14-140	180- 55-010	REP-E	02-14-114
180- 22-220	NEW-P	02-14-118	180- 38-045	AMD-P	02-14-140	180- 55-010	REP-P	02-14-117
180- 22-225	NEW-P	02-14-118	180- 38-050	AMD-P	02-14-140	180- 55-015	AMD-E	02-08-038
180- 23	PREP	02-08-045	180- 38-055	REP-P	02-14-140	180- 55-015	AMD-E	02-14-114
180- 23-037	REP-P	02-14-118	180- 38-060	REP-P	02-14-140	180- 55-015	AMD-P	02-14-117
180- 23-040	REP-P	02-14-118	180- 38-065	AMD-P	02-14-140	180- 55-020	AMD-E	02-08-038
180- 23-043	REP-P	02-14-118	180- 38-070	REP-P	02-14-140	180- 55-020	AMD-E	02-14-114
180- 23-047	REP-P	02-14-118	180- 39	PREP	02-06-061	180- 55-020	AMD-P	02-14-117
180- 23-050	REP-P	02-14-118	180- 40	PREP	02-06-062	180- 55-025	REP-E	02-08-038
180- 23-055	REP-P	02-14-118	180- 41	PREP	02-06-063	180- 55-025	REP-E	02-14-114
180- 23-058	REP-P	02-14-118	180- 43	PREP	02-08-042	180- 55-025	REP-P	02-14-117
180- 23-060	REP-P	02-14-118	180- 43-005	AMD-P	02-14-123	180- 55-030	REP-E	02-08-038
180- 23-065	REP-P	02-14-118	180- 43-010	AMD-P	02-14-123	180- 55-030	REP-E	02-14-114
180- 23-070	REP-P	02-14-118	180- 43-015	AMD-P	02-14-123	180- 55-030	REP-P	02-14-117
180- 23-075	REP-P	02-14-118	180- 44	PREP	02-06-064	180- 55-032	NEW-E	02-08-038
180- 23-077	REP-P	02-14-118	180- 46	PREP	02-06-065	180- 55-032	NEW-E	02-14-114
180- 23-078	REP-P	02-14-118	180- 50	PREP	02-06-066	180- 55-032	NEW-P	02-14-117
180- 23-080	REP-P	02-14-118	180- 52-070	NEW-P	02-08-092	180- 55-034	NEW-E	02-08-038
180- 23-085	REP-P	02-14-118	180- 52-070	NEW-P	02-10-089	180- 55-034	NEW-E	02-14-114
180- 23-090	REP-P	02-14-118	180- 52-070	NEW	02-14-125	180- 55-034	NEW-P	02-14-117
180- 23-095	REP-P	02-14-118	180- 53	PREP	02-08-039	180- 55-035	REP-E	02-08-038
180- 23-100	REP-P	02-14-118	180- 53-005	REP-E	02-08-038	180- 55-035	REP-E	02-14-114
180- 23-105	REP-P	02-14-118	180- 53-005	REP-E	02-14-114	180- 55-035	REP-P	02-14-117
180- 23-110	REP-P	02-14-118	180- 53-005	REP-P	02-14-117	180- 55-050	REP-E	02-08-038
180- 23-115	REP-P	02-14-118	180- 53-010	REP-E	02-08-038	180- 55-050	REP-E	02-14-114
180- 23-120	REP-P	02-14-118	180- 53-010	REP-E	02-14-114	180- 55-050	REP-P	02-14-117
180- 24	PREP	02-06-052	180- 53-010	REP-P	02-14-117	180- 55-070	REP-E	02-08-038
180- 24-400	AMD-E	02-08-035	180- 53-020	REP-E	02-08-038	180- 55-070	REP-E	02-14-114
180- 24-400	AMD-P	02-10-053	180- 53-020	REP-E	02-14-114	180- 55-070	REP-P	02-14-117
180- 24-400	AMD	02-14-113	180- 53-020	REP-P	02-14-117	180- 55-075	REP-E	02-08-038
180- 24-405	REP-E	02-08-035	180- 53-025	REP-E	02-08-038	180- 55-075	REP-E	02-14-114
180- 24-405	REP-P	02-10-053	180- 53-025	REP-E	02-14-114	180- 55-075	REP-P	02-14-117
180- 24-405	REP	02-14-113	180- 53-025	REP-P	02-14-117	180- 55-080	REP-E	02-08-038
180- 24-410	AMD-E	02-08-035	180- 53-030	REP-E	02-08-038	180- 55-080	REP-E	02-14-114
180- 24-410	AMD-P	02-10-053	180- 53-030	REP-E	02-14-114	180- 55-080	REP-P	02-14-117
180- 24-410	AMD	02-14-113	180- 53-030	REP-P	02-14-117	180- 55-085	REP-E	02-08-038
180- 24-415	AMD-E	02-08-035	180- 53-035	REP-E	02-08-038	180- 55-085	REP-E	02-14-114
180- 24-415	AMD-P	02-10-053	180- 53-035	REP-E	02-14-114	180- 55-085	REP-P	02-14-117
180- 24-415	AMD	02-14-113	180- 53-035	REP-P	02-14-117	180- 55-090	REP-E	02-08-038
180- 25	PREP	02-06-053	180- 53-040	REP-E	02-08-038	180- 55-090	REP-E	02-14-114
180- 26	PREP	02-06-054	180- 53-040	REP-E	02-14-114	180- 55-090	REP-P	02-14-117
180- 27	PREP	02-06-055	180- 53-040	REP-P	02-14-117	180- 55-095	REP-E	02-08-038
180- 29	PREP	02-06-056	180- 53-045	REP-E	02-08-038	180- 55-095	REP-E	02-14-114

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180- 55-095	REP-P	02-14-117	180- 77A-195	AMD	02-04-018	180- 82A-201	NEW-W	02-13-028
180- 55-100	REP-E	02-08-038	180- 78A	PREP	02-06-070	180- 82A-202	NEW	02-04-013
180- 55-100	REP-E	02-14-114	180- 78A-010	AMD-P	02-14-109	180- 82A-204	NEW	02-04-013
180- 55-100	REP-P	02-14-117	180- 78A-100	AMD-P	02-14-109	180- 82A-206	NEW	02-04-013
180- 55-105	REP-E	02-08-038	180- 78A-200	AMD-P	02-14-109	180- 82A-215	NEW	02-04-013
180- 55-105	REP-E	02-14-114	180- 78A-209	AMD	02-04-018	180- 83	PREP	02-06-074
180- 55-105	REP-P	02-14-117	180- 78A-220	AMD	02-04-014	180- 85	PREP	02-06-075
180- 55-110	REP-E	02-08-038	180- 78A-250	AMD-P	02-14-109	180- 85-025	AMD-P	02-14-107
180- 55-110	REP-E	02-14-114	180- 78A-255	AMD	02-04-014	180- 85-033	NEW-P	02-14-107
180- 55-110	REP-P	02-14-117	180- 78A-261	AMD	02-04-014	180- 85-035	AMD	02-04-017
180- 55-115	REP-E	02-08-038	180- 78A-264	AMD	02-04-014	180- 85-075	AMD	02-04-017
180- 55-115	REP-E	02-14-114	180- 78A-270	AMD	02-04-018	180- 85-075	PREP	02-06-081
180- 55-115	REP-P	02-14-117	180- 78A-270	AMD-P	02-14-109	180- 85-075	AMD-P	02-10-086
180- 55-120	REP-E	02-08-038	180- 78A-325	AMD-P	02-14-109	180- 85-075	AMD	02-14-112
180- 55-120	REP-E	02-14-114	180- 78A-400	AMD-P	02-14-109	180- 86	PREP	02-06-076
180- 55-120	REP-P	02-14-117	180- 78A-500	AMD-P	02-14-109	180- 86-011	AMD-P	02-10-052
180- 55-125	REP-E	02-08-038	180- 78A-505	PREP	02-06-051	180- 86-011	AMD-P	02-14-122
180- 55-125	REP-E	02-14-114	180- 78A-505	AMD-P	02-10-085	180- 86-013	AMD-P	02-10-052
180- 55-125	REP-P	02-14-117	180- 78A-505	AMD-P	02-14-109	180- 86-013	AMD-P	02-14-122
180- 55-130	REP-E	02-08-038	180- 78A-505	AMD	02-14-111	180- 86-020	PREP	02-03-084
180- 55-130	REP-E	02-14-114	180- 78A-507	NEW-P	02-14-109	180- 86-020	REP-P	02-10-052
180- 55-130	REP-P	02-14-117	180- 78A-535	AMD-P	02-14-109	180- 86-020	REP-P	02-14-122
180- 55-135	REP-E	02-08-038	180- 78A-540	AMD-P	02-14-109	180- 86-030	AMD-P	02-10-052
180- 55-135	REP-E	02-14-114	180- 79A	PREP	02-06-071	180- 86-030	AMD-P	02-14-122
180- 55-135	REP-P	02-14-117	180- 79A-015	REP-P	02-14-109	180- 86-055	PREP	02-03-084
180- 55-150	NEW-E	02-08-038	180- 79A-020	REP-P	02-14-109	180- 86-055	REP-P	02-10-052
180- 55-150	NEW-E	02-14-114	180- 79A-022	REP-P	02-14-109	180- 86-055	REP-P	02-14-122
180- 55-150	NEW-P	02-14-117	180- 79A-030	AMD	02-04-015	180- 86-065	AMD-P	02-10-052
180- 72	PREP	02-06-067	180- 79A-107	NEW-E	02-14-036	180- 86-065	AMD-P	02-14-122
180- 77	AMD	02-04-018	180- 79A-117	AMD	02-04-018	180- 86-070	AMD-P	02-10-052
180- 77	PREP	02-06-068	180- 79A-130	AMD	02-04-018	180- 86-070	AMD-P	02-14-122
180- 77-002	AMD	02-04-018	180- 79A-131	AMD-P	02-14-109	180- 86-075	AMD-P	02-10-052
180- 77-003	AMD	02-04-018	180- 79A-140	AMD	02-04-018	180- 86-075	AMD-P	02-14-122
180- 77-005	AMD	02-04-018	180- 79A-140	AMD	02-13-027	180- 86-100	AMD-P	02-10-052
180- 77-012	AMD	02-04-018	180- 79A-140	AMD-P	02-14-109	180- 86-100	AMD-P	02-14-122
180- 77-014	AMD	02-04-018	180- 79A-145	AMD-P	02-14-109	180- 86-116	AMD-P	02-10-052
180- 77-020	AMD	02-04-018	180- 79A-150	AMD	02-04-018	180- 86-116	AMD-P	02-14-122
180- 77-025	AMD	02-04-018	180- 79A-150	PREP	02-10-050	180- 86-130	AMD-P	02-10-052
180- 77-031	AMD	02-04-018	180- 79A-150	AMD-P	02-14-109	180- 86-130	AMD-P	02-14-122
180- 77-041	AMD	02-04-018	180- 79A-206	PREP	02-05-061	180- 86-140	AMD-P	02-10-052
180- 77-041	PREP	02-10-048	180- 79A-206	AMD-P	02-10-085	180- 86-140	AMD-P	02-14-122
180- 77-041	AMD-P	02-14-106	180- 79A-206	AMD	02-14-111	180- 86-145	AMD-P	02-10-052
180- 77-068	AMD	02-04-018	180- 79A-211	AMD	02-04-018	180- 86-145	AMD-P	02-14-122
180- 77-070	AMD	02-04-018	180- 79A-211	AMD-P	02-14-109	180- 86-160	AMD-P	02-10-052
180- 77-075	AMD	02-04-018	180- 79A-231	AMD	02-13-027	180- 86-160	AMD-P	02-14-122
180- 77-080	AMD	02-04-018	180- 79A-250	PREP	02-05-060	180- 86-170	AMD-P	02-10-052
180- 77-110	AMD	02-04-018	180- 79A-250	AMD-P	02-10-087	180- 86-170	AMD-P	02-14-122
180- 77-120	AMD	02-04-018	180- 79A-250	AMD-W	02-12-123	180- 86-180	AMD-P	02-10-052
180- 77-122	AMD	02-04-018	180- 79A-250	AMD-P	02-14-109	180- 86-180	AMD-P	02-14-122
180- 77A	AMD	02-04-018	180- 81	PREP	02-06-072	180- 86-185	AMD-P	02-10-052
180- 77A	PREP	02-06-069	180- 82	PREP	02-06-073	180- 86-185	AMD-P	02-14-122
180- 77A-004	AMD	02-04-018	180- 82-105	AMD	02-04-018	180- 87	PREP	02-06-077
180- 77A-006	AMD	02-04-018	180- 82-105	PREP	02-10-045	180- 90	PREP	02-06-078
180- 77A-025	AMD	02-04-018	180- 82-105	AMD-P	02-14-108	180- 90-105	AMD-E	02-08-037
180- 77A-029	AMD	02-04-018	180- 82-120	AMD-P	02-14-109	180- 90-105	AMD-P	02-10-088
180- 77A-030	AMD	02-04-018	180- 82-202	AMD	02-04-018	180- 90-105	AMD-W	02-14-110
180- 77A-033	AMD	02-04-018	180- 82-322	AMD	02-04-018	180- 90-105	AMD-P	02-14-124
180- 77A-037	AMD	02-04-018	180- 82-346	AMD	02-04-016	180- 90-110	REP-E	02-08-037
180- 77A-040	AMD	02-04-018	180- 82-350	AMD	02-04-018	180- 90-110	REP-P	02-10-088
180- 77A-057	AMD	02-04-018	180- 82A-002	NEW	02-04-013	180- 90-110	REP-W	02-14-110
180- 77A-165	AMD	02-04-018	180- 82A-004	NEW-W	02-13-028	180- 90-110	REP-P	02-14-124
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180-90-112	AMD-P	02-14-124	180-97-060	AMD-E	02-08-034	196-26A-010	NEW-P	02-08-075
180-90-115	REP-E	02-08-037	180-97-060	AMD-P	02-14-121	196-26A-010	NEW	02-13-080
180-90-115	REP-P	02-10-088	180-97-070	REP-E	02-08-034	196-26A-020	NEW-P	02-08-075
180-90-115	REP-W	02-14-110	180-97-070	REP-P	02-14-121	196-26A-020	NEW	02-13-080
180-90-115	REP-P	02-14-124	180-97-080	AMD-E	02-08-034	196-26A-025	NEW-P	02-08-075
180-90-119	REP-E	02-08-037	180-97-080	AMD-P	02-14-121	196-26A-025	NEW	02-13-080
180-90-119	REP-P	02-10-088	180-97-090	REP-E	02-08-034	196-26A-030	NEW-P	02-08-075
180-90-119	REP-W	02-14-110	180-97-090	REP-P	02-14-121	196-26A-030	NEW	02-13-080
180-90-119	REP-P	02-14-124	180-97-100	REP-E	02-08-034	196-26A-035	NEW-P	02-08-075
180-90-120	REP-E	02-08-037	180-97-100	REP-P	02-14-121	196-26A-035	NEW	02-13-080
180-90-120	REP-P	02-10-088	182	PREP	02-11-034	196-26A-040	NEW-P	02-08-075
180-90-120	REP-W	02-14-110	182	PREP	02-11-035	196-26A-040	NEW	02-13-080
180-90-120	REP-P	02-14-124	182-12-230	NEW-P	02-05-078	196-26A-045	NEW-P	02-08-075
180-90-123	REP-E	02-08-037	182-12-230	NEW	02-08-047	196-26A-045	NEW	02-13-080
180-90-123	REP-P	02-10-088	192-16-013	REP-X	02-08-071	196-26A-050	NEW-P	02-08-075
180-90-123	REP-W	02-14-110	192-16-013	REP	02-14-035	196-26A-050	NEW	02-13-080
180-90-123	REP-P	02-14-124	192-16-021	REP	02-08-072	196-26A-055	NEW-P	02-08-075
180-90-125	REP-E	02-08-037	192-16-033	REP-E	02-03-074	196-26A-055	NEW	02-13-080
180-90-125	REP-P	02-10-088	192-16-033	PREP	02-07-064	196-26A-060	NEW-P	02-08-075
180-90-125	REP-W	02-14-110	192-16-033	REP-E	02-07-065	196-26A-060	NEW	02-13-080
180-90-125	REP-P	02-14-124	192-16-036	REP-E	02-03-074	196-26A-070	NEW-P	02-08-075
180-90-130	AMD-E	02-08-037	192-16-036	PREP	02-07-064	196-26A-070	NEW	02-13-080
180-90-130	AMD-P	02-10-088	192-16-036	REP-P	02-07-065	204-36-030	AMD	02-07-055
180-90-130	AMD-W	02-14-110	192-16-040	REP-E	02-03-074	204-36-040	AMD	02-07-055
180-90-130	AMD-P	02-14-124	192-16-040	PREP	02-07-064	204-36-060	AMD	02-07-055
180-90-133	REP-E	02-08-037	192-16-040	REP-P	02-07-065	204-91A-010	AMD	02-07-056
180-90-133	REP-P	02-10-088	192-16-042	REP-E	02-03-074	204-91A-030	AMD	02-07-056
180-90-133	REP-W	02-14-110	192-16-042	PREP	02-07-064	204-91A-060	AMD	02-07-056
180-90-133	REP-P	02-14-124	192-16-042	REP-P	02-07-065	204-91A-090	AMD	02-07-056
180-90-135	REP-E	02-08-037	192-16-045	REP-E	02-03-074	204-91A-120	AMD	02-07-056
180-90-135	REP-P	02-10-088	192-16-045	PREP	02-07-064	204-91A-130	AMD	02-07-056
180-90-135	REP-W	02-14-110	192-16-045	REP-P	02-07-065	204-91A-140	AMD	02-07-056
180-90-135	REP-P	02-14-124	192-16-047	REP-E	02-03-074	204-91A-170	AMD	02-07-056
180-90-137	REP-E	02-08-037	192-16-047	PREP	02-07-064	204-91A-180	AMD	02-07-056
180-90-137	REP-P	02-10-088	192-16-047	REP-P	02-07-065	204-95	PREP	02-11-037
180-90-137	REP-W	02-14-110	192-150-055	NEW-X	02-08-071	208-424-010	NEW-P	02-11-010
180-90-137	REP-P	02-14-124	192-150-055	NEW	02-14-035	208-424-010	NEW	02-14-038
180-90-141	AMD-E	02-08-037	192-150-060	NEW	02-08-072	208-424-020	NEW-P	02-11-010
180-90-141	AMD-P	02-10-088	192-170-050	NEW	02-08-072	208-424-020	NEW	02-14-038
180-90-141	AMD-W	02-14-110	192-180-012	NEW	02-08-072	208-424-030	NEW-P	02-11-010
180-90-141	AMD-P	02-14-124	192-210-005	AMD-P	02-12-126	208-424-030	NEW	02-14-038
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180-90-160	AMD-P	02-10-088	192-210-015	AMD-P	02-12-126	208-472-010	AMD	02-04-094
180-90-160	AMD-W	02-14-110	192-210-015	AMD-E	02-12-127	208-472-012	REP	02-04-094
180-90-160	AMD-P	02-14-124	192-210-020	NEW-P	02-12-126	208-472-015	AMD	02-04-094
180-95	PREP	02-06-079	192-210-020	NEW-E	02-12-127	208-472-020	AMD	02-04-094
180-96	PREP	02-06-080	192-240-010	NEW-E	02-03-074	208-472-025	AMD	02-04-094
180-97	PREP	02-08-040	192-240-015	NEW-E	02-03-074	208-472-030	NEW	02-04-094
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180-97-003	AMD-P	02-14-121	192-240-025	NEW-E	02-03-074	208-472-041	REP	02-04-094
180-97-005	REP-E	02-08-034	192-240-030	NEW-E	02-03-074	208-472-045	REP	02-04-094
180-97-005	REP-P	02-14-121	192-240-030	NEW-E	02-07-065	208-472-050	REP	02-04-094
180-97-010	AMD-E	02-08-034	192-240-035	NEW-E	02-03-074	208-472-060	REP	02-04-094
180-97-010	AMD-P	02-14-121	192-240-040	NEW-E	02-03-074	208-472-065	REP	02-04-094
180-97-015	REP-E	02-08-034	192-240-040	NEW-E	02-07-065	208-472-070	REP	02-04-094
180-97-015	REP-P	02-14-121	192-240-045	NEW-E	02-07-065	208-472-075	REP	02-04-094
180-97-020	REP-E	02-08-034	196-09	PREP	02-13-079	208-472-080	REP	02-04-094
180-97-020	REP-P	02-14-121	196-24-041	PREP	02-13-079	208-620-160	AMD-P	02-12-004
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212- 12-005	AMD-P	02-11-038	220- 20-08000A	NEW-E	02-14-089	220- 44-05000I	NEW-E	02-04-060
212- 12-010	PREP	02-07-018	220- 20-100	NEW	02-08-048	220- 44-05000J	REP-E	02-07-093
212- 12-010	AMD-P	02-11-038	220- 24-04000B	NEW-E	02-10-078	220- 44-05000J	NEW-E	02-07-093
212- 12-011	PREP	02-07-018	220- 24-04000B	REP-E	02-10-078	220- 44-05000J	REP-E	02-11-042
212- 12-011	AMD-P	02-11-038	220- 24-04000B	REP-E	02-10-120	220- 44-05000K	NEW-E	02-11-042
212- 12-015	PREP	02-07-018	220- 24-04000C	NEW-E	02-10-120	220- 47-301	AMD-X	02-11-073
212- 12-015	AMD-P	02-11-038	220- 24-04000C	REP-E	02-10-120	220- 47-311	AMD-X	02-11-073
212- 12-020	PREP	02-07-018	220- 24-04000C	REP-E	02-13-003	220- 47-401	AMD-X	02-11-073
212- 12-020	AMD-P	02-11-038	220- 24-04000D	NEW-E	02-14-090	220- 47-411	AMD-X	02-11-073
212- 12-025	PREP	02-07-018	220- 24-04000D	REP-E	02-14-090	220- 47-428	AMD-X	02-11-073
212- 12-025	AMD-P	02-11-038	220- 32-05100K	REP-E	02-04-073	220- 47-430	AMD-X	02-11-073
212- 12-030	PREP	02-07-018	220- 32-05100L	NEW-E	02-04-073	220- 48-005	AMD	02-08-026
212- 12-030	AMD-P	02-11-038	220- 32-05100L	REP-E	02-04-073	220- 48-029	AMD-P	02-13-108
212- 12-035	PREP	02-07-018	220- 32-05100L	REP-E	02-07-011	220- 48-032	AMD-P	02-13-108
212- 12-035	AMD-P	02-11-038	220- 32-05100M	NEW-E	02-07-011	220- 49-013	AMD	02-08-026
212- 12-040	PREP	02-07-018	220- 32-05100M	REP-E	02-07-011	220- 49-056	AMD	02-08-026
212- 12-040	AMD-P	02-11-038	220- 32-05100M	REP-E	02-07-044	220- 52-03000R	NEW-E	02-11-043
212- 12-044	PREP	02-07-018	220- 32-05100N	NEW-E	02-07-044	220- 52-03000R	REP-E	02-11-043
212- 12-044	AMD-P	02-11-038	220- 32-05100N	REP-E	02-07-044	220- 52-04000F	REP-E	02-03-068
212- 12-200	NEW-E	02-03-060	220- 32-05100P	NEW-E	02-10-042	220- 52-04600A	REP-E	02-03-024
212- 12-210	NEW-E	02-03-060	220- 32-05100P	REP-E	02-10-042	220- 52-04600B	NEW-E	02-03-024
212- 12-220	NEW-E	02-03-060	220- 32-05100Q	NEW-E	02-11-003	220- 52-04600B	REP-E	02-03-050
212- 12-230	NEW-E	02-03-060	220- 32-05100Q	REP-E	02-11-003	220- 52-04600C	NEW-E	02-03-050
212- 12-240	NEW-E	02-03-060	220- 32-05100R	NEW-E	02-11-049	220- 52-04600C	REP-E	02-04-093
212- 12-250	NEW-E	02-03-060	220- 32-05100R	REP-E	02-11-049	220- 52-04600D	NEW-E	02-04-093
212- 12-260	NEW-E	02-03-060	220- 32-05100S	NEW-E	02-11-085	220- 52-04600D	REP-E	02-07-037
212- 12-270	NEW-E	02-03-060	220- 32-05100S	REP-E	02-11-085	220- 52-04600E	NEW-E	02-07-037
212- 12-280	NEW-E	02-03-060	220- 32-05100S	REP-E	02-11-146	220- 52-04600E	REP-E	02-07-075
212- 12-290	NEW-E	02-03-060	220- 32-05100T	NEW-E	02-14-138	220- 52-04600F	NEW-E	02-07-075
212- 12-300	NEW-E	02-03-060	220- 32-05100T	REP-E	02-14-138	220- 52-04600F	REP-E	02-08-070
212- 12-310	NEW-E	02-03-060	220- 32-05500E	NEW-E	02-11-146	220- 52-04600G	NEW-E	02-08-070
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212- 12-330	NEW-E	02-03-060	220- 32-05700P	NEW-E	02-11-146	220- 52-050	AMD-W	02-11-026
212- 12-340	NEW-E	02-03-060	220- 32-05700P	REP-E	02-11-146	220- 52-05100A	NEW-E	02-10-004
212- 12-350	NEW-E	02-03-060	220- 33-01000I	NEW-E	02-04-077	220- 52-05100A	REP-E	02-10-043
212- 12-360	NEW-E	02-03-060	220- 33-01000I	REP-E	02-04-077	220- 52-05100B	NEW-E	02-10-043
212- 12-370	NEW-E	02-03-060	220- 33-01000J	NEW-E	02-05-056	220- 52-05100B	REP-E	02-13-023
212- 12-380	NEW-E	02-03-060	220- 33-01000J	REP-E	02-05-056	220- 52-05100C	NEW-E	02-13-023
212- 12-390	NEW-E	02-03-060	220- 33-01000J	REP-E	02-07-010	220- 52-05100C	REP-E	02-14-068
212- 12-400	NEW-E	02-03-060	220- 33-01000K	NEW-E	02-07-010	220- 52-05100D	NEW-E	02-14-068
212- 12-410	NEW-E	02-03-060	220- 33-01000K	REP-E	02-07-010	220- 52-05100Y	NEW-E	02-09-021
212- 12-420	NEW-E	02-03-060	220- 33-01000K	REP-E	02-07-094	220- 52-05100Y	REP-E	02-09-067
220- 12-005	NEW-P	02-13-107	220- 33-01000L	NEW-E	02-07-094	220- 52-05100Z	NEW-E	02-09-067
220- 12-090	NEW-P	02-13-107	220- 33-01000L	REP-E	02-07-094	220- 52-05100Z	REP-E	02-10-004
220- 16-028	AMD	02-08-048	220- 33-01000L	REP-E	02-08-014	220- 52-071	AMD-P	02-13-090
220- 16-410	AMD-W	02-05-035	220- 33-01000M	NEW-E	02-08-014	220- 52-073	AMD-P	02-13-090
220- 16-480	AMD	02-08-027	220- 33-01000M	REP-E	02-08-025	220- 52-07300Q	REP-E	02-03-025
220- 16-760	NEW	02-08-048	220- 33-01000N	NEW-E	02-08-025	220- 52-07300R	NEW-E	02-03-025
220- 16-760	AMD-P	02-13-088	220- 33-01000N	REP-E	02-08-025	220- 52-07300R	REP-E	02-03-067
220- 16-780	NEW	02-08-048	220- 33-03000S	NEW-E	02-11-014	220- 52-07300S	NEW-E	02-03-067
220- 16-780	AMD-P	02-13-088	220- 33-03000S	REP-E	02-11-014	220- 52-07300S	REP-E	02-03-090
220- 16-78000A	NEW-E	02-10-118	220- 33-04000N	REP-E	02-04-072	220- 52-07300T	NEW-E	02-03-090
220- 16-790	NEW	02-08-048	220- 33-04000P	NEW-E	02-04-072	220- 52-07300T	REP-E	02-04-035
220- 16-790	AMD-P	02-13-088	220- 33-04000P	REP-E	02-04-072	220- 52-07300U	NEW-E	02-04-035
220- 16-79000A	NEW-E	02-10-118	220- 33-04000P	REP-E	02-04-102	220- 52-07300U	REP-E	02-04-078
220- 20-001	NEW-P	02-13-085	220- 33-04000Q	NEW-E	02-04-102	220- 52-07300V	NEW-E	02-04-078
220- 20-010	AMD	02-08-048	220- 33-04000Q	REP-E	02-04-102	220- 52-07300V	REP-E	02-07-046
220- 20-016	PREP	02-06-107	220- 33-04000Q	REP-E	02-06-036	220- 52-07300W	NEW-E	02-07-092
220- 20-016	AMD-X	02-11-073	220- 33-04000R	NEW-E	02-06-036	220- 52-07300W	REP-E	02-07-092
220- 20-025	AMD	02-08-048	220- 33-04000R	REP-E	02-06-036	220- 52-07500D	NEW-E	02-09-021

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220- 52-07500E	NEW-E	02-10-004	220- 56-32500U	REP-E	02-11-013	220- 69-24000B	NEW-E	02-10-043
220- 55-001	AMD-P	02-13-084	220- 56-32500V	NEW-E	02-11-013	220- 69-24000B	REP-E	02-13-023
220- 55-00100A	NEW-E	02-10-106	220- 56-32500V	REP-E	02-11-041	220- 69-24000C	NEW-E	02-13-023
220- 55-100	AMD-P	02-13-084	220- 56-32500W	NEW-E	02-11-041	220- 69-24000C	REP-E	02-14-068
220- 55-200	NEW-P	02-12-130	220- 56-32500W	REP-E	02-11-134	220- 69-24000D	NEW-E	02-14-068
220- 55-20000A	REP-P	02-12-130	220- 56-32500X	NEW-E	02-11-134	220- 69-241	AMD-P	02-13-134
220- 55-20000B	NEW-E	02-13-045	220- 56-32500X	REP-E	02-12-054	220- 74-020	AMD-P	02-06-109
220- 56-100	AMD	02-08-048	220- 56-32500Y	NEW-E	02-12-054	220- 74-020	AMD	02-10-023
220- 56-105	AMD	02-08-048	220- 56-32500Y	REP-E	02-14-004	220- 77-020	AMD	02-06-018
220- 56-115	AMD	02-09-001	220- 56-32500Z	NEW-E	02-14-004	220- 77-040	AMD	02-06-018
220- 56-116	AMD	02-08-048	220- 56-33000D	NEW-E	02-03-051	220- 77-09000A	NEW-E	02-04-069
220- 56-124	AMD-X	02-10-127	220- 56-33000D	REP-E	02-05-001	220- 77-09000A	REP-E	02-04-089
220- 56-128	AMD	02-08-048	220- 56-33000E	NEW-E	02-05-001	220- 77-09000B	NEW-E	02-04-089
220- 56-15600A	NEW-E	02-10-108	220- 56-33000E	REP-E	02-07-037	220- 77-095	AMD-P	02-13-136
220- 56-193	NEW-P	02-10-124	220- 56-33000F	NEW-E	02-07-037	220- 77-100	NEW-W	02-11-027
220- 56-193	NEW	02-13-026	220- 56-33000F	REP-E	02-07-075	220- 77-105	NEW-W	02-11-027
220- 56-194	NEW-P	02-10-124	220- 56-33000G	NEW-E	02-07-075	220- 88C-04000	NEW-E	02-13-051
220- 56-194	NEW	02-13-026	220- 56-33000G	REP-E	02-08-070	220- 95-100	AMD-P	02-13-086
220- 56-195	AMD-X	02-10-127	220- 56-33000H	NEW-E	02-08-070	220- 95-110	AMD-P	02-13-086
220- 56-19500I	NEW-E	02-11-086	220- 56-33000H	REP-E	02-11-050	220-130-040	AMD-W	02-02-089
220- 56-19500I	REP-E	02-11-086	220- 56-33000H	REP-E	02-11-094	222- 10-040	AMD-P	02-05-087
220- 56-210	AMD	02-08-048	220- 56-33000I	NEW-E	02-11-050	222- 10-040	AMD	02-11-075
220- 56-235	AMD	02-09-001	220- 56-33000I	REP-E	02-11-094	222- 10-041	AMD-P	02-05-087
220- 56-23500L	NEW-E	02-03-002	220- 56-33000J	NEW-E	02-11-094	222- 10-041	AMD	02-11-075
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220- 56-23500M	NEW-E	02-07-004	220- 56-33000K	NEW-E	02-11-132	222- 16-050	PREP	02-07-023
220- 56-25000D	NEW-E	02-07-025	220- 56-33000K	REP-E	02-13-002	222- 16-050	AMD-P	02-11-138
220- 56-25000D	REP-E	02-07-025	220- 56-33000L	NEW-E	02-13-002	222- 21-010	AMD	02-05-084
220- 56-25500A	NEW-E	02-14-139	220- 56-33000L	REP-E	02-14-025	222- 21-020	AMD	02-05-084
220- 56-25500X	NEW-E	02-09-045	220- 56-33000M	NEW-E	02-14-025	222- 21-045	AMD	02-05-084
220- 56-25500X	REP-E	02-12-014	220- 56-335	AMD	02-08-048	222- 21-050	AMD	02-05-084
220- 56-25500Y	NEW-E	02-12-014	220- 56-350	AMD	02-08-048	222- 21-061	NEW	02-05-084
220- 56-25500Y	REP-E	02-13-044	220- 56-350	AMD-P	02-13-091	226- 01-040	AMD-X	02-03-038
220- 56-25500Z	NEW-E	02-13-044	220- 56-35000J	REP-E	02-06-035	226- 01-040	AMD	02-08-076
220- 56-25500Z	REP-E	02-14-139	220- 56-35000K	NEW-E	02-06-035	226- 01-050	AMD-X	02-03-038
220- 56-265	AMD	02-08-048	220- 56-35000K	REP-E	02-10-029	226- 01-050	AMD	02-08-076
220- 56-270	AMD	02-08-048	220- 56-35000L	NEW-E	02-10-029	226- 12-080	AMD-X	02-03-038
220- 56-27000L	REP-E	02-06-036	220- 56-35000L	REP-E	02-13-011	226- 12-080	AMD	02-08-076
220- 56-27000M	NEW-E	02-06-036	220- 56-35000M	NEW-E	02-13-011	226- 16-160	AMD-X	02-03-038
220- 56-27000M	REP-E	02-06-036	220- 56-355	AMD	02-08-048	226- 16-160	AMD	02-08-076
220- 56-282	AMD	02-08-048	220- 56-355	AMD-P	02-13-091	226- 20-010	AMD-X	02-03-038
220- 56-28200D	NEW-E	02-06-017	220- 56-35500B	NEW-E	02-07-076	226- 20-010	AMD	02-08-076
220- 56-28200D	REP-E	02-06-017	220- 56-36000L	NEW-E	02-03-053	230- 02-145	REP-P	02-07-081
220- 56-28200E	NEW-E	02-10-119	220- 56-36000L	REP-E	02-03-053	230- 02-145	REP	02-11-084
220- 56-285	AMD	02-08-048	220- 56-36000L	REP-E	02-04-039	230- 02-205	AMD-S	02-03-077
220- 56-28500B	NEW-E	02-05-010	220- 56-36000M	NEW-E	02-04-039	230- 04-064	AMD-P	02-06-037
220- 56-28500B	REP-E	02-10-063	220- 56-36000M	REP-E	02-04-039	230- 04-064	AMD	02-10-002
220- 56-28500C	NEW-E	02-11-006	220- 56-36000N	NEW-E	02-07-012	230- 04-180	AMD-P	02-13-112
220- 56-28500C	REP-E	02-11-006	220- 56-36000N	REP-E	02-07-012	230- 04-202	AMD-W	02-02-090
220- 56-28500C	REP-E	02-11-039	220- 56-36000P	NEW-E	02-10-012	230- 04-202	AMD-P	02-13-111
220- 56-28500D	NEW-E	02-11-039	220- 56-36000P	REP-E	02-10-012	230- 04-203	AMD-P	02-13-111
220- 56-307	REP	02-08-048	220- 56-36000Q	NEW-E	02-11-012	230- 04-315	REP-P	02-13-111
220- 56-310	AMD	02-08-048	220- 56-36000Q	REP-E	02-11-012	230- 08-255	AMD-P	02-06-037
220- 56-31000U	NEW-E	02-09-003	220- 56-380	AMD	02-08-048	230- 08-255	AMD	02-10-002
220- 56-31000U	REP-E	02-09-003	220- 56-38000C	REP-E	02-06-035	230- 12-045	NEW-P	02-07-081
220- 56-315	AMD	02-08-048	220- 56-38000D	NEW-E	02-06-035	230- 12-045	NEW	02-11-084
220- 56-31500A	NEW-E	02-09-003	220- 56-38000D	REP-E	02-10-029	230- 12-050	AMD-P	02-07-081
220- 56-31500A	REP-E	02-09-003	220- 56-38000E	NEW-E	02-10-029	230- 12-050	AMD	02-11-084
220- 56-31500B	NEW-E	02-11-020	220- 69	PREP	02-10-105	230- 12-090	AMD-P	02-13-111
220- 56-32500T	NEW-E	02-08-028	220- 69-240	AMD-P	02-13-134	230- 12-330	AMD-P	02-06-038
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230- 12-340	AMD	02-10-003	232- 28-278	AMD-P	02-06-126	232- 28-61900S	REP-E	02-09-009
230- 20-002	NEW-P	02-13-111	232- 28-278	AMD	02-11-069	232- 28-61900S	NEW-E	02-12-013
230- 20-005	NEW-P	02-13-111	232- 28-279	AMD-P	02-06-123	232- 28-61900S	REP-E	02-13-052
230- 20-070	AMD-P	02-13-111	232- 28-279	AMD	02-11-069	232- 28-61900T	NEW-E	02-05-075
230- 20-104	AMD-P	02-13-111	232- 28-279	AMD-P	02-13-138	232- 28-61900T	REP-E	02-07-096
230- 20-111	REP-P	02-07-081	232- 28-282	NEW-P	02-10-128	232- 28-61900T	NEW-E	02-12-019
230- 20-111	REP	02-11-084	232- 28-299	AMD-P	02-10-128	232- 28-61900T	REP-E	02-12-019
230- 20-125	REP-P	02-07-081	232- 28-425	REP-P	02-13-137	232- 28-61900U	REP-E	02-03-022
230- 20-125	REP	02-11-084	232- 28-42500C	NEW-E	02-03-052	232- 28-61900U	NEW-E	02-06-100
230- 20-170	AMD-P	02-13-111	232- 28-42500C	REP-E	02-03-052	232- 28-61900U	REP-E	02-06-100
230- 20-230	REP-P	02-07-081	232- 28-426	NEW-P	02-13-137	232- 28-61900U	NEW-E	02-13-052
230- 20-230	REP	02-11-084	232- 28-619	AMD	02-08-048	232- 28-61900U	REP-E	02-14-046
230- 20-244	AMD	02-06-006	232- 28-619	AMD-X	02-10-127	232- 28-61900V	NEW-E	02-06-099
230- 20-246	AMD	02-06-006	232- 28-619	AMD-P	02-13-088	232- 28-61900V	REP-E	02-06-099
230- 20-249	AMD	02-06-006	232- 28-61900A	NEW-E	02-08-022	232- 28-61900V	NEW-E	02-14-046
230- 30-033	AMD	02-06-007	232- 28-61900A	REP-E	02-11-001	232- 28-61900W	NEW-E	02-07-061
230- 30-045	AMD	02-06-007	232- 28-61900B	NEW-E	02-08-004	232- 28-61900W	REP-E	02-07-061
230- 30-072	AMD	02-06-007	232- 28-61900B	REP-E	02-08-004	232- 28-61900X	NEW-E	02-07-019
230- 30-106	AMD-P	02-06-038	232- 28-61900C	NEW-E	02-09-023	232- 28-61900X	REP-E	02-07-019
230- 30-106	AMD	02-10-003	232- 28-61900C	REP-E	02-09-023	232- 28-61900Y	NEW-E	02-07-066
230- 40-120	AMD-W	02-14-103	232- 28-61900D	REP-E	02-05-075	232- 28-61900Y	REP-E	02-07-066
230- 40-610	AMD-P	02-12-076	232- 28-61900D	NEW-E	02-09-009	232- 28-61900Z	NEW-E	02-07-096
230- 40-800	AMD-P	02-07-081	232- 28-61900D	REP-E	02-10-063	232- 28-61900Z	REP-E	02-07-096
230- 40-800	AMD	02-11-084	232- 28-61900E	NEW-E	02-10-024	232- 28-620	AMD-X	02-10-127
230- 40-897	REP-P	02-07-081	232- 28-61900E	REP-E	02-10-024	232- 28-62000D	NEW-E	02-11-086
230- 40-897	REP	02-11-084	232- 28-61900F	NEW-E	02-10-077	232- 28-62000D	REP-E	02-11-086
230- 50-010	AMD-P	02-13-111	232- 28-61900G	NEW-E	02-10-062	232- 28-621	AMD	02-08-048
232- 12-011	AMD-P	02-06-122	232- 28-61900H	REP-E	02-03-014	232- 28-621	AMD-X	02-10-127
232- 12-011	AMD	02-08-048	232- 28-61900H	NEW-E	02-10-063	232- 28-62100G	NEW-E	02-11-086
232- 12-011	AMD	02-11-069	232- 28-61900H	REP-E	02-11-006	232- 28-62100G	REP-E	02-11-086
232- 12-014	AMD-P	02-06-122	232- 28-61900I	NEW-E	02-03-022	232- 28-62100G	REP-E	02-14-069
232- 12-014	AMD	02-11-069	232- 28-61900I	REP-E	02-03-022	232- 28-62100H	NEW-E	02-14-069
232- 12-016	NEW-P	02-13-107	232- 28-61900I	NEW-E	02-11-001	236- 70	PREP	02-13-127
232- 12-017	AMD-P	02-13-107	232- 28-61900J	NEW-E	02-03-023	246- 12-040	AMD-X	02-09-042
232- 12-019	AMD	02-08-048	232- 28-61900J	NEW-E	02-11-006	246- 50	PREP-W	02-09-027
232- 12-073	NEW-P	02-13-089	232- 28-61900J	REP-E	02-11-039	246-100-166	PREP	02-10-066
232- 12-147	REP	02-08-048	232- 28-61900K	NEW-E	02-03-014	246-100-166	AMD-E	02-14-075
232- 12-151	REP	02-08-048	232- 28-61900K	NEW-E	02-11-039	246-100-206	AMD-P	02-08-018
232- 12-168	AMD	02-08-048	232- 28-61900K	REP-E	02-11-039	246-100-206	AMD	02-12-106
232- 12-16800B	NEW-E	02-07-095	232- 28-61900L	NEW-E	02-03-015	246-100-206	AMD-P	02-08-018
232- 12-16800B	REP-E	02-07-095	232- 28-61900L	REP-E	02-03-015	246-100-207	AMD	02-12-106
232- 12-243	AMD-P	02-13-133	232- 28-61900L	NEW-E	02-11-040	246-100-207	AMD-P	02-08-018
232- 12-245	NEW-W	02-11-025	232- 28-61900M	NEW-E	02-03-066	246-100-208	AMD	02-12-106
232- 12-253	NEW	02-05-021	232- 28-61900M	REP-E	02-10-063	246-145-001	NEW	02-11-109
232- 12-253	AMD-P	02-10-125	232- 28-61900M	NEW-E	02-11-068	246-145-010	NEW	02-11-109
232- 12-267	AMD-P	02-10-128	232- 28-61900M	REP-E	02-11-068	246-145-020	NEW	02-11-109
232- 12-272	NEW	02-08-048	232- 28-61900N	NEW-E	02-04-019	246-145-030	NEW	02-11-109
232- 12-619	AMD	02-08-048	232- 28-61900N	REP-E	02-04-019	246-145-040	NEW	02-11-109
232- 12-828	AMD-P	02-13-135	232- 28-61900N	NEW-E	02-11-071	246-215-150	AMD-P	02-04-091
232- 28-02220	AMD-P	02-06-124	232- 28-61900N	REP-E	02-11-071	246-215-150	AMD	02-09-028
232- 28-02220	AMD	02-11-069	232- 28-61900P	NEW-E	02-04-103	246-224	AMD-P	02-07-021
232- 28-02240	AMD-P	02-06-124	232- 28-61900P	REP-E	02-12-013	246-224	AMD	02-14-050
232- 28-02240	AMD	02-11-069	232- 28-61900Q	NEW-E	02-05-007	246-224-0001	NEW-P	02-07-021
232- 28-248	AMD-P	02-06-124	232- 28-61900Q	REP-E	02-11-040	246-224-0001	NEW	02-14-050
232- 28-248	AMD	02-11-069	232- 28-61900Q	NEW-E	02-11-086	246-224-001	REP-P	02-07-021
232- 28-266	AMD-P	02-06-121	232- 28-61900Q	REP-E	02-11-086	246-224-001	REP	02-14-050
232- 28-273	AMD-P	02-06-121	232- 28-61900Q	REP-E	02-12-013	246-224-0010	NEW-P	02-07-021
232- 28-273	AMD	02-11-069	232- 28-61900R	NEW-E	02-05-008	246-224-0010	NEW	02-14-050
232- 28-276	AMD-P	02-10-128	232- 28-61900R	REP-E	02-05-008	246-224-0020	NEW-P	02-07-021
232- 28-277	AMD-P	02-06-125	232- 28-61900R	NEW-E	02-11-114	246-224-0020	NEW	02-14-050
232- 28-277	REP-P	02-10-128	232- 28-61900R	REP-E	02-11-114	246-224-0030	NEW-P	02-07-021

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246-224-0040	NEW-P	02-07-021	246-229-060	REP-P	02-07-021	246-331-085	REP-P	02-12-103
246-224-0040	NEW	02-14-050	246-229-060	REP	02-14-050	246-331-095	REP-P	02-12-103
246-224-0050	NEW-P	02-07-021	246-229-070	REP-P	02-07-021	246-331-100	REP-P	02-12-103
246-224-0050	NEW	02-14-050	246-229-070	REP	02-14-050	246-331-105	REP-P	02-12-103
246-224-0060	NEW-P	02-07-021	246-229-080	REP-P	02-07-021	246-331-115	REP-P	02-12-103
246-224-0060	NEW	02-14-050	246-229-080	REP	02-14-050	246-331-125	REP-P	02-12-103
246-224-0070	NEW-P	02-07-021	246-229-090	REP-P	02-07-021	246-331-135	REP-P	02-12-103
246-224-0070	NEW	02-14-050	246-229-090	REP	02-14-050	246-331-165	REP-P	02-12-103
246-224-0080	NEW-P	02-07-021	246-229-100	REP-P	02-07-021	246-331-185	REP-P	02-12-103
246-224-0080	NEW	02-14-050	246-229-100	REP	02-14-050	246-331-990	REP-P	02-12-103
246-224-0090	NEW-P	02-07-021	246-229-110	REP-P	02-07-021	246-333-010	REP-X	02-10-132
246-224-0090	NEW	02-14-050	246-229-110	REP	02-14-050	246-333-020	REP-X	02-10-132
246-224-010	REP-P	02-07-021	246-252-030	AMD-X	02-11-021	246-333-030	REP-X	02-10-132
246-224-010	REP	02-14-050	246-254-053	AMD-P	02-04-034	246-333-040	REP-X	02-10-132
246-224-0100	NEW-P	02-07-021	246-254-053	AMD	02-07-085	246-335-001	NEW-P	02-12-103
246-224-0100	NEW	02-14-050	246-254-070	AMD	02-04-025	246-335-010	NEW-P	02-12-103
246-224-0110	NEW-P	02-07-021	246-254-080	AMD	02-04-025	246-335-015	NEW-P	02-12-103
246-224-0110	NEW	02-14-050	246-254-090	AMD	02-04-025	246-335-020	NEW-P	02-12-103
246-224-0120	NEW-P	02-07-021	246-254-100	AMD	02-04-025	246-335-025	NEW-P	02-12-103
246-224-0120	NEW	02-14-050	246-254-120	AMD	02-04-025	246-335-030	NEW-P	02-12-103
246-224-020	REP-P	02-07-021	246-272	PREP	02-03-137	246-335-035	NEW-P	02-12-103
246-224-020	REP	02-14-050	246-282-990	AMD-P	02-12-102	246-335-040	NEW-P	02-12-103
246-224-050	REP-P	02-07-021	246-310	PREP	02-14-047	246-335-045	NEW-P	02-12-103
246-224-050	REP	02-14-050	246-310-990	AMD-P	02-10-064	246-335-050	NEW-P	02-12-103
246-224-060	REP-P	02-07-021	246-310-990	AMD	02-14-051	246-335-055	NEW-P	02-12-103
246-224-060	REP	02-14-050	246-320	PREP	02-11-076	246-335-060	NEW-P	02-12-103
246-224-070	REP-P	02-07-021	246-320-990	AMD-P	02-10-131	246-335-065	NEW-P	02-12-103
246-224-070	REP	02-14-050	246-320-990	AMD	02-13-061	246-335-070	NEW-P	02-12-103
246-224-090	REP-P	02-07-021	246-322-990	AMD-P	02-10-131	246-335-075	NEW-P	02-12-103
246-224-090	REP	02-14-050	246-322-990	AMD	02-13-061	246-335-080	NEW-P	02-12-103
246-224-100	REP-P	02-07-021	246-323-990	AMD-P	02-13-058	246-335-085	NEW-P	02-12-103
246-224-100	REP	02-14-050	246-324-990	AMD-P	02-10-131	246-335-090	NEW-P	02-12-103
246-229-0001	NEW-P	02-07-021	246-324-990	AMD	02-13-061	246-335-095	NEW-P	02-12-103
246-229-0001	NEW	02-14-050	246-325-990	AMD-P	02-13-059	246-335-100	NEW-P	02-12-103
246-229-001	REP-P	02-07-021	246-326-990	AMD-P	02-13-059	246-335-105	NEW-P	02-12-103
246-229-001	REP	02-14-050	246-327-010	REP-P	02-12-103	246-335-110	NEW-P	02-12-103
246-229-0010	NEW-P	02-07-021	246-327-025	REP-P	02-12-103	246-335-115	NEW-P	02-12-103
246-229-0010	NEW	02-14-050	246-327-030	REP-P	02-12-103	246-335-120	NEW-P	02-12-103
246-229-0020	NEW-P	02-07-021	246-327-035	REP-P	02-12-103	246-335-125	NEW-P	02-12-103
246-229-0020	NEW	02-14-050	246-327-065	REP-P	02-12-103	246-335-130	NEW-P	02-12-103
246-229-0030	NEW-P	02-07-021	246-327-077	REP-P	02-12-103	246-335-135	NEW-P	02-12-103
246-229-0030	NEW	02-14-050	246-327-085	REP-P	02-12-103	246-335-140	NEW-P	02-12-103
246-229-0040	NEW-P	02-07-021	246-327-090	REP-P	02-12-103	246-335-145	NEW-P	02-12-103
246-229-0040	NEW	02-14-050	246-327-095	REP-P	02-12-103	246-335-150	NEW-P	02-12-103
246-229-0050	NEW-P	02-07-021	246-327-105	REP-P	02-12-103	246-335-155	NEW-P	02-12-103
246-229-0050	NEW	02-14-050	246-327-115	REP-P	02-12-103	246-335-160	NEW-P	02-12-103
246-229-0060	NEW-P	02-07-021	246-327-125	REP-P	02-12-103	246-335-165	NEW-P	02-12-103
246-229-0060	NEW	02-14-050	246-327-135	REP-P	02-12-103	246-335-170	NEW-P	02-12-103
246-229-0070	NEW-P	02-07-021	246-327-145	REP-P	02-12-103	246-335-175	NEW-P	02-12-103
246-229-0070	NEW	02-14-050	246-327-165	REP-P	02-12-103	246-335-180	NEW-P	02-12-103
246-229-0080	NEW-P	02-07-021	246-327-185	REP-P	02-12-103	246-335-185	NEW-P	02-12-103
246-229-0080	NEW	02-14-050	246-327-990	REP-P	02-12-103	246-335-190	NEW-P	02-12-103
246-229-0090	NEW-P	02-07-021	246-328-200	REP-X	02-14-054	246-335-195	NEW-P	02-12-103
246-229-0090	NEW	02-14-050	246-328-990	REP-X	02-14-054	246-335-200	NEW-P	02-12-103
246-229-0100	NEW-P	02-07-021	246-329-990	AMD-P	02-10-131	246-335-205	NEW-P	02-12-103
246-229-0100	NEW	02-14-050	246-329-990	AMD	02-13-061	246-335-210	NEW-P	02-12-103
246-229-020	REP-P	02-07-021	246-331-010	REP-P	02-12-103	246-335-220	NEW-P	02-12-103
246-229-020	REP	02-14-050	246-331-025	REP-P	02-12-103	246-335-225	NEW-P	02-12-103
246-229-030	REP-P	02-07-021	246-331-030	REP-P	02-12-103	246-335-230	NEW-P	02-12-103
246-229-030	REP	02-14-050	246-331-035	REP-P	02-12-103	246-335-235	NEW-P	02-12-103
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246-335-255	NEW-P	02-12-103	246-388-270	REP-P	02-13-075	246-810-332	REP	02-09-041
246-335-260	NEW-P	02-12-103	246-388-280	REP-P	02-13-075	246-810-340	REP	02-09-041
246-335-265	NEW-P	02-12-103	246-388-290	REP-P	02-13-075	246-810-520	REP	02-09-041
246-335-270	NEW-P	02-12-103	246-388-300	REP-P	02-13-075	246-810-521	REP	02-09-041
246-335-275	NEW-P	02-12-103	246-388-310	REP-P	02-13-075	246-810-532	REP	02-09-041
246-335-280	NEW-P	02-12-103	246-388-320	REP-P	02-13-075	246-810-540	REP	02-09-041
246-335-285	NEW-P	02-12-103	246-388-330	REP-P	02-13-075	246-810-600	REP	02-11-108
246-335-290	NEW-P	02-12-103	246-388-340	REP-P	02-13-075	246-810-610	REP	02-11-108
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246-335-990	NEW-P	02-12-103	246-388-360	REP-P	02-13-075	246-810-630	REP	02-11-108
246-336-010	REP-P	02-12-103	246-388-370	REP-P	02-13-075	246-810-640	REP	02-11-108
246-336-025	REP-P	02-12-103	246-388-380	REP-P	02-13-075	246-810-650	REP	02-11-108
246-336-030	REP-P	02-12-103	246-388-390	REP-P	02-13-075	246-810-660	REP	02-11-108
246-336-035	REP-P	02-12-103	246-388-400	REP-P	02-13-075	246-810-720	REP	02-09-041
246-336-065	REP-P	02-12-103	246-388-410	REP-P	02-13-075	246-810-721	REP	02-09-041
246-336-077	REP-P	02-12-103	246-388-420	REP-P	02-13-075	246-810-732	REP	02-09-041
246-336-085	REP-P	02-12-103	246-388-430	REP-P	02-13-075	246-810-740	REP	02-09-041
246-336-095	REP-P	02-12-103	246-388-440	REP-P	02-13-075	246-811	PREP-W	02-11-105
246-336-100	REP-P	02-12-103	246-388-450	REP-P	02-13-075	246-811-081	NEW	02-07-083
246-336-105	REP-P	02-12-103	246-388-990	REP-P	02-13-075	246-811-082	NEW	02-07-083
246-336-115	REP-P	02-12-103	246-562-080	PREP	02-12-100	246-811-200	NEW	02-07-084
246-336-125	REP-P	02-12-103	246-650	PREP	02-03-136	246-811-210	NEW	02-07-084
246-336-135	REP-P	02-12-103	246-650	PREP-W	02-04-024	246-811-220	NEW	02-07-084
246-336-165	REP-P	02-12-103	246-790-010	AMD-P	02-07-020	246-811-230	NEW	02-07-084
246-336-990	REP-P	02-12-103	246-790-010	AMD	02-11-107	246-811-240	NEW	02-07-084
246-338-020	PREP	02-03-138	246-790-050	AMD-P	02-07-020	246-811-250	NEW	02-07-084
246-338-020	AMD-P	02-09-026	246-790-050	AMD	02-11-107	246-811-260	NEW	02-07-084
246-338-020	AMD	02-12-105	246-790-065	AMD-P	02-07-020	246-811-270	NEW	02-07-084
246-338-990	PREP	02-03-138	246-790-065	AMD	02-11-107	246-811-990	AMD	02-07-083
246-338-990	AMD-P	02-09-026	246-790-070	AMD-P	02-07-020	246-824-010	AMD-P	02-13-062
246-338-990	AMD	02-12-105	246-790-070	AMD	02-11-107	246-824-020	AMD-P	02-13-062
246-360-990	AMD-P	02-12-104	246-790-080	AMD-P	02-07-020	246-824-070	AMD-P	02-13-062
246-380-990	AMD-P	02-13-059	246-790-080	AMD	02-11-107	246-824-071	AMD-P	02-13-062
246-388	PREP	02-08-017	246-790-085	AMD-P	02-07-020	246-826-080	PREP-W	02-11-105
246-388-001	REP-P	02-13-075	246-790-085	AMD	02-11-107	246-826-100	AMD	02-06-115
246-388-010	REP-P	02-13-075	246-790-090	AMD-P	02-07-020	246-826-300	NEW	02-06-115
246-388-020	REP-P	02-13-075	246-790-090	AMD	02-11-107	246-826-301	NEW	02-06-115
246-388-030	REP-P	02-13-075	246-790-100	AMD-P	02-07-020	246-826-302	NEW	02-06-115
246-388-040	REP-P	02-13-075	246-790-100	AMD	02-11-107	246-826-303	NEW	02-06-115
246-388-050	REP-P	02-13-075	246-790-120	AMD-P	02-07-020	246-828	PREP-W	02-11-105
246-388-060	REP-P	02-13-075	246-790-120	AMD	02-11-107	246-828-080	PREP-W	02-11-105
246-388-070	REP-P	02-13-075	246-790-130	AMD-P	02-07-020	246-828-090	PREP-W	02-11-105
246-388-072	REP-P	02-13-075	246-790-130	AMD	02-11-107	246-828-100	PREP-W	02-11-105
246-388-080	REP-P	02-13-075	246-808-101	REP-W	02-11-105	246-828-290	AMD	02-14-052
246-388-090	REP-P	02-13-075	246-808-320	REP-W	02-11-105	246-828-320	PREP-W	02-11-105
246-388-100	REP-P	02-13-075	246-808-330	REP-W	02-11-105	246-840-020	PREP	02-04-033
246-388-110	REP-P	02-13-075	246-808-340	REP-W	02-11-105	246-840-030	PREP	02-04-033
246-388-120	REP-P	02-13-075	246-808-350	REP-W	02-11-105	246-840-040	PREP	02-04-033
246-388-130	REP-P	02-13-075	246-808-360	REP-W	02-11-105	246-840-050	PREP	02-04-033
246-388-140	REP-P	02-13-075	246-808-370	REP-W	02-11-105	246-840-060	PREP	02-04-033
246-388-150	REP-P	02-13-075	246-808-380	REP-W	02-11-105	246-840-070	PREP	02-04-033
246-388-160	REP-P	02-13-075	246-808-390	REP-W	02-11-105	246-840-080	PREP	02-04-031
246-388-170	REP-P	02-13-075	246-808-640	REP-W	02-11-105	246-840-090	PREP	02-04-031
246-388-180	REP-P	02-13-075	246-808-700	REP-W	02-11-105	246-840-311	NEW-P	02-14-048
246-388-190	REP-P	02-13-075	246-809-600	NEW	02-11-108	246-840-700	AMD	02-06-117
246-388-200	REP-P	02-13-075	246-809-610	NEW	02-11-108	246-840-705	AMD	02-06-117
246-388-210	REP-P	02-13-075	246-809-620	NEW	02-11-108	246-840-710	AMD	02-06-117
246-388-220	REP-P	02-13-075	246-809-630	NEW	02-11-108	246-840-715	REP	02-06-117
246-388-230	REP-P	02-13-075	246-809-640	NEW	02-11-108	246-843-015	REP-X	02-06-116
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246-843-220	PREP-W	02-11-105	246-976-650	AMD	02-12-107	251- 14-040	REP-E	02-12-052
246-843-330	AMD-P	02-11-106	246-976-720	AMD-P	02-09-043	251- 14-040	REP-P	02-12-111
246-851	PREP-W	02-11-105	246-976-720	AMD	02-12-107	251- 14-042	REP-E	02-12-052
246-851-150	AMD-C	02-04-090	246-976-730	AMD-P	02-09-043	251- 14-042	REP-P	02-12-111
246-851-150	AMD	02-10-065	246-976-730	AMD	02-12-107	251- 14-050	REP-E	02-12-052
246-851-160	AMD-C	02-04-090	246-976-770	AMD-P	02-09-043	251- 14-050	REP-P	02-12-111
246-851-160	AMD	02-10-065	246-976-770	AMD	02-12-107	251- 14-052	AMD-E	02-12-052
246-851-200	REP	02-10-134	246-976-780	AMD-P	02-09-043	251- 14-052	AMD-P	02-12-111
246-851-250	AMD-C	02-04-090	246-976-780	AMD	02-12-107	251- 14-054	AMD-E	02-12-052
246-851-250	AMD	02-10-065	246-976-810	AMD-P	02-09-043	251- 14-054	AMD-P	02-12-111
246-851-300	AMD-C	02-04-090	246-976-810	AMD	02-12-107	251- 14-056	AMD-E	02-12-052
246-851-300	AMD	02-10-065	246-976-820	AMD-P	02-09-043	251- 14-056	AMD-P	02-12-111
246-851-310	AMD-C	02-04-090	246-976-820	AMD	02-12-107	251- 14-058	AMD-E	02-12-052
246-851-310	AMD	02-10-065	246-976-886	NEW-P	02-09-043	251- 14-058	AMD-P	02-12-111
246-851-330	AMD-C	02-04-090	246-976-886	NEW	02-12-107	251- 14-060	AMD-E	02-12-052
246-851-330	AMD	02-10-065	246-976-887	NEW-P	02-09-043	251- 14-060	AMD-P	02-12-111
246-851-520	AMD-C	02-04-090	246-976-887	NEW	02-12-107	251- 14-070	REP-E	02-12-052
246-851-520	AMD	02-10-065	246-976-935	AMD	02-04-045	251- 14-070	REP-P	02-12-111
246-873-090	PREP	02-12-101	246-976-960	AMD-P	02-10-133	251- 14-080	REP-E	02-12-052
246-883-020	AMD-X	02-07-086	246-976-960	AMD	02-14-053	251- 14-080	REP-P	02-12-111
246-883-020	AMD	02-14-049	246-976-970	AMD-P	02-10-133	251- 14-082	REP-E	02-12-052
246-883-050	REP-W	02-11-105	246-976-970	AMD	02-14-053	251- 14-082	REP-P	02-12-111
246-887-160	PREP-W	02-11-105	250- 20-021	AMD-P	02-14-134	251- 14-083	REP-E	02-12-052
246-887-160	AMD-X	02-13-060	250- 20-021	AMD-E	02-14-136	251- 14-083	REP-P	02-12-111
246-889-020	AMD-X	02-11-152	250- 40-030	AMD-E	02-14-041	251- 14-085	REP-E	02-12-052
246-904-010	PREP-W	02-11-105	250- 40-030	AMD-P	02-14-060	251- 14-085	REP-P	02-12-111
246-918-990	AMD	02-05-009	250- 66-030	AMD	02-05-006	251- 14-086	REP-E	02-12-052
246-919-990	AMD	02-05-009	250- 80-010	AMD-P	02-14-135	251- 14-086	REP-P	02-12-111
246-924-485	PREP-W	02-11-105	250- 80-010	AMD-E	02-14-137	251- 14-087	REP-E	02-12-052
246-935	AMD	02-10-135	250- 80-020	AMD-P	02-14-135	251- 14-087	REP-P	02-12-111
246-935-010	AMD	02-10-135	250- 80-020	AMD-E	02-14-137	251- 14-090	REP-E	02-12-052
246-935-020	AMD	02-10-135	250- 80-070	AMD-P	02-14-135	251- 14-090	REP-P	02-12-111
246-935-030	AMD	02-10-135	250- 80-070	AMD-E	02-14-137	251- 14-120	AMD-E	02-12-052
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246-935-100	AMD	02-10-135	251- 01-175	AMD-P	02-12-115	251- 17-150	AMD-E	02-12-046
246-935-120	AMD	02-10-135	251- 01-180	REP-E	02-12-049	251- 17-150	AMD-P	02-12-115
246-937	AMD	02-11-022	251- 01-180	REP-P	02-12-116	251- 17-200	AMD-P	02-04-080
246-937-010	AMD	02-11-022	251- 01-240	AMD-P	02-04-081	251- 17-200	AMD	02-07-050
246-937-020	AMD	02-11-022	251- 01-240	AMD	02-07-051	251- 18-190	AMD-P	02-12-119
246-937-030	AMD	02-11-022	251- 04-040	REP-E	02-12-048	251- 19-060	AMD-E	02-12-047
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246-937-050	AMD	02-11-022	251- 06-090	AMD-E	02-12-047	251- 19-120	AMD-P	02-04-081
246-937-060	AMD	02-11-022	251- 06-090	AMD-P	02-12-114	251- 19-120	AMD	02-07-051
246-937-070	AMD	02-11-022	251- 06-091	NEW-E	02-12-047	251- 22-060	AMD-E	02-12-046
246-937-090	AMD	02-11-022	251- 06-091	NEW-P	02-12-114	251- 22-060	AMD-P	02-12-115
246-976-031	AMD-P	02-10-133	251- 08-005	AMD-E	02-12-049	251- 22-180	AMD-E	02-12-046
246-976-031	AMD	02-14-053	251- 08-005	AMD-P	02-12-116	251- 22-180	AMD-P	02-12-115
246-976-161	PREP	02-11-077	251- 08-021	AMD-E	02-12-049	251- 30-010	NEW-E	02-13-056
246-976-171	PREP	02-11-077	251- 08-021	AMD-P	02-12-116	251- 30-010	NEW-P	02-13-131
246-976-500	AMD-P	02-09-043	251- 08-051	REP-E	02-12-049	251- 30-020	NEW-E	02-13-056
246-976-500	AMD	02-12-107	251- 08-051	REP-P	02-12-116	251- 30-020	NEW-P	02-13-131
246-976-510	AMD-P	02-09-043	251- 08-060	REP-E	02-12-049	251- 30-030	NEW-E	02-13-056
246-976-510	AMD	02-12-107	251- 08-060	REP-P	02-12-116	251- 30-030	NEW-P	02-13-131
246-976-550	AMD-P	02-09-043	251- 10-030	AMD-P	02-12-119	251- 30-040	NEW-E	02-13-056
246-976-550	AMD	02-12-107	251- 12-073	REP-P	02-04-079	251- 30-040	NEW-P	02-13-131
246-976-560	AMD-P	02-09-043	251- 12-073	REP	02-07-048	251- 30-050	NEW-E	02-13-056
246-976-560	AMD	02-12-107	251- 14-005	AMD-E	02-12-052	251- 30-050	NEW-P	02-13-131
246-976-600	AMD-P	02-09-043	251- 14-005	AMD-P	02-12-111	251- 30-055	NEW-E	02-13-056
246-976-600	AMD	02-12-107	251- 14-020	AMD-E	02-12-052	251- 30-055	NEW-P	02-13-131
246-976-610	AMD-P	02-09-043	251- 14-020	AMD-P	02-12-111	251- 30-057	NEW-E	02-13-056
246-976-610	AMD	02-12-107	251- 14-030	REP-E	02-12-052	251- 30-057	NEW-P	02-13-131

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
251- 30-060	NEW-E	02-13-056	296- 17-52141	AMD-P	02-03-123	296- 24-67515	AMD-X	02-05-077
251- 30-060	NEW-P	02-13-131	296- 17-52141	AMD	02-09-093	296- 24-67515	AMD	02-12-098
259- 04-010	AMD	02-06-014	296- 17-52150	AMD-P	02-03-123	296- 28-001	REP-P	02-07-101
259- 04-050	AMD	02-06-014	296- 17-52150	AMD	02-09-093	296- 28-005	REP-P	02-07-101
259- 04-070	AMD	02-06-014	296- 17-52151	AMD-P	02-03-123	296- 28-010	REP-P	02-07-101
260- 36-040	AMD-P	02-05-029	296- 17-52151	AMD	02-09-093	296- 28-015	REP-P	02-07-101
260- 36-040	AMD	02-10-101	296- 20-02001	REP-X	02-14-149	296- 28-020	REP-P	02-07-101
260- 48-930	NEW-P	02-05-028	296- 200A	PREP	02-04-106	296- 28-025	REP-P	02-07-101
260- 48-930	NEW-W	02-05-033	296- 20-135	AMD-P	02-05-076	296- 28-030	REP-P	02-07-101
260- 48-930	NEW	02-10-100	296- 20-135	AMD	02-10-129	296- 28-035	REP-P	02-07-101
260- 70-500	PREP	02-13-024	296- 23-170	REP-X	02-14-149	296- 28-040	REP-P	02-07-101
260- 70-640	PREP	02-13-024	296- 23-175	REP-X	02-14-149	296- 28-045	REP-P	02-07-101
260- 70-650	AMD-P	02-05-030	296- 23-185	REP-X	02-14-149	296- 28-050	REP-P	02-07-101
260- 70-650	AMD	02-10-102	296- 23-220	AMD-P	02-05-076	296- 32	AMD-S	02-10-025
260- 70-650	PREP	02-13-024	296- 23-220	AMD	02-10-129	296- 32-240	AMD-P	02-05-080
260- 70-660	PREP	02-05-027	296- 23-225	REP-X	02-14-149	296- 32-250	AMD-X	02-05-077
260- 70-700	PREP	02-13-024	296- 23-230	AMD-P	02-05-076	296- 32-250	AMD	02-12-098
284- 04-120	AMD	02-08-019	296- 23-230	AMD	02-10-129	296- 32-280	AMD-X	02-05-077
284- 22-020	AMD-P	02-14-154	296- 24	PREP	02-04-107	296- 32-280	AMD	02-12-098
284- 22-050	AMD-P	02-14-154	296- 24	PREP	02-04-108	296- 33-010	NEW	02-06-024
284- 22-060	AMD-P	02-14-154	296- 24	PREP	02-09-091	296- 400A	PREP	02-04-106
284- 22-080	AMD-P	02-14-154	296- 24-012	AMD-X	02-05-077	296- 401B	PREP	02-04-106
284- 24A-001	NEW-P	02-14-155	296- 24-012	AMD	02-12-098	296- 45	AMD-S	02-10-025
284- 24A-005	NEW-P	02-14-155	296- 24-102	REP-X	02-08-080	296- 45-52530	AMD-P	02-05-080
284- 24A-010	NEW-P	02-14-155	296- 24-10203	REP-X	02-08-080	296- 46A	PREP	02-04-106
284- 24A-015	NEW-P	02-14-155	296- 24-14001	AMD-X	02-05-077	296- 46A-910	AMD-P	02-09-095
284- 24A-020	NEW-P	02-14-155	296- 24-14001	AMD	02-12-098	296- 46A-910	AMD	02-12-022
284- 24A-025	NEW-P	02-14-155	296- 24-145	PREP	02-09-088	296- 46A-915	AMD-P	02-09-095
284- 24A-030	NEW-P	02-14-155	296- 24-145	REP-P	02-13-118	296- 46A-915	AMD	02-12-022
284- 24A-035	NEW-P	02-14-155	296- 24-14501	REP-P	02-13-118	296- 52	AMD	02-03-125
284- 24A-040	NEW-P	02-14-155	296- 24-14503	REP-P	02-13-118	296- 52-401	REP	02-03-125
284- 24A-045	NEW-P	02-14-155	296- 24-14505	REP-P	02-13-118	296- 52-405	REP	02-03-125
284- 24A-050	NEW-P	02-14-155	296- 24-14507	REP-P	02-13-118	296- 52-409	REP	02-03-125
284- 24A-055	NEW-P	02-14-155	296- 24-14509	REP-P	02-13-118	296- 52-413	REP	02-03-125
284- 24A-065	NEW-P	02-14-155	296- 24-14511	REP-P	02-13-118	296- 52-417	REP	02-03-125
284- 24A-070	NEW-P	02-14-155	296- 24-14513	REP-P	02-13-118	296- 52-419	REP	02-03-125
284- 34	PREP	02-14-153	296- 24-14515	REP-P	02-13-118	296- 52-421	REP	02-03-125
292-110-010	AMD	02-07-074	296- 24-14517	REP-P	02-13-118	296- 52-423	REP	02-03-125
292-110-010	AMD-W	02-09-069	296- 24-14519	REP-P	02-13-118	296- 52-425	REP	02-03-125
292-110-060	PREP	02-12-002	296- 24-23003	AMD-X	02-05-077	296- 52-429	REP	02-03-125
292-120-030	AMD	02-04-003	296- 24-23003	AMD	02-12-098	296- 52-433	REP	02-03-125
292-120-035	NEW	02-04-003	296- 24-405	REP-P	02-07-100	296- 52-437	REP	02-03-125
296- 05-007	AMD-X	02-04-004	296- 24-40501	REP-P	02-07-100	296- 52-441	REP	02-03-125
296- 05-007	AMD	02-10-083	296- 24-40503	REP-P	02-07-100	296- 52-445	REP	02-03-125
296- 05-300	AMD-X	02-04-004	296- 24-40505	REP-P	02-07-100	296- 52-449	REP	02-03-125
296- 05-300	AMD	02-10-083	296- 24-40507	REP-P	02-07-100	296- 52-453	REP	02-03-125
296- 05-316	AMD-X	02-04-004	296- 24-40509	REP-P	02-07-100	296- 52-457	REP	02-03-125
296- 05-316	AMD	02-10-083	296- 24-40511	REP-P	02-07-100	296- 52-461	REP	02-03-125
296- 05-402	AMD-X	02-04-004	296- 24-40513	REP-P	02-07-100	296- 52-465	REP	02-03-125
296- 05-402	AMD	02-10-083	296- 24-40515	REP-P	02-07-100	296- 52-469	REP	02-03-125
296- 150C	PREP	02-04-106	296- 24-51009	AMD-X	02-05-077	296- 52-477	REP	02-03-125
296- 150F	PREP	02-04-106	296- 24-51009	AMD	02-12-098	296- 52-481	REP	02-03-125
296- 150M	PREP	02-04-106	296- 24-51011	AMD-X	02-05-077	296- 52-485	REP	02-03-125
296- 150P	PREP	02-04-106	296- 24-51011	AMD	02-12-098	296- 52-487	REP	02-03-125
296- 150R	PREP	02-04-106	296- 24-51015	AMD-X	02-05-077	296- 52-489	REP	02-03-125
296- 150V	PREP	02-04-106	296- 24-51015	AMD	02-12-098	296- 52-493	REP	02-03-125
296- 17	PREP	02-07-102	296- 24-60205	AMD-X	02-05-077	296- 52-497	REP	02-03-125
296- 17	PREP	02-13-117	296- 24-60205	AMD	02-12-098	296- 52-501	REP	02-03-125
296- 17-35203	AMD-P	02-03-123	296- 24-63499	AMD-X	02-05-077	296- 52-505	REP	02-03-125
296- 17-35203	AMD	02-09-093	296- 24-63499	AMD	02-12-098	296- 52-509	REP	02-03-125
296- 17-52140	AMD-P	02-03-123	296- 24-67513	AMD-X	02-05-077	296- 52-510	REP	02-03-125
296- 17-52140	AMD	02-09-093	296- 24-67513	AMD	02-12-098	296- 52-550	REP	02-03-125

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296- 52-552	REP	02-03-125	296- 52-64050	NEW	02-03-125	296- 52-67160	NEW	02-03-125
296- 52-555	REP	02-03-125	296- 52-64055	NEW	02-03-125	296- 52-67165	NEW	02-03-125
296- 52-600	NEW-W	02-06-102	296- 52-64060	NEW-W	02-06-102	296- 52-67170	NEW	02-03-125
296- 52-60005	NEW	02-03-125	296- 52-64065	NEW	02-03-125	296- 52-67175	NEW-W	02-06-102
296- 52-60010	NEW	02-03-125	296- 52-64070	NEW-W	02-06-102	296- 52-67180	NEW	02-03-125
296- 52-60015	NEW	02-03-125	296- 52-64075	NEW	02-03-125	296- 52-67185	NEW	02-03-125
296- 52-60020	NEW	02-03-125	296- 52-64080	NEW	02-03-125	296- 52-67190	NEW	02-03-125
296- 52-60025	NEW-W	02-06-102	296- 52-64085	NEW	02-03-125	296- 52-67195	NEW	02-03-125
296- 52-60030	NEW	02-03-125	296- 52-64090	NEW	02-03-125	296- 52-67200	NEW	02-03-125
296- 52-60035	NEW	02-03-125	296- 52-64095	NEW	02-03-125	296- 52-67205	NEW-W	02-06-102
296- 52-60040	NEW-W	02-06-102	296- 52-64100	NEW	02-03-125	296- 52-67210	NEW	02-03-125
296- 52-60045	NEW	02-03-125	296- 52-650	NEW	02-03-125	296- 52-67215	NEW	02-03-125
296- 52-60050	NEW	02-03-125	296- 52-65005	NEW	02-03-125	296- 52-67220	NEW	02-03-125
296- 52-60055	NEW	02-03-125	296- 52-65010	NEW	02-03-125	296- 52-67225	NEW	02-03-125
296- 52-60060	NEW	02-03-125	296- 52-65015	NEW	02-03-125	296- 52-67230	NEW	02-03-125
296- 52-60065	NEW	02-03-125	296- 52-65020	NEW	02-03-125	296- 52-67235	NEW	02-03-125
296- 52-60070	NEW-W	02-06-102	296- 52-65025	NEW	02-03-125	296- 52-67240	NEW	02-03-125
296- 52-60075	NEW	02-03-125	296- 52-65030	NEW	02-03-125	296- 52-67245	NEW	02-03-125
296- 52-60080	NEW	02-03-125	296- 52-660	NEW	02-03-125	296- 52-67250	NEW-W	02-06-102
296- 52-60085	NEW	02-03-125	296- 52-66005	NEW	02-03-125	296- 52-68005	NEW-W	02-06-102
296- 52-60090	NEW	02-03-125	296- 52-66010	NEW	02-03-125	296- 52-68010	NEW	02-03-125
296- 52-60095	NEW	02-03-125	296- 52-66015	NEW	02-03-125	296- 52-68015	NEW	02-03-125
296- 52-60100	NEW	02-03-125	296- 52-66020	NEW	02-03-125	296- 52-68020	NEW	02-03-125
296- 52-60105	NEW	02-03-125	296- 52-66025	NEW-W	02-06-102	296- 52-68025	NEW	02-03-125
296- 52-60110	NEW-W	02-06-102	296- 52-66030	NEW	02-03-125	296- 52-68030	NEW	02-03-125
296- 52-60115	NEW	02-03-125	296- 52-66035	NEW	02-03-125	296- 52-68035	NEW-W	02-06-102
296- 52-60120	NEW	02-03-125	296- 52-66040	NEW	02-03-125	296- 52-68040	NEW	02-03-125
296- 52-60125	NEW	02-03-125	296- 52-66045	NEW	02-03-125	296- 52-68045	NEW	02-03-125
296- 52-60130	NEW	02-03-125	296- 52-66050	NEW	02-03-125	296- 52-68050	NEW	02-03-125
296- 52-61005	NEW	02-03-125	296- 52-66055	NEW	02-03-125	296- 52-68055	NEW	02-03-125
296- 52-61010	NEW	02-03-125	296- 52-66060	NEW	02-03-125	296- 52-68060	NEW	02-03-125
296- 52-61015	NEW	02-03-125	296- 52-66065	NEW	02-03-125	296- 52-68065	NEW	02-03-125
296- 52-61020	NEW	02-03-125	296- 52-67005	NEW-W	02-06-102	296- 52-68070	NEW-W	02-06-102
296- 52-61025	NEW	02-03-125	296- 52-67010	NEW	02-03-125	296- 52-68075	NEW	02-03-125
296- 52-61030	NEW	02-03-125	296- 52-67015	NEW-W	02-06-102	296- 52-68080	NEW	02-03-125
296- 52-61035	NEW	02-03-125	296- 52-67020	NEW	02-03-125	296- 52-68085	NEW	02-03-125
296- 52-61040	NEW	02-03-125	296- 52-67025	NEW	02-03-125	296- 52-68090	NEW	02-03-125
296- 52-61045	NEW	02-03-125	296- 52-67030	NEW	02-03-125	296- 52-69005	NEW	02-03-125
296- 52-61050	NEW	02-03-125	296- 52-67035	NEW	02-03-125	296- 52-69010	NEW	02-03-125
296- 52-62005	NEW	02-03-125	296- 52-67040	NEW	02-03-125	296- 52-69015	NEW	02-03-125
296- 52-62010	NEW	02-03-125	296- 52-67045	NEW	02-03-125	296- 52-69020	NEW	02-03-125
296- 52-62020	NEW-W	02-06-102	296- 52-67050	NEW	02-03-125	296- 52-69025	NEW	02-03-125
296- 52-62025	NEW	02-03-125	296- 52-67055	NEW	02-03-125	296- 52-69030	NEW	02-03-125
296- 52-62030	NEW	02-03-125	296- 52-67060	NEW	02-03-125	296- 52-69035	NEW	02-03-125
296- 52-62035	NEW	02-03-125	296- 52-67065	NEW	02-03-125	296- 52-69040	NEW	02-03-125
296- 52-62040	NEW	02-03-125	296- 52-67070	NEW	02-03-125	296- 52-69045	NEW	02-03-125
296- 52-62045	NEW	02-03-125	296- 52-67075	NEW	02-03-125	296- 52-69050	NEW	02-03-125
296- 52-63005	NEW	02-03-125	296- 52-67080	NEW	02-03-125	296- 52-69055	NEW	02-03-125
296- 52-63010	NEW	02-03-125	296- 52-67085	NEW	02-03-125	296- 52-69060	NEW	02-03-125
296- 52-63015	NEW-W	02-06-102	296- 52-67090	NEW	02-03-125	296- 52-69065	NEW	02-03-125
296- 52-63020	NEW	02-03-125	296- 52-67095	NEW	02-03-125	296- 52-69070	NEW	02-03-125
296- 52-63025	NEW	02-03-125	296- 52-67100	NEW	02-03-125	296- 52-69075	NEW-W	02-06-102
296- 52-63030	NEW	02-03-125	296- 52-67105	NEW	02-03-125	296- 52-69080	NEW	02-03-125
296- 52-64005	NEW	02-03-125	296- 52-67110	NEW	02-03-125	296- 52-69085	NEW	02-03-125
296- 52-64010	NEW-W	02-06-102	296- 52-67115	NEW	02-03-125	296- 52-69090	NEW	02-03-125
296- 52-64015	NEW-W	02-06-102	296- 52-67120	NEW-W	02-06-102	296- 52-69095	NEW	02-03-125
296- 52-64020	NEW	02-03-125	296- 52-67125	NEW	02-03-125	296- 52-69100	NEW-W	02-06-102
296- 52-64025	NEW-W	02-06-102	296- 52-67130	NEW	02-03-125	296- 52-69105	NEW	02-03-125
296- 52-64030	NEW	02-03-125	296- 52-67135	NEW	02-03-125	296- 52-69110	NEW	02-03-125
296- 52-64035	NEW	02-03-125	296- 52-67140	NEW	02-03-125	296- 52-69115	NEW	02-03-125
296- 52-64040	NEW	02-03-125	296- 52-67145	NEW	02-03-125	296- 52-69120	NEW	02-03-125
296- 52-64045	NEW	02-03-125	296- 52-67150	NEW-W	02-06-102	296- 52-69125	NEW	02-03-125
			296- 52-67155	NEW-W	02-06-102	296- 52-700	NEW	02-03-125

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-52-70005	NEW	02-03-125	296-62-07540	AMD-X	02-05-077	296-86A-040	REP-P	02-09-095
296-52-70010	NEW	02-03-125	296-62-07540	AMD	02-12-098	296-86A-040	REP	02-12-022
296-52-70015	NEW	02-03-125	296-62-080	AMD-P	02-09-092	296-86A-060	REP-P	02-09-095
296-52-70020	NEW	02-03-125	296-62-11021	AMD-P	02-07-100	296-86A-060	REP	02-12-022
296-52-70025	NEW	02-03-125	296-62-130	AMD-P	02-09-092	296-86A-065	REP-P	02-09-095
296-52-70030	NEW	02-03-125	296-62-14105	AMD-X	02-05-077	296-86A-065	REP	02-12-022
296-52-70035	NEW	02-03-125	296-62-14105	AMD	02-12-098	296-86A-070	REP-P	02-09-095
296-52-70040	NEW	02-03-125	296-62-14110	AMD-X	02-05-077	296-86A-070	REP	02-12-022
296-52-70045	NEW	02-03-125	296-62-14110	AMD	02-12-098	296-86A-073	REP-P	02-09-095
296-52-70050	NEW	02-03-125	296-62-14155	AMD-X	02-05-077	296-86A-073	REP	02-12-022
296-52-70055	NEW	02-03-125	296-62-14155	AMD	02-12-098	296-86A-074	REP-P	02-09-095
296-52-70060	NEW	02-03-125	296-62-14171	AMD-X	02-05-077	296-86A-074	REP	02-12-022
296-52-70065	NEW	02-03-125	296-62-14171	AMD	02-12-098	296-86A-075	REP-P	02-09-095
296-52-70070	NEW	02-03-125	296-62-410	REP	02-11-141	296-86A-075	REP	02-12-022
296-52-70075	NEW-W	02-06-102	296-62-41001	REP	02-11-141	296-86A-080	REP-P	02-09-095
296-52-70080	NEW	02-03-125	296-62-41003	REP	02-11-141	296-86A-080	REP	02-12-022
296-52-70085	NEW	02-03-125	296-62-41010	REP	02-11-141	296-96	PREP	02-04-106
296-52-710	NEW	02-03-125	296-62-41011	REP	02-11-141	296-96	PREP	02-09-090
296-52-71005	NEW-W	02-06-102	296-62-41013	REP	02-11-141	296-96-01010	AMD-P	02-09-095
296-52-71010	NEW-W	02-06-102	296-62-41015	REP	02-11-141	296-96-01010	AMD	02-12-022
296-52-71015	NEW	02-03-125	296-62-41017	REP	02-11-141	296-96-01012	NEW-P	02-09-095
296-52-71020	NEW	02-03-125	296-62-41019	REP	02-11-141	296-96-01012	NEW	02-12-022
296-52-71025	NEW	02-03-125	296-62-41020	REP	02-11-141	296-96-01015	REP-P	02-09-095
296-52-71030	NEW-W	02-06-102	296-62-41021	REP	02-11-141	296-96-01015	REP	02-12-022
296-52-71035	NEW	02-03-125	296-62-41023	REP	02-11-141	296-96-01025	AMD-P	02-09-095
296-52-71040	NEW	02-03-125	296-62-41025	REP	02-11-141	296-96-01025	AMD	02-12-022
296-52-71045	NEW	02-03-125	296-62-41030	REP	02-11-141	296-96-01027	AMD-P	02-09-095
296-52-71050	NEW-W	02-06-102	296-62-41031	REP	02-11-141	296-96-01027	AMD	02-12-022
296-52-71055	NEW	02-03-125	296-62-41033	REP	02-11-141	296-96-01030	AMD-P	02-09-095
296-52-71060	NEW	02-03-125	296-62-41035	REP	02-11-141	296-96-01030	AMD	02-12-022
296-52-71065	NEW	02-03-125	296-62-41040	REP	02-11-141	296-96-01035	AMD-P	02-09-095
296-52-71070	NEW-W	02-06-102	296-62-41041	REP	02-11-141	296-96-01035	AMD	02-12-022
296-52-71075	NEW	02-03-125	296-62-41042	REP	02-11-141	296-96-01040	AMD-P	02-09-095
296-52-71080	NEW	02-03-125	296-62-41043	REP	02-11-141	296-96-01040	AMD	02-12-022
296-52-71085	NEW-W	02-06-102	296-62-41044	REP	02-11-141	296-96-01045	AMD-P	02-09-095
296-52-71090	NEW	02-03-125	296-62-41045	REP	02-11-141	296-96-01045	AMD	02-12-022
296-52-71095	NEW	02-03-125	296-62-41046	REP	02-11-141	296-96-01050	AMD-P	02-09-095
296-52-71100	NEW	02-03-125	296-62-41047	REP	02-11-141	296-96-01050	AMD	02-12-022
296-52-71105	NEW	02-03-125	296-62-41060	REP	02-11-141	296-96-01055	AMD-P	02-09-095
296-52-720	NEW	02-03-125	296-62-41061	REP	02-11-141	296-96-01055	AMD	02-12-022
296-52-725	NEW	02-03-125	296-62-41063	REP	02-11-141	296-96-01060	AMD-P	02-09-095
296-62	PREP	02-04-107	296-62-41080	REP	02-11-141	296-96-01060	AMD	02-12-022
296-62	PREP	02-10-130	296-62-41081	REP	02-11-141	296-96-01065	AMD-P	02-09-095
296-62	PREP	02-13-114	296-62-41082	REP	02-11-141	296-96-01065	AMD	02-12-022
296-62	PREP	02-13-116	296-62-41084	REP	02-11-141	296-104	PREP	02-04-105
296-62-060	AMD-P	02-09-092	296-62-41085	REP	02-11-141	296-104	PREP	02-08-090
296-62-070	AMD-P	02-09-092	296-62-41086	REP	02-11-141	296-104-055	AMD-P	02-09-094
296-62-071	PREP	02-11-140	296-78-56501	AMD	02-03-124	296-104-055	AMD	02-12-021
296-62-07302	AMD-X	02-05-077	296-78-56505	AMD	02-03-124	296-104-060	AMD-P	02-09-094
296-62-07302	AMD	02-12-098	296-78-71015	AMD-P	02-07-100	296-104-060	AMD	02-12-021
296-62-07304	AMD-X	02-05-077	296-79-140	AMD-X	02-05-077	296-104-700	AMD-P	02-09-094
296-62-07304	AMD	02-12-098	296-79-140	AMD	02-12-098	296-104-700	AMD	02-12-021
296-62-07312	AMD-X	02-05-077	296-86A-010	REP-P	02-09-095	296-130	PREP	02-11-139
296-62-07312	AMD	02-12-098	296-86A-010	REP	02-12-022	296-150C-0800	AMD-P	02-09-095
296-62-07314	AMD-X	02-05-077	296-86A-020	REP-P	02-09-095	296-150C-0800	AMD	02-12-022
296-62-07314	AMD	02-12-098	296-86A-020	REP	02-12-022	296-150C-3000	AMD-P	02-09-095
296-62-07421	AMD-X	02-05-077	296-86A-025	REP-P	02-09-095	296-150C-3000	AMD	02-12-022
296-62-07421	AMD	02-12-098	296-86A-025	REP	02-12-022	296-150F-3000	AMD-E	02-14-073
296-62-07501	AMD-X	02-05-077	296-86A-028	REP-P	02-09-095	296-150M-0020	AMD	02-03-048
296-62-07501	AMD	02-12-098	296-86A-028	REP	02-12-022	296-150M-0020	AMD-E	02-14-073
296-62-07527	AMD-X	02-05-077	296-86A-030	REP-P	02-09-095	296-150M-0049	NEW	02-03-048
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296-150M-0050	AMD-E	02-14-073	296-155-706	NEW	02-13-115	296-307-45610	NEW	02-11-141
296-150M-0051	NEW-E	02-14-073	296-155-707	NEW-P	02-06-114	296-307-45620	NEW	02-11-141
296-150M-0140	AMD	02-03-048	296-155-707	NEW	02-13-115	296-307-45800	NEW	02-11-141
296-150M-0302	NEW	02-03-048	296-155-708	NEW-P	02-06-114	296-307-46000	NEW	02-11-141
296-150M-0304	NEW-W	02-09-070	296-155-708	NEW	02-13-115	296-400A	PREP	02-09-089
296-150M-0320	AMD-E	02-14-073	296-155-709	NEW-P	02-06-114	296-400A	AMD-P	02-09-096
296-150M-0322	NEW-E	02-14-073	296-155-709	NEW	02-13-115	296-400A	AMD	02-14-074
296-150M-3000	AMD-E	02-14-073	296-155-710	REP-P	02-06-114	296-400A-005	AMD-P	02-09-096
296-150P-3000	AMD-P	02-09-095	296-155-710	REP	02-13-115	296-400A-005	AMD	02-14-074
296-150P-3000	AMD	02-12-022	296-155-711	NEW-P	02-06-114	296-400A-020	AMD-P	02-09-096
296-150R-3000	AMD-P	02-09-095	296-155-711	NEW	02-13-115	296-400A-020	AMD	02-14-074
296-150R-3000	AMD	02-12-022	296-155-714	NEW-P	02-06-114	296-400A-025	AMD-P	02-09-096
296-150T-3000	AMD-P	02-09-095	296-155-714	NEW	02-13-115	296-400A-026	AMD-P	02-09-096
296-150T-3000	AMD	02-12-022	296-155-715	REP-P	02-06-114	296-400A-030	AMD-P	02-09-096
296-150V-0800	AMD-P	02-09-095	296-155-715	REP	02-13-115	296-400A-030	AMD	02-14-074
296-150V-0800	AMD	02-12-022	296-155-716	NEW-P	02-06-114	296-400A-031	AMD-P	02-09-096
296-150V-3000	AMD-P	02-09-095	296-155-716	NEW	02-13-115	296-400A-031	AMD	02-14-074
296-150V-3000	AMD	02-12-022	296-155-717	NEW-P	02-06-114	296-400A-035	AMD-P	02-09-096
296-155	PREP	02-09-091	296-155-717	NEW	02-13-115	296-400A-035	AMD	02-14-074
296-155	AMD-S	02-10-025	296-155-720	REP-P	02-06-114	296-400A-045	AMD-P	02-09-096
296-155-110	AMD-P	02-05-080	296-155-720	REP	02-13-115	296-400A-045	AMD	02-14-074
296-155-165	AMD-P	02-05-080	296-155-72401	NEW-P	02-06-114	296-400A-070	AMD-P	02-09-096
296-155-200	AMD-P	02-05-080	296-155-72401	NEW-W	02-13-115	296-400A-070	AMD	02-14-074
296-155-24525	AMD-X	02-05-077	296-155-72402	NEW-P	02-06-114	296-400A-100	AMD-P	02-09-096
296-155-24525	AMD	02-12-098	296-155-72402	NEW-W	02-13-115	296-400A-100	AMD	02-14-074
296-155-441	AMD-X	02-05-077	296-155-72403	NEW-P	02-06-114	296-400A-120	AMD-P	02-09-096
296-155-441	AMD	02-12-098	296-155-72403	NEW-W	02-13-115	296-400A-120	AMD	02-14-074
296-155-525	AMD-X	02-05-077	296-155-72404	NEW-P	02-06-114	296-400A-121	AMD-P	02-09-096
296-155-525	AMD	02-12-098	296-155-72404	NEW-W	02-13-115	296-400A-121	AMD	02-14-074
296-155-530	AMD-X	02-05-077	296-155-72405	NEW-P	02-06-114	296-400A-122	NEW-P	02-09-096
296-155-530	AMD	02-12-098	296-155-72405	NEW-W	02-13-115	296-400A-122	NEW	02-14-074
296-155-601	NEW-P	02-05-080	296-155-72406	NEW-P	02-06-114	296-400A-130	AMD-P	02-09-096
296-155-602	NEW-P	02-05-080	296-155-72406	NEW-W	02-13-115	296-400A-130	AMD	02-14-074
296-155-603	NEW-P	02-05-080	296-155-960	AMD-X	02-05-077	296-400A-140	AMD-P	02-09-096
296-155-604	NEW-P	02-05-080	296-155-960	AMD	02-12-098	296-400A-140	AMD	02-14-074
296-155-605	AMD-P	02-05-080	296-200A-080	AMD-P	02-09-095	296-400A-430	NEW-P	02-09-096
296-155-606	NEW-P	02-05-080	296-200A-080	AMD	02-12-022	296-400A-430	NEW	02-14-074
296-155-607	NEW-P	02-05-080	296-200A-900	AMD-P	02-09-095	296-401B-700	AMD-P	02-09-095
296-155-608	NEW-P	02-05-080	296-200A-900	AMD	02-12-022	296-401B-700	AMD	02-12-022
296-155-609	NEW-P	02-05-080	296-305	PREP	02-13-114	296-402A-040	AMD-P	02-09-097
296-155-610	AMD-P	02-05-080	296-305-04001	AMD-X	02-05-077	296-402A-410	AMD-P	02-09-097
296-155-611	NEW-P	02-05-080	296-305-04001	AMD	02-12-098	296-402A-630	AMD-P	02-09-097
296-155-612	NEW-P	02-05-080	296-305-05003	AMD-X	02-05-077	296-403-010	REP-P	02-09-097
296-155-615	AMD-P	02-05-080	296-305-05003	AMD	02-12-098	296-403-020	REP-P	02-09-097
296-155-655	AMD-P	02-05-080	296-307	PREP	02-04-107	296-403-030	REP-P	02-09-097
296-155-66405	AMD-X	02-05-077	296-307-039	AMD-X	02-05-077	296-403-040	REP-P	02-09-097
296-155-66405	AMD	02-12-098	296-307-039	AMD	02-12-098	296-403-050	REP-P	02-09-097
296-155-66411	AMD-X	02-05-077	296-307-08009	AMD-X	02-05-077	296-403-060	REP-P	02-09-097
296-155-66411	AMD	02-12-098	296-307-08009	AMD	02-12-098	296-403-070	REP-P	02-09-097
296-155-700	REP-P	02-06-114	296-307-14520	PREP	02-07-103	296-403-080	REP-P	02-09-097
296-155-700	REP	02-13-115	296-307-452	NEW	02-11-141	296-403-090	REP-P	02-09-097
296-155-701	NEW-P	02-06-114	296-307-45210	NEW	02-11-141	296-403-100	REP-P	02-09-097
296-155-701	NEW	02-13-115	296-307-45220	NEW	02-11-141	296-403-110	REP-P	02-09-097
296-155-702	NEW-P	02-06-114	296-307-45230	NEW	02-11-141	296-403-120	REP-P	02-09-097
296-155-702	NEW	02-13-115	296-307-45240	NEW	02-11-141	296-403-130	REP-P	02-09-097
296-155-703	NEW-P	02-06-114	296-307-45400	NEW	02-11-141	296-403-140	REP-P	02-09-097
296-155-703	NEW	02-13-115	296-307-45410	NEW	02-11-141	296-403-150	REP-P	02-09-097
296-155-704	NEW-P	02-06-114	296-307-45420	NEW	02-11-141	296-403-160	REP-P	02-09-097
296-155-704	NEW	02-13-115	296-307-45430	NEW	02-11-141	296-403A-100	NEW-P	02-09-097
296-155-705	REP-P	02-06-114	296-307-45440	NEW	02-11-141	296-403A-110	NEW-P	02-09-097
296-155-705	REP	02-13-115	296-307-45450	NEW	02-11-141	296-403A-120	NEW-P	02-09-097
296-155-706	NEW-P	02-06-114	296-307-45600	NEW	02-11-141	296-403A-130	NEW-P	02-09-097

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296-403A-150	NEW-P	02-09-097	296-824-13020	NEW	02-11-141	296-878-13005	NEW-P	02-13-118
296-403A-160	NEW-P	02-09-097	296-824-13030	NEW	02-11-141	296-878-13010	NEW-P	02-13-118
296-403A-170	NEW-P	02-09-097	296-824-14010	NEW	02-11-141	296-878-140	NEW-P	02-13-118
296-403A-180	NEW-P	02-09-097	296-824-15010	NEW	02-11-141	296-878-14005	NEW-P	02-13-118
296-403A-190	NEW-P	02-09-097	296-832-10000	NEW-X	02-08-080	296-878-150	NEW-P	02-13-118
296-403A-195	NEW-P	02-09-097	296-832-10005	NEW-X	02-08-080	296-878-15005	NEW-P	02-13-118
296-403A-200	NEW-P	02-09-097	296-832-10010	NEW-X	02-08-080	296-878-15010	NEW-P	02-13-118
296-403A-210	NEW-P	02-09-097	296-832-10015	NEW-X	02-08-080	296-878-15015	NEW-P	02-13-118
296-403A-220	NEW-P	02-09-097	296-832-10020	NEW-X	02-08-080	296-878-15020	NEW-P	02-13-118
296-403A-230	NEW-P	02-09-097	296-832-10025	NEW-X	02-08-080	296-878-15025	NEW-P	02-13-118
296-403A-240	NEW-P	02-09-097	296-835-100	NEW-P	02-07-100	296-878-160	NEW-P	02-13-118
296-800	PREP	02-04-107	296-835-110	NEW-P	02-07-100	296-878-16005	NEW-P	02-13-118
296-800-110	AMD-P	02-09-092	296-835-11005	NEW-P	02-07-100	296-878-170	NEW-P	02-13-118
296-800-11040	NEW-P	02-09-092	296-835-11010	NEW-P	02-07-100	296-878-17005	NEW-P	02-13-118
296-800-11045	NEW-P	02-09-092	296-835-11015	NEW-P	02-07-100	296-878-180	NEW-P	02-13-118
296-800-130	AMD-P	02-09-092	296-835-11020	NEW-P	02-07-100	296-878-18005	NEW-P	02-13-118
296-800-13005	REP-P	02-09-092	296-835-11025	NEW-P	02-07-100	296-878-18010	NEW-P	02-13-118
296-800-13010	REP-P	02-09-092	296-835-11030	NEW-P	02-07-100	296-878-18015	NEW-P	02-13-118
296-800-13015	REP-P	02-09-092	296-835-11035	NEW-P	02-07-100	296-878-18020	NEW-P	02-13-118
296-800-13020	NEW-P	02-09-092	296-835-11040	NEW-P	02-07-100	296-878-190	NEW-P	02-13-118
296-800-13025	NEW-P	02-09-092	296-835-11045	NEW-P	02-07-100	296-878-19005	NEW-P	02-13-118
296-800-13030	NEW-P	02-09-092	296-835-11050	NEW-P	02-07-100	296-878-19010	NEW-P	02-13-118
296-800-13035	NEW-P	02-09-092	296-835-120	NEW-P	02-07-100	296-878-200	NEW-P	02-13-118
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296-800-15035	NEW-P	02-09-092	296-835-12020	NEW-P	02-07-100	296-878-210	NEW-P	02-13-118
296-800-15040	NEW-P	02-09-092	296-835-12025	NEW-P	02-07-100	296-878-21005	NEW-P	02-13-118
296-800-16050	AMD-P	02-09-092	296-835-12030	NEW-P	02-07-100	296-878-220	NEW-P	02-13-118
296-800-16070	AMD-P	02-09-092	296-835-12035	NEW-P	02-07-100	308-08-085	AMD-X	02-14-001
296-800-170	AMD-P	02-09-092	296-835-12040	NEW-P	02-07-100	308-08-600	AMD	02-11-011
296-800-17020	AMD-P	02-09-092	296-835-12045	NEW-P	02-07-100	308-12-010	AMD-P	02-04-114
296-800-17025	AMD-P	02-09-092	296-835-12050	NEW-P	02-07-100	308-12-010	AMD	02-11-082
296-800-17030	AMD-P	02-09-092	296-835-12055	NEW-P	02-07-100	308-12-031	AMD-P	02-04-114
296-800-18010	AMD-P	02-09-092	296-835-12060	NEW-P	02-07-100	308-12-031	AMD	02-11-082
296-800-18015	AMD-P	02-09-092	296-835-12065	NEW-P	02-07-100	308-12-050	AMD-P	02-04-114
296-800-20005	AMD-P	02-09-092	296-835-130	NEW-P	02-07-100	308-12-050	AMD	02-11-082
296-800-23010	AMD-P	02-09-092	296-835-13005	NEW-P	02-07-100	308-12-081	AMD-P	02-04-114
296-800-23020	AMD-P	02-09-092	296-835-13010	NEW-P	02-07-100	308-12-081	AMD	02-11-082
296-800-25015	AMD-P	02-09-092	296-835-13015	NEW-P	02-07-100	308-12-085	AMD-P	02-04-114
296-800-28040	AMD-P	02-09-092	296-835-13020	NEW-P	02-07-100	308-12-085	AMD	02-11-082
296-800-28045	AMD-P	02-09-092	296-835-13025	NEW-P	02-07-100	308-12-115	AMD-P	02-04-114
296-800-32025	AMD-P	02-09-092	296-835-13030	NEW-P	02-07-100	308-12-115	AMD	02-11-082
296-800-35030	AMD-P	02-09-092	296-835-140	NEW-P	02-07-100	308-12-150	AMD-P	02-04-114
296-800-35040	AMD-P	02-09-092	296-860-100	NEW-P	02-07-101	308-12-150	AMD	02-11-082
296-800-35056	AMD-P	02-09-092	296-860-10005	NEW-P	02-07-101	308-12-210	AMD-P	02-04-114
296-800-35076	AMD-P	02-09-092	296-860-10010	NEW-P	02-07-101	308-12-210	AMD	02-11-082
296-800-370	AMD-P	02-09-092	296-860-10020	NEW-P	02-07-101	308-12-220	AMD-P	02-04-114
296-817	PREP	02-13-114	296-860-10025	NEW-P	02-07-101	308-12-220	AMD	02-11-082
296-824-100	NEW	02-11-141	296-860-10030	NEW-P	02-07-101	308-12-230	AMD-P	02-04-114
296-824-110	NEW	02-11-141	296-860-10040	NEW-P	02-07-101	308-12-230	AMD	02-11-082
296-824-11010	NEW	02-11-141	296-860-10050	NEW-P	02-07-101	308-12-240	AMD-P	02-04-114
296-824-11020	NEW	02-11-141	296-860-10060	NEW-P	02-07-101	308-12-240	AMD	02-11-082
296-824-11050	NEW	02-11-141	296-860-10070	NEW-P	02-07-101	308-12-320	AMD-P	02-04-114
296-824-11060	NEW	02-11-141	296-860-10100	NEW-P	02-07-101	308-12-320	AMD	02-11-082
296-824-12010	NEW	02-11-141	296-878-100	NEW-P	02-13-118	308-12-321	REP-P	02-04-114
296-824-12020	NEW	02-11-141	296-878-10005	NEW-P	02-13-118	308-12-321	REP	02-11-082
296-824-12030	NEW	02-11-141	296-878-110	NEW-P	02-13-118	308-12-322	REP-P	02-04-114
296-824-12040	NEW	02-11-141	296-878-11005	NEW-P	02-13-118	308-12-322	REP	02-11-082
296-824-12050	NEW	02-11-141	296-878-120	NEW-P	02-13-118	308-12-323	REP-P	02-04-114
296-824-12060	NEW	02-11-141	296-878-12005	NEW-P	02-13-118	308-12-323	REP	02-11-082

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308- 12-324	REP	02-11-082	308- 20-172	REP	02-04-012	308- 56A-305	PREP	02-05-014
308- 12-325	REP-P	02-04-114	308- 20-210	AMD-P	02-04-088	308- 56A-310	PREP	02-05-014
308- 12-325	REP	02-11-082	308- 20-210	AMD	02-09-040	308- 56A-315	PREP	02-05-014
308- 12-330	NEW-P	02-04-114	308- 20-310	REP	02-04-012	308- 56A-320	PREP	02-05-014
308- 12-330	NEW	02-11-082	308- 20-590	REP	02-04-012	308- 56A-325	PREP	02-05-014
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308- 14-210	AMD-W	02-11-057	308- 48-730	REP-P	02-14-059	308- 90-140	AMD	02-05-073
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308-96A-046	AMD-P	02-12-078	308-103-040	NEW	02-11-011	314-11-040	AMD	02-11-054
308-96A-050	PREP	02-05-002	308-103-050	NEW	02-11-011	314-11-045	AMD-P	02-04-110
308-96A-050	AMD-P	02-12-078	308-103-060	NEW	02-11-011	314-11-045	AMD	02-11-054
308-96A-056	PREP	02-05-002	308-103-070	NEW	02-11-011	314-11-060	AMD-P	02-04-110
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308-96A-057	AMD-P	02-12-078	308-103-100	NEW	02-11-011	314-11-065	AMD	02-11-054
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308-96A-062	AMD-P	02-12-064	308-103-120	NEW	02-11-011	314-11-070	AMD	02-11-054
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316- 02-610	AMD	02-14-013	356- 18-100	AMD-P	02-12-109	356- 42-105	AMD-E	02-12-052
316- 02-620	AMD-X	02-08-029	356- 18-112	AMD-S	02-04-082	356- 42-105	AMD-P	02-12-111
316- 02-620	AMD	02-14-013	356- 18-112	AMD	02-07-049	356- 56-001	AMD-E	02-13-053
316- 02-630	AMD-X	02-08-029	356- 18-120	AMD-E	02-07-052	356- 56-001	AMD-P	02-13-130
316- 02-630	AMD	02-14-013	356- 18-120	AMD-P	02-12-112	356- 56-070	NEW-E	02-07-053
316- 02-640	AMD-X	02-08-029	356- 18-120	AMD-E	02-12-121	356- 56-070	NEW-E	02-12-045
316- 02-640	AMD	02-14-013	356- 18-160	AMD-E	02-12-046	356- 56-070	NEW-P	02-12-120
316- 02-650	AMD-X	02-08-029	356- 18-160	AMD-P	02-12-115	356- 56-125	REP-E	02-13-055
316- 02-650	AMD	02-14-013	356- 18-220	AMD-P	02-12-118	356- 56-125	REP-P	02-13-129
316- 02-660	AMD-X	02-08-029	356- 22-220	AMD-E	02-12-046	356- 60-010	NEW-E	02-13-056
316- 02-660	AMD	02-14-013	356- 22-220	AMD-P	02-12-115	356- 60-010	NEW-P	02-13-131
316- 02-660	AMD	02-14-013	356- 26-040	AMD	02-03-062	356- 60-020	NEW-E	02-13-056
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356- 60-030	NEW-P	02-13-131	388- 14A-2080	PREP	02-03-010	388- 15-057	NEW-P	02-03-118
356- 60-040	NEW-E	02-13-056	388- 14A-2105	AMD	02-07-091	388- 15-061	NEW-P	02-03-118
356- 60-040	NEW-P	02-13-131	388- 14A-2107	NEW	02-07-091	388- 15-065	NEW-P	02-03-118
356- 60-050	NEW-E	02-13-056	388- 14A-2110	AMD	02-07-091	388- 15-069	NEW-P	02-03-118
356- 60-050	NEW-P	02-13-131	388- 14A-2112	NEW	02-07-091	388- 15-073	NEW-P	02-03-118
356- 60-055	NEW-E	02-13-056	388- 14A-2114	NEW	02-07-091	388- 15-077	NEW-P	02-03-118
356- 60-055	NEW-P	02-13-131	388- 14A-2115	AMD	02-07-091	388- 15-081	NEW-P	02-03-118
356- 60-057	NEW-E	02-13-056	388- 14A-2116	NEW	02-07-091	388- 15-085	NEW-P	02-03-118
356- 60-057	NEW-P	02-13-131	388- 14A-2120	AMD	02-07-091	388- 15-089	NEW-P	02-03-118
356- 60-060	NEW-E	02-13-056	388- 14A-2125	AMD	02-07-091	388- 15-093	NEW-P	02-03-118
356- 60-060	NEW-P	02-13-131	388- 14A-2130	NEW	02-07-091	388- 15-097	NEW-P	02-03-118
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363-116-185	AMD-P	02-10-081	388- 14A-2140	NEW	02-07-091	388- 15-105	NEW-P	02-03-118
363-116-185	AMD	02-13-076	388- 14A-3100	PREP	02-13-042	388- 15-109	NEW-P	02-03-118
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363-116-300	AMD	02-12-008	388- 14A-3102	PREP	02-13-042	388- 15-117	NEW-P	02-03-118
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365-220-010	NEW	02-07-026	388- 14A-3115	PREP	02-13-042	388- 15-130	REP-P	02-03-118
365-220-015	NEW	02-07-026	388- 14A-3115	AMD-E	02-13-043	388- 15-131	REP-P	02-03-118
365-220-020	NEW	02-07-026	388- 14A-3120	PREP	02-13-042	388- 15-132	REP-P	02-03-118
365-220-025	NEW	02-07-026	388- 14A-3120	AMD-E	02-13-043	388- 15-133	NEW-P	02-03-118
365-220-030	NEW	02-07-026	388- 14A-3122	NEW-E	02-13-043	388- 15-134	REP-P	02-03-118
365-220-035	NEW	02-07-026	388- 14A-3130	AMD-P	02-03-096	388- 15-135	NEW-P	02-03-118
365-220-040	NEW	02-07-026	388- 14A-3130	AMD	02-06-098	388- 15-141	NEW-P	02-03-118
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365-220-050	NEW	02-07-026	388- 14A-3370	AMD-E	02-13-043	388- 15-202	PREP	02-04-096
365-220-055	NEW	02-07-026	388- 14A-3800	PREP	02-03-010	388- 15-202	PREP-W	02-05-064
365-220-060	NEW	02-07-026	388- 14A-3810	PREP	02-03-010	388- 15-202	PREP-W	02-05-065
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365-220-070	NEW	02-07-026	388- 14A-3810	AMD-E	02-13-043	388- 15-203	PREP	02-04-096
365-220-075	NEW	02-07-026	388- 14A-3925	AMD-P	02-03-096	388- 15-203	PREP-W	02-05-065
365-220-080	NEW	02-07-026	388- 14A-3925	AMD	02-06-098	388- 15-203	PREP-W	02-05-066
365-220-085	NEW	02-07-026	388- 14A-4000	PREP	02-03-010	388- 15-204	PREP	02-04-096
365-220-090	NEW	02-07-026	388- 14A-4300	PREP	02-03-010	388- 15-204	PREP-W	02-05-066
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365-220-100	NEW	02-07-026	388- 14A-4302	PREP	02-03-010	388- 15-205	PREP-W	02-05-066
365-220-105	NEW	02-07-026	388- 14A-4303	PREP	02-03-010	388- 15-207	PREP-W	02-05-064
365-220-110	NEW	02-07-026	388- 14A-4304	PREP	02-03-010	388- 15-214	PREP-W	02-05-064
365-220-115	NEW	02-07-026	388- 14A-5520	AMD-P	02-03-096	388- 15-215	PREP-W	02-05-064
365-220-120	NEW	02-07-026	388- 14A-5520	AMD	02-06-098	388- 15-219	PREP-W	02-05-064
365-220-125	NEW	02-07-026	388- 14A-5525	AMD-P	02-03-096	388- 15-600	PREP-W	02-05-064
365-220-130	NEW	02-07-026	388- 14A-5525	AMD	02-06-098	388- 15-620	PREP-W	02-05-064
365-220-135	NEW	02-07-026	388- 14A-5530	AMD-P	02-03-096	388- 15-630	PREP-W	02-05-064
365-220-140	NEW	02-07-026	388- 14A-5530	AMD	02-06-098	388- 15-880	PREP-W	02-05-064
365-220-145	NEW	02-07-026	388- 15	AMD-P	02-03-118	388- 15-890	PREP-W	02-05-064
365-220-150	NEW	02-07-026	388- 15-001	NEW-P	02-03-118	388- 71	PREP	02-11-064
365-220-155	NEW	02-07-026	388- 15-005	NEW-P	02-03-118	388- 71-0410	PREP	02-04-096
365-220-160	NEW	02-07-026	388- 15-009	NEW-P	02-03-118	388- 71-0410	PREP-W	02-05-066
365-220-165	NEW	02-07-026	388- 15-011	NEW-P	02-03-118	388- 71-0430	PREP	02-04-096
365-220-170	NEW	02-07-026	388- 15-013	NEW-P	02-03-118	388- 71-0435	PREP	02-04-096
365-220-175	NEW	02-07-026	388- 15-017	NEW-P	02-03-118	388- 71-0440	PREP	02-04-096
365-220-180	NEW	02-07-026	388- 15-021	NEW-P	02-03-118	388- 71-0440	PREP-W	02-05-066
365-220-185	NEW	02-07-026	388- 15-025	NEW-P	02-03-118	388- 71-0445	PREP	02-04-096
365-220-190	NEW	02-07-026	388- 15-029	NEW-P	02-03-118	388- 71-0445	PREP-W	02-05-066
371- 08-320	AMD	02-06-011	388- 15-033	NEW-P	02-03-118	388- 71-0450	PREP	02-04-096
371- 08-450	AMD	02-06-012	388- 15-037	NEW-P	02-03-118	388- 71-0500	PREP	02-04-096
371- 08-485	AMD	02-06-013	388- 15-041	NEW-P	02-03-118	388- 71-0500	AMD	02-10-117
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388-71-0530	REP	02-10-117	388-76-64010	NEW-S	02-14-161	388-97-550	AMD-E	02-14-082
388-71-0535	REP	02-10-117	388-76-64015	NEW-P	02-03-117	388-97-555	PREP	02-11-126
388-71-0540	AMD	02-10-117	388-76-64015	NEW-S	02-14-161	388-97-555	AMD-E	02-14-082
388-71-05910	NEW	02-10-117	388-76-64020	NEW-P	02-03-117	388-97-565	AMD-P	02-07-116
388-71-05911	NEW	02-10-117	388-76-64020	NEW-S	02-14-161	388-97-565	AMD	02-14-063
388-71-05912	NEW	02-10-117	388-76-64025	NEW-P	02-03-117	388-97-570	AMD-P	02-07-116
388-71-05913	NEW	02-10-117	388-76-64025	NEW-S	02-14-161	388-97-570	PREP	02-11-066
388-71-05914	NEW	02-10-117	388-76-64030	NEW-P	02-03-117	388-97-570	AMD	02-14-063
388-71-05915	NEW	02-10-117	388-76-64030	NEW-S	02-14-161	388-97-575	AMD-P	02-07-116
388-71-05916	NEW	02-10-117	388-76-64035	NEW-P	02-03-117	388-97-575	AMD	02-14-063
388-71-05917	NEW	02-10-117	388-76-64035	NEW-S	02-14-161	388-97-580	AMD-P	02-07-116
388-71-05918	NEW	02-10-117	388-76-64040	NEW-S	02-14-161	388-97-580	AMD	02-14-063
388-71-05919	NEW	02-10-117	388-76-64045	NEW-S	02-14-161	388-97-585	AMD-P	02-07-116
388-71-05920	NEW	02-10-117	388-76-64050	NEW-S	02-14-161	388-97-585	AMD	02-14-063
388-71-05921	NEW	02-10-117	388-76-64055	NEW-S	02-14-161	388-97-595	AMD-P	02-07-116
388-71-05922	NEW	02-10-117	388-76-655	AMD-S	02-11-032	388-97-595	AMD	02-14-063
388-71-05923	NEW	02-10-117	388-76-660	AMD-S	02-11-032	388-97-605	NEW-P	02-07-116
388-71-05924	NEW	02-10-117	388-76-710	AMD-P	02-03-117	388-97-605	NEW	02-14-063
388-71-05925	NEW	02-10-117	388-78A-050	AMD-S	02-11-031	388-97-610	NEW-P	02-07-116
388-71-05926	NEW	02-10-117	388-78A-060	AMD-W	02-11-059	388-97-610	NEW	02-14-063
388-71-05927	NEW	02-10-117	388-78A-265	PREP	02-09-047	388-97-615	NEW-P	02-07-116
388-71-05928	NEW	02-10-117	388-78A-265	AMD-P	02-14-062	388-97-615	NEW	02-14-063
388-71-05929	NEW	02-10-117	388-79-010	AMD-P	02-11-067	388-97-620	NEW-P	02-07-116
388-71-05930	NEW	02-10-117	388-79-020	AMD-P	02-11-067	388-97-620	NEW	02-14-063
388-71-05931	NEW	02-10-117	388-79-030	AMD-P	02-11-067	388-97-625	NEW-P	02-07-116
388-71-05932	NEW	02-10-117	388-79-040	AMD-P	02-11-067	388-97-625	NEW	02-14-063
388-71-05933	NEW	02-10-117	388-96-713	AMD-E	02-04-011	388-97-630	NEW-P	02-07-116
388-71-05934	NEW	02-10-117	388-96-901	AMD-E	02-04-011	388-97-630	NEW	02-14-063
388-71-05935	NEW	02-10-117	388-97	PREP	02-11-066	388-97-635	NEW-P	02-07-116
388-71-05936	NEW	02-10-117	388-97-005	AMD-P	02-07-116	388-97-635	NEW	02-14-063
388-71-05937	NEW	02-10-117	388-97-005	AMD	02-14-063	388-97-640	NEW-P	02-07-116
388-71-05938	NEW	02-10-117	388-97-043	AMD-P	02-07-116	388-97-640	NEW	02-14-063
388-71-05939	NEW	02-10-117	388-97-043	AMD	02-14-063	388-97-645	NEW-P	02-07-116
388-71-05940	NEW	02-10-117	388-97-07005	AMD-P	02-07-116	388-97-645	NEW	02-14-063
388-71-05941	NEW	02-10-117	388-97-07005	AMD	02-14-063	388-97-650	NEW-P	02-07-116
388-71-05942	NEW	02-10-117	388-97-07040	AMD-P	02-07-116	388-97-650	NEW	02-14-063
388-71-05943	NEW	02-10-117	388-97-07040	AMD	02-14-063	388-97-655	NEW-P	02-07-116
388-71-05944	NEW	02-10-117	388-97-07050	AMD-P	02-07-116	388-97-655	NEW	02-14-063
388-71-05945	NEW	02-10-117	388-97-07050	AMD	02-14-063	388-97-660	NEW-P	02-07-116
388-71-05946	NEW	02-10-117	388-97-076	AMD-P	02-07-116	388-97-660	NEW	02-14-063
388-71-05947	NEW	02-10-117	388-97-076	AMD	02-14-063	388-97-665	NEW-P	02-07-116
388-71-05948	NEW	02-10-117	388-97-160	AMD-P	02-07-116	388-97-665	NEW	02-14-063
388-71-05949	NEW-S	02-11-129	388-97-160	AMD	02-14-063	388-97-670	NEW-P	02-07-116
388-71-05950	NEW	02-10-117	388-97-162	AMD-P	02-07-116	388-97-670	NEW	02-14-063
388-71-05951	NEW	02-10-117	388-97-162	AMD	02-14-063	388-97-675	NEW-P	02-07-116
388-71-05952	NEW	02-10-117	388-97-180	AMD-P	02-07-116	388-97-675	NEW	02-14-063
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388-71-0820	AMD-P	02-12-067	388-97-203	NEW-P	02-07-116	388-97-685	NEW	02-14-063
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388-76-540	PREP	02-04-096	388-97-204	NEW-P	02-07-116	388-97-690	NEW	02-14-063
388-76-570	AMD-S	02-11-032	388-97-204	NEW	02-14-063	388-97-695	NEW-P	02-07-116
388-76-59100	REP-S	02-11-032	388-97-205	AMD-P	02-07-116	388-97-695	NEW	02-14-063
388-76-59110	REP-S	02-11-032	388-97-205	AMD	02-14-063	388-98-001	REP-P	02-07-116
388-76-59120	REP-S	02-11-032	388-97-260	AMD-P	02-07-116	388-98-001	REP	02-14-063
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388-76-640	REP-P	02-03-117	388-97-285	AMD-P	02-07-116	388-98-003	REP	02-14-063
388-76-640	REP-S	02-14-161	388-97-285	AMD	02-14-063	388-98-010	REP-P	02-07-116
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388-98-020	REP	02-14-063	388-112-0155	NEW-S	02-11-032	388-148-0065	PREP	02-06-083
388-98-300	REP-P	02-07-116	388-112-0160	NEW-S	02-11-032	388-148-0065	AMD-E	02-14-042
388-98-300	REP	02-14-063	388-112-0165	NEW-S	02-11-032	388-148-0120	PREP	02-06-083
388-98-320	REP-P	02-07-116	388-112-0170	NEW-S	02-11-032	388-148-0120	AMD-E	02-14-042
388-98-320	REP	02-14-063	388-112-0175	NEW-S	02-11-032	388-148-0125	PREP	02-06-083
388-98-330	REP-P	02-07-116	388-112-0180	NEW-S	02-11-032	388-148-0125	AMD-E	02-14-042
388-98-330	REP	02-14-063	388-112-0185	NEW-S	02-11-032	388-148-0140	AMD-E	02-14-042
388-98-340	REP-P	02-07-116	388-112-0190	NEW-S	02-11-032	388-148-0220	PREP	02-06-083
388-98-340	REP	02-14-063	388-112-0195	NEW-S	02-11-032	388-148-0220	AMD-E	02-14-042
388-98-700	REP-P	02-07-116	388-112-0200	NEW-S	02-11-031	388-148-0260	PREP	02-06-083
388-98-700	REP	02-14-063	388-112-0205	NEW-S	02-11-031	388-148-0260	AMD-E	02-14-042
388-98-750	REP-P	02-07-116	388-112-0210	NEW-S	02-11-031	388-148-0270	AMD-E	02-14-042
388-98-750	REP	02-14-063	388-112-0215	NEW-S	02-11-031	388-148-0335	AMD-E	02-14-042
388-98-810	REP-P	02-07-116	388-112-0220	NEW-S	02-11-031	388-148-0345	PREP	02-06-083
388-98-810	REP	02-14-063	388-112-0225	NEW-S	02-11-031	388-148-0345	AMD-E	02-14-042
388-98-830	REP-P	02-07-116	388-112-0230	NEW-S	02-11-031	388-148-0350	PREP	02-06-083
388-98-830	REP	02-14-063	388-112-0235	NEW-S	02-11-031	388-148-0350	AMD-E	02-14-042
388-98-870	REP-P	02-07-116	388-112-0240	NEW-S	02-11-031	388-148-0395	AMD-E	02-14-042
388-98-870	REP	02-14-063	388-112-0245	NEW-S	02-11-031	388-148-0427	NEW-E	02-14-042
388-98-890	REP-P	02-07-116	388-112-0250	NEW-S	02-11-031	388-148-0460	AMD-E	02-14-042
388-98-890	REP	02-14-063	388-112-0255	NEW-S	02-11-031	388-148-0462	PREP	02-06-083
388-105	AMD-E	02-14-081	388-112-0260	NEW-S	02-11-031	388-148-0462	NEW-E	02-14-042
388-105	PREP	02-14-099	388-112-0265	NEW-S	02-11-031	388-148-0520	PREP	02-06-083
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392-140-973	NEW-S	02-10-007	415-108-340	AMD	02-03-120	415-112-0151	PREP	02-06-041
392-140-974	NEW-S	02-10-007	415-108-340	PREP	02-11-078	415-112-0154	PREP	02-05-025
392-141-200	AMD	02-04-023	415-108-425	NEW	02-03-120	415-112-0154	PREP	02-06-041
392-143	PREP	02-12-024	415-108-441	AMD	02-03-120	415-112-0156	PREP	02-05-025
392-300-015	AMD	02-06-044	415-108-443	AMD	02-03-120	415-112-0156	PREP	02-06-041
392-300-050	AMD	02-06-044	415-108-445	AMD	02-03-120	415-112-0157	PREP	02-05-025
392-300-055	AMD	02-06-044	415-108-456	AMD	02-03-120	415-112-0157	PREP	02-06-041
392-300-060	AMD	02-06-044	415-108-458	AMD	02-03-120	415-112-0158	PREP	02-05-025
415- 02	PREP	02-08-063	415-108-464	AMD	02-03-120	415-112-0158	PREP	02-06-041
415- 02-130	AMD	02-03-120	415-108-465	AMD	02-03-120	415-112-0159	PREP	02-05-025
415- 04-017	AMD-P	02-09-055	415-108-466	AMD	02-03-120	415-112-0159	PREP	02-06-041
415- 04-017	AMD	02-12-084	415-108-480	AMD	02-03-120	415-112-0160	PREP	02-05-025
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415-112-0161	PREP	02-06-041	434-228-012	DECOD	02-09-007	434-238-120	RECOD	02-09-007
415-112-0162	PREP	02-05-025	434-228-020	DECOD	02-09-007	434-238-140	RECOD	02-09-007
415-112-0162	PREP	02-06-041	434-228-050	DECOD	02-09-007	434-238-160	RECOD	02-09-007
415-112-0163	PREP	02-05-025	434-228-060	DECOD	02-09-007	434-238-170	RECOD	02-09-007
415-112-0163	PREP	02-06-041	434-230-140	NEW-P	02-03-134	434-238-180	RECOD	02-09-007
415-112-0165	PREP	02-05-025	434-230-140	NEW	02-07-029	434-238-200	RECOD	02-09-007
415-112-0165	PREP	02-06-041	434-236-010	DECOD	02-09-007	434-240-010	AMD-P	02-03-133
415-112-0167	PREP	02-05-025	434-236-020	DECOD	02-09-007	434-240-010	AMD	02-07-028
415-112-0167	PREP	02-06-041	434-236-025	NEW-P	02-03-133	434-240-020	AMD-P	02-03-133
415-112-040	PREP	02-11-078	434-236-025	NEW	02-07-028	434-240-020	AMD	02-07-028
415-112-050	NEW-P	02-10-098	434-236-025	DECOD	02-09-007	434-240-025	REP-P	02-03-133
415-112-050	NEW	02-14-009	434-236-030	AMD-P	02-03-133	434-240-025	REP	02-07-028
415-112-060	NEW-P	02-10-098	434-236-030	AMD	02-07-028	434-240-027	NEW-P	02-03-133
415-112-060	NEW	02-14-009	434-236-030	DECOD	02-09-007	434-240-027	NEW	02-07-028
415-112-070	NEW-P	02-10-098	434-236-040	REP-P	02-03-133	434-240-060	AMD-P	02-03-133
415-112-070	NEW	02-14-009	434-236-040	REP	02-07-028	434-240-060	AMD	02-07-028
415-112-250	AMD	02-03-120	434-236-050	REP-P	02-03-133	434-240-080	NEW-P	02-03-133
415-112-400	AMD	02-03-120	434-236-050	REP	02-07-028	434-240-080	NEW	02-07-028
415-112-412	AMD	02-03-120	434-236-055	NEW-P	02-03-133	434-240-090	AMD-P	02-03-133
415-112-413	AMD	02-03-120	434-236-055	NEW	02-07-028	434-240-090	AMD	02-07-028
415-112-725	AMD	02-03-120	434-236-055	DECOD	02-09-007	434-240-120	AMD-P	02-03-133
415-113-030	PREP	02-06-041	434-236-060	AMD-P	02-03-133	434-240-120	AMD	02-07-028
415-113-0301	PREP	02-06-041	434-236-060	AMD	02-07-028	434-240-130	AMD-P	02-03-133
415-113-0302	PREP	02-06-041	434-236-060	DECOD	02-09-007	434-240-130	AMD	02-07-028
415-113-0303	AMD	02-03-120	434-236-070	AMD-P	02-03-133	434-240-150	AMD-P	02-03-133
415-113-0303	PREP	02-06-041	434-236-070	AMD	02-07-028	434-240-150	AMD	02-07-028
415-113-0304	PREP	02-06-041	434-236-070	DECOD	02-09-007	434-240-160	REP-P	02-03-133
415-113-0305	PREP	02-06-041	434-236-080	AMD-P	02-03-133	434-240-160	REP	02-07-028
415-113-0306	PREP	02-06-041	434-236-080	AMD	02-07-028	434-240-190	AMD-P	02-03-133
415-113-0307	PREP	02-06-041	434-236-080	DECOD	02-09-007	434-240-190	AMD	02-07-028
415-113-0308	PREP	02-06-041	434-236-090	AMD-P	02-03-134	434-240-190	AMD-E	02-14-017
415-113-0309	PREP	02-06-041	434-236-090	AMD	02-07-029	434-240-200	AMD-P	02-03-134
415-113-0310	REP	02-03-120	434-236-090	DECOD	02-09-007	434-240-200	AMD	02-07-029
415-113-041	AMD	02-03-120	434-236-100	AMD-P	02-03-133	434-240-205	AMD-P	02-03-133
415-113-042	AMD	02-03-120	434-236-100	AMD	02-07-028	434-240-205	AMD	02-07-028
415-113-065	AMD	02-03-120	434-236-100	DECOD	02-09-007	434-240-230	AMD-P	02-03-133
415-113-070	AMD	02-03-120	434-236-110	AMD-P	02-03-133	434-240-230	AMD	02-07-028
415-113-090	AMD	02-03-120	434-236-110	AMD	02-07-028	434-240-235	AMD-P	02-03-133
415-113-200	AMD	02-03-120	434-236-110	DECOD	02-09-007	434-240-235	AMD	02-07-028
415-200-030	AMD	02-03-120	434-236-120	DECOD	02-09-007	434-240-240	AMD-P	02-03-134
415-501-305	REP-W	02-11-028	434-236-140	AMD-P	02-03-133	434-240-240	AMD	02-07-029
415-501-495	AMD-P	02-09-055	434-236-140	AMD	02-07-028	434-240-250	AMD-P	02-03-133
415-501-495	AMD	02-12-084	434-236-140	DECOD	02-09-007	434-240-250	AMD	02-07-028
420-12-060	AMD	02-05-050	434-236-160	DECOD	02-09-007	434-240-320	AMD-P	02-03-133
434-208-060	AMD-P	02-11-133	434-236-170	DECOD	02-09-007	434-240-320	AMD	02-07-028
434-208-060	AMD-E	02-14-088	434-236-180	AMD-P	02-03-133	434-253-043	NEW-P	02-03-134
434-215-005	RECOD	02-09-007	434-236-180	AMD	02-07-028	434-253-043	NEW	02-07-029
434-215-012	RECOD	02-09-007	434-236-180	DECOD	02-09-007	434-253-045	NEW-P	02-03-134
434-215-012	AMD-P	02-11-133	434-236-200	DECOD	02-09-007	434-253-045	NEW	02-07-029
434-215-012	AMD-E	02-14-088	434-236-210	REP-P	02-03-133	434-253-047	NEW-P	02-03-134
434-215-020	RECOD	02-09-007	434-236-210	REP	02-07-028	434-253-047	NEW	02-07-029
434-215-050	RECOD	02-09-007	434-238-010	RECOD	02-09-007	434-253-049	NEW-P	02-03-134
434-215-060	RECOD	02-09-007	434-238-020	RECOD	02-09-007	434-253-049	NEW	02-07-029
434-215-070	NEW-P	02-11-133	434-238-025	RECOD	02-09-007	434-261-005	AMD-P	02-03-134
434-215-070	NEW-E	02-14-088	434-238-030	RECOD	02-09-007	434-261-005	AMD	02-07-029
434-215-080	NEW-P	02-11-133	434-238-055	RECOD	02-09-007	434-261-070	AMD-P	02-03-134
434-215-080	NEW-E	02-14-088	434-238-060	RECOD	02-09-007	434-261-070	AMD	02-07-029
434-215-090	NEW-P	02-11-133	434-238-070	RECOD	02-09-007	434-261-075	NEW-P	02-03-134
434-215-090	NEW-E	02-14-088	434-238-080	RECOD	02-09-007	434-261-075	NEW	02-07-029
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434-262-020	AMD	02-07-028	434-334-120	DECOD	02-09-007	458- 20-210	PREP	02-11-123
434-262-150	AMD-P	02-03-134	434-334-125	DECOD	02-09-007	458- 20-217	AMD-X	02-11-044
434-262-150	AMD	02-07-029	434-334-127	DECOD	02-09-007	458- 20-252	PREP	02-06-030
434-332-010	REP-X	02-09-008	434-334-130	DECOD	02-09-007	458- 20-260	AMD-W	02-02-088
434-332-010	REP	02-13-097	434-334-135	DECOD	02-09-007	458- 20-260	AMD-P	02-06-032
434-333-010	RECOD	02-09-007	434-334-140	DECOD	02-09-007	458- 20-265	PREP	02-06-030
434-333-015	RECOD	02-09-007	434-334-145	DECOD	02-09-007	458- 29A-400	PREP	02-08-067
434-333-020	RECOD	02-09-007	434-334-150	DECOD	02-09-007	458- 29A-400	AMD-P	02-13-106
434-333-025	RECOD	02-09-007	434-334-155	DECOD	02-09-007	458- 30-262	AMD	02-03-040
434-333-030	RECOD	02-09-007	434-334-160	DECOD	02-09-007	458- 30-590	AMD	02-03-041
434-333-035	RECOD	02-09-007	434-334-165	DECOD	02-09-007	458- 30-700	NEW	02-05-043
434-333-040	RECOD	02-09-007	434-334-170	DECOD	02-09-007	458- 40-610	PREP	02-08-068
434-333-045	RECOD	02-09-007	434-334-175	DECOD	02-09-007	458- 40-660	PREP	02-06-031
434-333-050	RECOD	02-09-007	456- 09-950	AMD-P	02-09-029	458- 40-660	AMD-P	02-10-136
434-333-055	RECOD	02-09-007	456- 09-950	AMD	02-14-034	458- 40-660	AMD	02-14-019
434-333-060	RECOD	02-09-007	456- 10-750	AMD-P	02-09-029	458- 53-030	PREP	02-06-108
434-333-063	RECOD	02-09-007	456- 10-750	AMD	02-14-034	458- 53-030	AMD-P	02-10-032
434-333-065	RECOD	02-09-007	458- 12-090	REP-P	02-09-020	458- 53-030	AMD	02-14-031
434-333-070	RECOD	02-09-007	458- 12-090	REP-S	02-14-056	458- 53-050	PREP	02-06-108
434-333-075	RECOD	02-09-007	458- 12-135	REP-X	02-09-018	458- 53-050	AMD-P	02-10-032
434-333-082	RECOD	02-09-007	458- 12-135	REP	02-14-011	458- 53-050	AMD	02-14-031
434-333-085	RECOD	02-09-007	458- 12-140	AMD-P	02-09-019	458- 53-090	PREP	02-06-108
434-333-090	RECOD	02-09-007	458- 12-140	AMD	02-14-011	458- 53-090	REP-P	02-10-032
434-333-095	RECOD	02-09-007	458- 12-270	REP-P	02-09-020	458- 53-090	REP	02-14-031
434-333-100	RECOD	02-09-007	458- 12-270	REP-S	02-14-056	458- 53-140	PREP	02-06-108
434-333-105	RECOD	02-09-007	458- 12-275	REP-P	02-09-020	458- 53-140	AMD-P	02-10-032
434-333-110	RECOD	02-09-007	458- 12-275	REP-S	02-14-056	458- 53-140	AMD	02-14-031
434-333-120	RECOD	02-09-007	458- 12-280	REP-P	02-09-020	458- 57-005	PREP	02-12-122
434-333-125	RECOD	02-09-007	458- 12-280	REP-S	02-14-056	458- 57-015	PREP	02-12-122
434-333-127	RECOD	02-09-007	458- 16-115	AMD-P	02-09-020	458- 57-017	PREP	02-12-122
434-333-130	RECOD	02-09-007	458- 16-115	AMD-S	02-14-056	458- 57-025	PREP	02-12-122
434-333-135	RECOD	02-09-007	458- 16-560	PREP	02-07-077	458- 57-035	PREP	02-12-122
434-333-140	RECOD	02-09-007	458- 16-560	NEW-P	02-11-051	458- 57-045	PREP	02-12-122
434-333-145	RECOD	02-09-007	458- 18-220	AMD	02-03-039	460- 10A-215	NEW-P	02-13-050
434-333-150	RECOD	02-09-007	458- 19-005	PREP	02-10-110	460- 12A-010	NEW-P	02-07-027
434-333-155	RECOD	02-09-007	458- 19-010	PREP	02-10-110	460- 12A-010	NEW	02-10-103
434-333-160	RECOD	02-09-007	458- 19-015	PREP	02-10-110	460- 21B-060	AMD-X	02-14-057
434-333-165	RECOD	02-09-007	458- 19-020	PREP	02-10-110	460- 22B-090	AMD-X	02-14-057
434-333-170	RECOD	02-09-007	458- 19-025	PREP	02-10-110	460- 24A-145	AMD-X	02-14-057
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434-334-010	DECOD	02-09-007	458- 19-035	PREP	02-10-110	461- 08-355	AMD	02-06-009
434-334-015	DECOD	02-09-007	458- 19-040	PREP	02-10-110	461- 08-500	AMD	02-06-010
434-334-020	DECOD	02-09-007	458- 19-045	PREP	02-10-110	461- 08-505	AMD	02-06-010
434-334-025	DECOD	02-09-007	458- 19-050	PREP	02-10-110	465- 10-010	NEW-X	02-13-092
434-334-030	DECOD	02-09-007	458- 19-055	PREP	02-10-110	465- 10-020	NEW-X	02-13-092
434-334-035	DECOD	02-09-007	458- 19-060	PREP	02-10-110	465- 10-030	NEW-X	02-13-092
434-334-040	DECOD	02-09-007	458- 19-065	PREP	02-10-110	465- 10-040	NEW-X	02-13-092
434-334-045	DECOD	02-09-007	458- 19-070	PREP	02-10-110	465- 10-050	NEW-X	02-13-092
434-334-050	DECOD	02-09-007	458- 19-075	PREP	02-10-110	465- 10-060	NEW-X	02-13-092
434-334-055	DECOD	02-09-007	458- 19-080	PREP	02-10-110	465- 10-070	NEW-X	02-13-092
434-334-060	DECOD	02-09-007	458- 19-085	PREP	02-10-110	465- 10-080	NEW-X	02-13-092
434-334-063	DECOD	02-09-007	458- 19-550	PREP	02-10-110	465- 10-090	NEW-X	02-13-092
434-334-065	DECOD	02-09-007	458- 20-122	PREP	02-11-123	465- 10-100	NEW-X	02-13-092
434-334-070	DECOD	02-09-007	458- 20-135	PREP	02-11-148	465- 10-110	NEW-X	02-13-092
434-334-075	DECOD	02-09-007	458- 20-151	PREP	02-04-054	465- 10-110	NEW-X	02-13-092
434-334-082	DECOD	02-09-007	458- 20-17803	NEW-E	02-12-063	465- 20-010	NEW-X	02-13-093
434-334-085	DECOD	02-09-007	458- 20-185	PREP	02-13-081	465- 20-020	NEW-X	02-13-093
434-334-090	DECOD	02-09-007	458- 20-185	AMD-E	02-13-082	465- 20-030	NEW-X	02-13-093
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468-38-120	AMD-E	02-10-059	478-117-090	NEW	02-08-023	478-118-060	NEW-P	02-08-066
468-38-120	AMD-P	02-14-024	478-117-100	NEW-P	02-03-085	478-118-070	NEW-E	02-06-042
468-38-390	AMD-P	02-03-049	478-117-100	NEW-E	02-04-087	478-118-070	NEW-P	02-08-066
468-38-390	AMD	02-06-106	478-117-100	NEW	02-08-023	478-118-080	NEW-E	02-06-042
468-300-010	AMD-P	02-05-062	478-117-110	NEW-P	02-03-085	478-118-080	NEW-P	02-08-066
468-300-010	AMD	02-09-010	478-117-110	NEW-E	02-04-087	478-118-090	NEW-E	02-06-042
468-300-020	AMD-P	02-05-062	478-117-110	NEW	02-08-023	478-118-090	NEW-P	02-08-066
468-300-020	AMD	02-09-010	478-117-200	NEW-P	02-03-085	478-118-100	NEW-E	02-06-042
468-300-040	AMD-P	02-05-062	478-117-200	NEW-E	02-04-087	478-118-100	NEW-P	02-08-066
468-300-040	AMD	02-09-010	478-117-200	NEW	02-08-023	478-118-200	NEW-E	02-06-042
468-300-220	AMD-P	02-05-062	478-117-210	NEW-P	02-03-085	478-118-200	NEW-P	02-08-066
468-300-220	AMD	02-09-010	478-117-210	NEW-E	02-04-087	478-118-210	NEW-E	02-06-042
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468-550-030	AMD-P	02-10-020	478-117-220	NEW-P	02-03-085	478-118-220	NEW-E	02-06-042
468-550-030	AMD	02-13-004	478-117-220	NEW-E	02-04-087	478-118-220	NEW-P	02-08-066
468-550-040	AMD-P	02-10-020	478-117-220	NEW	02-08-023	478-118-230	NEW-E	02-06-042
468-550-040	AMD	02-13-004	478-117-230	NEW-P	02-03-085	478-118-230	NEW-P	02-08-066
468-550-050	AMD-P	02-10-020	478-117-230	NEW-E	02-04-087	478-118-240	NEW-E	02-06-042
468-550-060	AMD-P	02-10-020	478-117-230	NEW	02-08-023	478-118-240	NEW-P	02-08-066
468-550-060	AMD	02-13-004	478-117-240	NEW-P	02-03-085	478-118-250	NEW-E	02-06-042
468-550-070	AMD-P	02-10-020	478-117-240	NEW-E	02-04-087	478-118-250	NEW-P	02-08-066
468-550-070	AMD	02-13-004	478-117-240	NEW	02-08-023	478-118-260	NEW-E	02-06-042
468-550-080	AMD-P	02-10-020	478-117-250	NEW-P	02-03-085	478-118-260	NEW-P	02-08-066
468-550-080	AMD	02-13-004	478-117-250	NEW-E	02-04-087	478-118-270	NEW-E	02-06-042
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478-108-010	AMD-E	02-04-087	478-117-260	NEW-P	02-03-085	478-118-280	NEW-E	02-06-042
478-108-010	AMD-E	02-06-042	478-117-260	NEW-E	02-04-087	478-118-280	NEW-P	02-08-066
478-108-010	AMD	02-08-023	478-117-260	NEW	02-08-023	478-118-400	NEW-E	02-06-042
478-108-010	AMD-P	02-08-066	478-117-270	NEW-P	02-03-085	478-118-400	NEW-P	02-08-066
478-108-010	AMD-C	02-13-066	478-117-270	NEW-E	02-04-087	478-118-410	NEW-E	02-06-042
478-116-131	PREP	02-06-045	478-117-270	NEW	02-08-023	478-118-410	NEW-P	02-08-066
478-116-131	AMD-P	02-10-080	478-117-280	NEW-P	02-03-085	478-118-420	NEW-E	02-06-042
478-116-131	AMD-E	02-11-045	478-117-280	NEW-E	02-04-087	478-118-420	NEW-P	02-08-066
478-117-005	NEW-P	02-03-085	478-117-280	NEW	02-08-023	478-118-500	NEW-E	02-06-042
478-117-005	NEW-E	02-04-087	478-117-300	NEW-P	02-03-085	478-118-500	NEW-P	02-08-066
478-117-005	NEW	02-08-023	478-117-300	NEW-E	02-04-087	478-118-510	NEW-E	02-06-042
478-117-010	NEW-P	02-03-085	478-117-300	NEW	02-08-023	478-118-510	NEW-P	02-08-066
478-117-010	NEW-E	02-04-087	478-117-310	NEW-P	02-03-085	478-136-012	AMD	02-06-020
478-117-010	NEW	02-08-023	478-117-310	NEW-E	02-04-087	478-136-015	AMD	02-06-020
478-117-020	NEW-P	02-03-085	478-117-310	NEW	02-08-023	478-136-030	AMD-E	02-03-102
478-117-020	NEW-E	02-04-087	478-117-320	NEW-P	02-03-085	478-136-030	AMD	02-06-020
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478-117-030	NEW-P	02-03-085	478-117-320	NEW	02-08-023	478-160-130	AMD	02-06-021
478-117-030	NEW-E	02-04-087	478-117-400	NEW-P	02-03-085	478-160-140	AMD	02-06-021
478-117-030	NEW	02-08-023	478-117-400	NEW-E	02-04-087	478-160-163	NEW	02-06-021
478-117-040	NEW-P	02-03-085	478-117-400	NEW	02-08-023	478-160-175	AMD	02-06-021
478-117-040	NEW-E	02-04-087	478-117-410	NEW-P	02-03-085	480-14-999	AMD-X	02-12-131
478-117-040	NEW	02-08-023	478-117-410	NEW-E	02-04-087	480-15-999	AMD-X	02-12-131
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478-117-050	NEW-E	02-04-087	478-118	PREP	02-04-037	480-31-999	AMD-X	02-12-131
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478-117-080	NEW-E	02-04-087	478-118-040	NEW-P	02-08-066	480-75-010	REP-P	02-12-132
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480-75-220	NEW-P	02-12-132	480-80-122	NEW	02-11-081	480-100-193	AMD	02-11-081
480-75-223	REP-P	02-12-132	480-80-123	NEW	02-11-081	480-100-194	NEW	02-11-081
480-75-230	REP-P	02-12-132	480-80-124	NEW	02-11-081	480-100-195	NEW	02-11-081
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480-75-250	NEW-P	02-12-132	480-80-130	REP	02-11-081	480-100-198	NEW	02-11-081
480-75-260	NEW-P	02-12-132	480-80-131	NEW	02-11-081	480-100-199	NEW	02-11-081
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480-75-320	NEW-P	02-12-132	480-80-134	NEW	02-11-081	480-100-999	AMD-X	02-12-131
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480-75-360	NEW-P	02-12-132	480-80-143	NEW	02-11-081	480-110-999	NEW-X	02-12-131
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480-75-400	NEW-P	02-12-132	480-80-180	REP	02-11-081	480-120-019	NEW-P	02-12-055
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480-75-440	NEW-P	02-12-132	480-80-202	NEW	02-11-081	480-120-032	REP-P	02-12-055
480-75-450	NEW-P	02-12-132	480-80-203	NEW	02-11-081	480-120-033	REP-P	02-12-055
480-75-460	NEW-P	02-12-132	480-80-204	NEW	02-11-081	480-120-041	REP-P	02-12-055
480-75-500	NEW-P	02-12-132	480-80-205	NEW	02-11-081	480-120-042	REP-P	02-12-055
480-75-510	NEW-P	02-12-132	480-80-206	NEW	02-11-081	480-120-043	REP	02-11-081
480-75-520	NEW-P	02-12-132	480-80-210	REP	02-11-081	480-120-043	REP-P	02-12-055
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480-75-620	NEW-P	02-12-132	480-80-250	REP	02-11-081	480-120-057	REP-P	02-12-055
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480-75-640	NEW-P	02-12-132	480-80-270	REP	02-11-081	480-120-061	AMD-P	02-12-055
480-75-650	NEW-P	02-12-132	480-80-280	REP	02-11-081	480-120-081	REP-P	02-12-055
480-75-660	NEW-P	02-12-132	480-80-280	REP	02-11-081	480-120-087	REP-P	02-12-055
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480-80-015	NEW	02-11-081	480-80-310	REP	02-11-081	480-120-101	REP-P	02-12-055
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480-80-031	NEW	02-11-081	480-80-330	REP	02-11-081	480-120-105	NEW-P	02-12-055
480-80-035	REP	02-11-081	480-80-335	REP	02-11-081	480-120-106	REP-P	02-12-055
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480-80-070	REP	02-11-081	480-90-193	AMD	02-11-081	480-120-123	NEW-P	02-12-055
480-80-080	REP	02-11-081	480-90-194	NEW	02-11-081	480-120-124	NEW-P	02-12-055
480-80-090	REP	02-11-081	480-90-195	NEW	02-11-081	480-120-125	NEW-P	02-12-055
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480-80-101	NEW	02-11-081	480-90-198	NEW	02-11-081	480-120-127	NEW	02-11-080
480-80-102	NEW	02-11-081	480-90-199	NEW	02-11-081	480-120-128	NEW-P	02-12-055
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480-80-104	NEW	02-11-081	480-90-208	AMD-X	02-12-131	480-120-132	NEW-P	02-12-055
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480-120-147	NEW-P	02-12-055	480-120-350	REP-P	02-12-055	504- 15-100	AMD-P	02-11-092
480-120-148	NEW-P	02-12-055	480-120-401	NEW-P	02-12-055	504- 15-100	AMD	02-14-071
480-120-151	REP-P	02-08-081	480-120-402	NEW-P	02-12-055	504- 15-200	AMD-P	02-11-092
480-120-152	REP-P	02-08-081	480-120-411	NEW-P	02-12-055	504- 15-200	AMD	02-14-071
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480-120-161	NEW-P	02-12-055	480-120-436	NEW-P	02-12-055	504- 15-460	AMD-P	02-11-092
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480-120-172	NEW-P	02-12-055	480-120-500	REP-P	02-12-055	504- 15-650	AMD-P	02-11-092
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480-120-174	NEW-P	02-12-055	480-120-510	REP-P	02-12-055	504- 15-810	AMD-P	02-11-092
480-120-193	NEW	02-11-081	480-120-515	REP-P	02-12-055	504- 15-810	AMD	02-14-071
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480-120-263	NEW-P	02-12-055	480-121-065	NEW	02-11-081	504- 25-095	AMD-P	02-11-093
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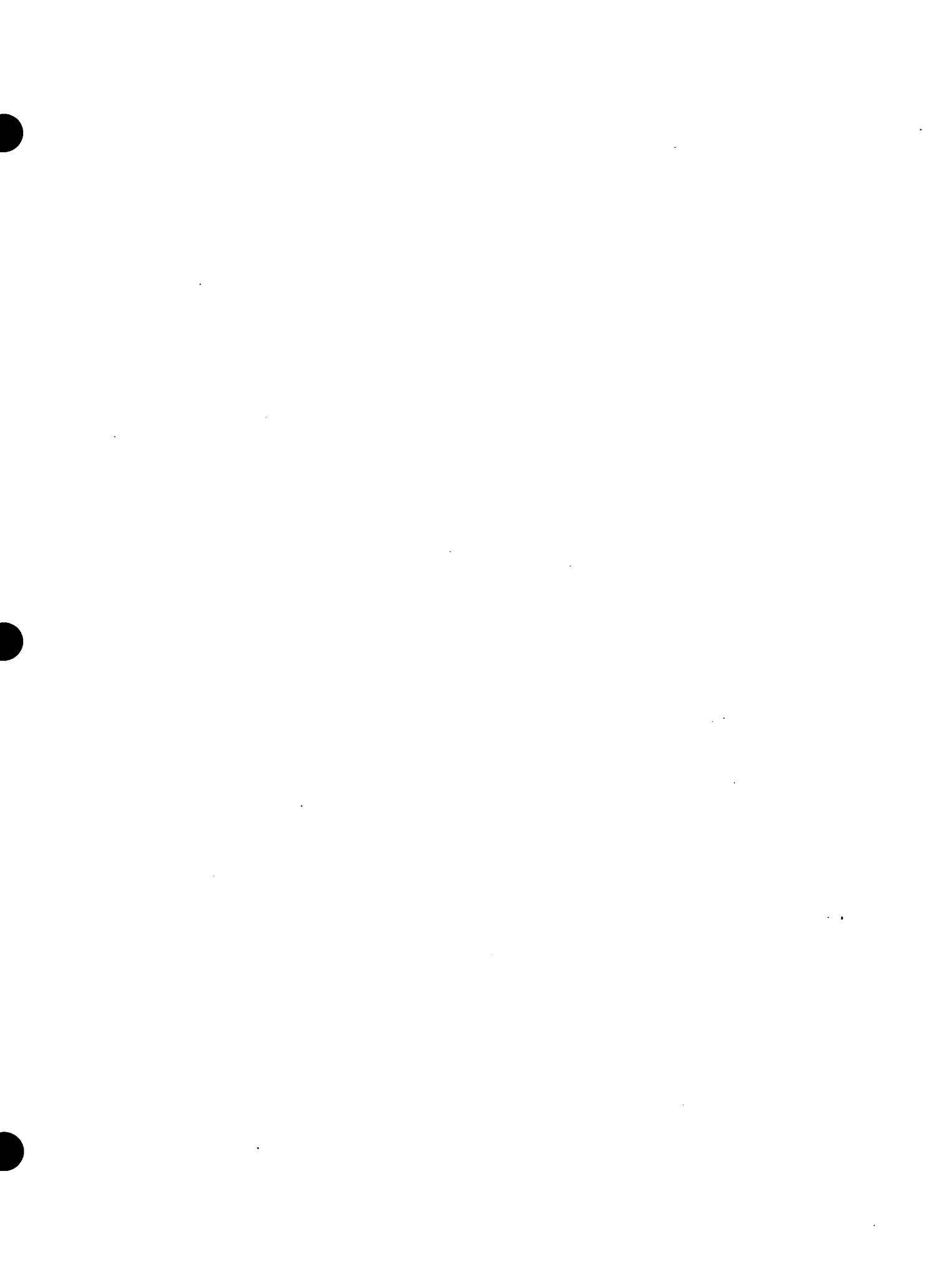
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