

Washington State Register

November 20, 2002

OLYMPIA, WASHINGTON

ISSUE 02-22



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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 November 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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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.

5. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

2002-2003

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS			
<i>For Inclusion in -</i>	<i>File no later than 12:00 noon -</i>			<i>Count 20 days from -</i>	<i>For hearing on or after</i>	<i>First Agency Adoption Date</i>
02 - 15	Jun 26, 02	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 27, 02	Sep 24, 02
02 - 16	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 10, 02	Oct 8, 02
02 - 17	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 24, 02	Oct 22, 02
02 - 18	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 8, 02	Nov 5, 02
02 - 19	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 22, 02	Nov 19, 02
02 - 20	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 16, 02	Nov 5, 02	Dec 3, 02
02 - 21	Sep 25, 02	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 26, 02	Dec 24, 02
02 - 22	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 10, 02	Jan 7, 03
02 - 23	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 24, 02	Jan 22, 03
02 - 24	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 18, 02	Jan 7, 03	Feb 4, 03
03 - 01	Nov 21, 02	Dec 5, 02	Dec 19, 02	Jan 2, 03	Jan 22, 03	Feb 19, 03
03 - 02	Dec 5, 02	Dec 19, 02	Jan 2, 03	Jan 15, 03	Feb 4, 03	Mar 4, 03
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03 - 04	Jan 8, 03	Jan 22, 03	Feb 5, 03	Feb 19, 03	Mar 11, 03	Apr 8, 03
03 - 05	Jan 22, 03	Feb 5, 03	Feb 19, 03	Mar 5, 03	Mar 25, 03	Apr 22, 03
03 - 06	Feb 5, 03	Feb 19, 03	Mar 5, 03	Mar 19, 03	Apr 8, 03	May 6, 03
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03 - 08	Mar 5, 03	Mar 19, 03	Apr 2, 03	Apr 16, 03	May 6, 03	Jun 3, 03
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03 - 19	Aug 20, 03	Sep 3, 03	Sep 17, 03	Oct 1, 03	Oct 21, 03	Nov 18, 03
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03 - 22	Oct 8, 03	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 9, 03	Jan 6, 04
03 - 23	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 23, 03	Jan 20, 04
03 - 24	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 17, 03	Jan 6, 04	Feb 3, 04

¹ All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

² A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³ At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

⁴ A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

When is an SBEIS Required?

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

When is an SBEIS Not Required?

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

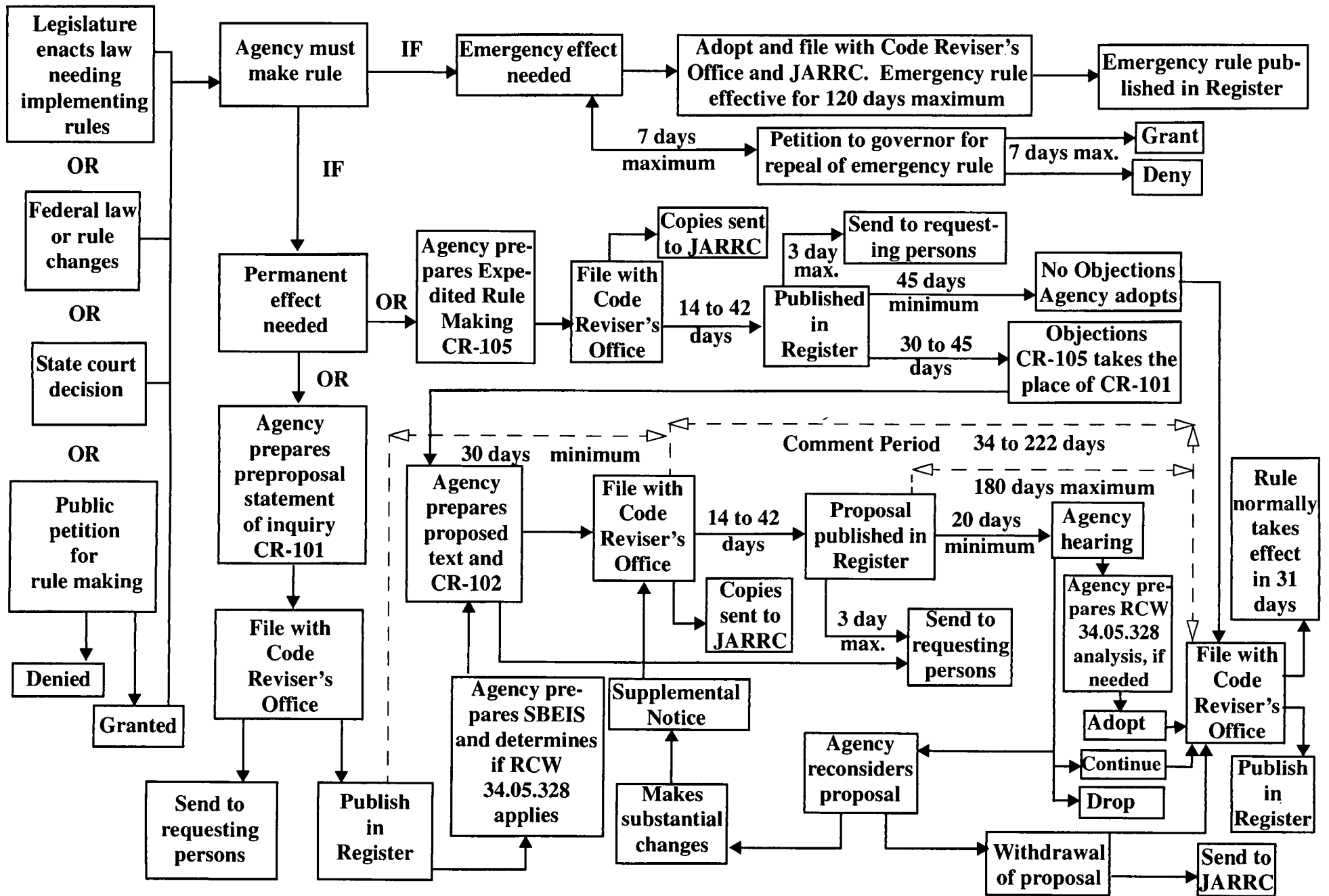
There is less than minor economic impact on business;

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

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 02-22-021
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed October 28, 2002, 11:26 a.m.]

Subject of Possible Rule Making: The Department of Retirement Systems (DRS) may amend or adopt new rules, if needed, related to its processes and procedures upon the death of a member, beneficiary, or retiree.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DRS is examining its internal processes and procedures related to the death of members, beneficiaries, and retirees. A possible outcome may be the amendment or adoption of WACs.

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

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, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

October 25, 2002
 Merry A. Kogut
 Rules Coordinator

WSR 02-22-022
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed October 28, 2002, 11:28 a.m.]

Subject of Possible Rule Making: WAC 260-34-090
 Positive test.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend the WAC on marijuana testing to coincide with the level of our test cups and the private testing facilities.

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

Process for Developing New Rule: Agency study; and industry input and public comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 569-6461.

October 25, 2002
 R. M. Leichner
 Executive Secretary

WSR 02-22-023
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed October 28, 2002, 11:30 a.m.]

Subject of Possible Rule Making: New rule in chapter 260-32 WAC, Jockeys, apprentices and agents.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Specify guidelines controlling the use of communications devices in the jockey's room.

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

Process for Developing New Rule: Agency study; and industry input and public comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461.

October 25, 2002
 R. M. Leichner
 Executive Secretary

WSR 02-22-024
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed October 28, 2002, 11:32 a.m.]

Subject of Possible Rule Making: WAC 260-28-140
 Employment of persons under sixteen.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current chapter is no longer applicable and rules are obsolete.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Labor and Industries, to determine if labor and industries rules better address the issue.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461.

October 25, 2002
R. M. Leichner
Executive Secretary

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461.

October 25, 2002
R. M. Leichner
Executive Secretary

WSR 02-22-025**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed October 28, 2002, 11:34 a.m.]

Subject of Possible Rule Making: Chapter 260-72 WAC, Communications to and from grounds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current chapter is no longer applicable and rules are obsolete.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461.

October 25, 2002
R. M. Leichner
Executive Secretary

WSR 02-22-026**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed October 28, 2002, 11:36 a.m.]

Subject of Possible Rule Making: WAC 260-34-150 Alcohol testing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To allow for the use of a portable breath test instrument in addition to a breath alcohol level verifier.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Patrol's state toxicologist working with Washington State Patrol to establish certification and procedures for the use of a portable breath test.

Process for Developing New Rule: Agency study; and industry input and public comments.

WSR 02-22-030**PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION**

[Docket No. A-021178—Filed October 28, 2002, 3:02 p.m.]

Subject of Possible Rule Making: This CR-101 supplements the preproposal statement of inquiry of October 2, 2002, filed as WSR 02-20-105, as follows:

1. This supplemental CR-101 provides notice that other industries, including auto transportation companies may be affected by rules adopted in this docket; and

2. This filing gives notice that the commission is not proposing that rules adopted in this docket apply to competitive telecommunications companies.

In other respects, the scope of the proceeding identified in the statement at WSR 02-20-105 remains unchanged.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, and 81.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The regulated transportation and utility business environments have undergone a number of significant developments that include corporate and industry restructuring, competition, bankruptcy, financial rating downgrades, volatile commodity supply and demand, volatile pricing, and concern with the accuracy of corporate financial statements and reports. In this new environment, transactions between regulated companies and their affiliates and subsidiaries may significantly impact ratepayers. Transactions with affiliated interests are covered by existing law, but there are no rules specifically covering some types of subsidiaries. Establishing reporting requirements regarding transactions between regulated companies and their subsidiaries would provide the commission with more timely identification and disclosure of intercompany transactions that pose difficult regulatory issues. Establishing rules applicable to regulated companies may include, but not be limited to, the following:

1. Requiring regulated companies to prefile the following transactions with subsidiaries:

- a. Management or service contracts (to be defined).
- b. Maintenance, operation and construction contracts.
- c. Construction, maintenance, or use of a telecommunications line or service contracts.
- d. Issuance of evidence of ownership or indebtedness or creation of liens on regulated company property.

2. Requiring regulated companies to file periodic reports detailing transactions that have already occurred with subsidiaries.

3. Requiring regulated companies to immediately post-file significant transactions/arrangements with subsidiaries.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: FERC, FCC, SEC.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity or additional comments.

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

The commission will have provided notice of the previously-noticed workshop to companies that may be directly affected by the changes proposed herein. In addition, the written-comment date for such companies is extended to **Wednesday, November 27, 2002**. For specific information regarding the procedure for filing written comments and to ensure receipt of further information concerning this rule making, see below.

A stakeholder workshop will be held **Tuesday, November 5, 2002**, in Room 206 at the commission's headquarters, beginning at 9:30 a.m. until 4:30 p.m.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by electronic mail to the Commission's Records Center at records@wutc.wa.gov. Please include:

- The docket number of this proceeding (A-021178).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's website all comments that are provided in electronic format. The website is located at <http://www.wutc.wa.gov/021178>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's website as it becomes available. If you wish to receive further information on this rule making you may: (1) Call the Commission's Records Center at (360) 664-1234; (2) e-mail the commission at records@wutc.wa.gov, or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the commission, please refer to Docket No. A-021178 to ensure that you are

placed on the appropriate service list. Questions may be addressed to Fred Ottavelli, (360) 664-1297 or e-mail at fot-tavel@wutc.wa.gov or Sharyn Bate, (360) 664-1295, or e-mail at sbate@wutc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the Records Center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. A-021178, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. A-021178, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the commission's Internet website at <http://www.wutc.wa.gov/021178>. **IF YOU DO NOT RESPOND, YOU MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ABOUT THE RULE MAKING.**

October 28, 2002

C. Robert Wallis
for Carole J. Washburn
Secretary

WSR 02-22-036

PREPROPOSAL STATEMENT OF INQUIRY UNIVERSITY OF WASHINGTON

[Filed October 29, 2002, 8:44 a.m.]

Subject of Possible Rule Making: WAC 478-132-030
University calendar.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The University of Washington is considering a change to the autumn quarter calendar to provide time at the beginning of autumn quarter for new student orientation and additional time for grading and other end-of-quarter activities prior to the December holidays.

The winter quarter calendar is also being considered for modification to allow at least one day between January 1 and the first day of the quarter.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments or inquiries may be directed to Rebecca Goodwin Deardorff, Director, Administrative Procedures Office, by one of the following routes: United States

mail: University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203; campus mail: Box 355509, e-mail adminpro@u.washington.edu, fax (206) 616-6294.

October 25, 2002

Rebecca Goodwin Deardorff, Director
Administrative Procedures Office

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.

July 10, 2001

Merry A. Kogut
Rules Coordinator

WSR 02-22-056

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

(Medical Assistance Administration)

[Filed October 31, 2002, 3:52 p.m.]

The Medical Assistance Administration (MAA) would like to withdraw the CR-101, preproposal statement of inquiry, filed as WSR 02-07-108, on March 20, 2002. MAA will be filing a new CR-101 on this subject.

Brian Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-22-061

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

[Filed November 1, 2002, 1:26 p.m.]

Subject of Possible Rule Making: WAC 415-108-550 Elected officials—Eligibility and application for retirement service membership and 415-108-560 Appointed officials—Eligibility and application for retirement service membership. Amend WACs to harmonize with recent statutory changes; make housekeeping changes as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), 41.40.023, 41.40.037.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarification is needed regarding the application of RCWs related to elected or appointed officials.

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 (DRS) encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator, below. After the rule(s) is drafted, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy. For more information on how to participate, please

WSR 02-22-071

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

(Medical Assistance Administration)

[Filed November 4, 2002, 11:30 a.m.]

Subject of Possible Rule Making: Amending WAC 388-533-1000 First Steps childcare program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To incorporate into rule the changes that simplify the process for First Steps childcare providers' submission of appropriate forms and claims for payment for providing First Steps childcare to clients' children. To remove children's health as one of the programs clients must be currently eligible under to receive First Steps childcare for their children. As of October 10, 2002, the children's health program is no longer available. Also, to ensure consistency with other DSHS administrations' background check policies with the background check central unit (BCCU) and Washington State Patrol. The rule change will ensure conformity with the list of criminal activities that disqualify a person from providing First Steps childcare under all Department of Social and Health Services (DSHS) applicable programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Both the Department of Health (DOH) and DSHS administer the First Steps program. The First Steps childcare program is located solely in DSHS's Medical Assistance Administration (MAA). On a regular basis, MAA is in contact with the team that manages the First Steps program.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Rules Program Manager, Medical Assistance Administration, Mailstop 45533, Olympia, WA 98504-5533, phone (360) 725-1342, fax (360) 586-

9727, e-mail sayrek@dshs.wa.gov, TDD/TTY 1-800-848-5429.

November 1, 2002
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 02-22-074

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed November 4, 2002, 3:46 p.m.]

Subject of Possible Rule Making: WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.310, 15.49.370(3), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposal is in response to industry request to increase seed certification fees within the fiscal growth rate factor for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains. The fee increases will cover current costs of operating the portion of the seed certification program delegated by the director to the Washington Crop Improvement Association.

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

Process for Developing New Rule: Request from the seed industry and the board of directors of the Washington State Crop Improvement Association.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Graydon Robinson, Program Manager, Washington State Department of Agriculture, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 225-2630, fax (509) 454-4395; or Keith Pfeifer, Manager, Washington State Crop Improvement Association, 414 South 46th Avenue, Yakima, WA 98908, (509) 966-2234, fax (509) 966-2494.

November 4, 2002
 Robert W. Gore
 Assistant Director

WSR 02-22-075

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed November 4, 2002, 3:46 p.m.]

Subject of Possible Rule Making: WAC 16-319-041 Application for certification of forest reproductive material.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.310, 15.49.370(3), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposal is in response to

industry request to increase seed certification fees within the fiscal growth rate factor for forest reproductive material. The fee increases will cover current costs of operating the portion of the seed certification program delegated by the director to the Washington Crop Improvement Association.

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

Process for Developing New Rule: Request from the seed industry and the board of directors of the Washington State Crop Improvement Association.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Graydon Robinson, Program Manager, Washington State Department of Agriculture, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 225-2630, fax (509) 454-4395; or Keith Pfeifer, Manager, Washington State Crop Improvement Association, 414 South 46th Avenue, Yakima, WA 98908, (509) 966-2234, fax (509) 966-2494.

November 4, 2002
 Robert W. Gore
 Assistant Director

WSR 02-22-076

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed November 4, 2002, 3:47 p.m.]

Subject of Possible Rule Making: WAC 16-303-200 Seed program testing fees, 16-303-210 Fees for special seed tests, 16-303-230 Official seed sampling or similar service, 16-303-250 Miscellaneous charges for seed services, 16-303-300 Phytosanitary certification of seed—Fees, 16-303-310 Organization for economic cooperation and development scheme for varietal certification (OECD) fees, 16-303-317 Annual and rough bluegrass quarantine fees, 16-303-320 Certification fees for seed certified by the department except grasses, and 16-303-330 Certification fees for grass seed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.310, 15.49.370(3), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposal is intended to assure that fees charged for seed program services are sufficient to recover operating costs. Seed certification fees, laboratory analysis fees and miscellaneous fees for alfalfa, grass, vegetable and other minor seed crops would be increased by the fiscal growth factor for the fiscal year 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: The fee increase proposal will be developed by the WSDA seed program manager with input from the seed industry through a Seed Program Advisory Committee.

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

lication by contacting Graydon Robinson, Program Manager, Washington State Department of Agriculture, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 225-2630, fax (509) 454-4395.

November 4, 2002
Robert W. Gore
Assistant Director

Development Director, Seattle Community College District VI, 1500 Harvard Avenue, Seattle, WA 98122-3803, phone (206) 587-4151, fax (206) 587-3894.

November 4, 2002
Carin Weiss
Rules Coordinator

WSR 02-22-077
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 5, 2002, 8:12 a.m.]

WITHDRAWAL OF WSR 02-07-082

The department is withdrawing the CR-101 preproposal statement of inquiry that was filed on March 19, 2002, and published in WSR 02-07-082. The subject of possible rule making was "Defining the term 'agent' of the prescriber as it relates to who a pharmacist can accept a verbal prescription from." After meetings with interested parties, it was decided to withdraw the preproposal of inquiry and pursue the subject through a best practice guideline rather than rule making.

Individuals requiring information on this subject should contact Grant Chester, Operations Manager, Health Professions Quality Assurance, Board of Pharmacy, at (360) 236-4838.

M. C. Selecky
Secretary

WSR 02-22-084
PREPROPOSAL STATEMENT OF INQUIRY
SEATTLE COMMUNITY COLLEGES

[Filed November 5, 2002, 2:44 p.m.]

Subject of Possible Rule Making: Appointing authority, board of trustees rules and regulations, rules of procedure for contested case hearing/administrative disputes, and student policies and procedures (chapters 132F-01, 132F-104, 132F-108, and 132F-120 WAC). Possible replacement of chapter 132F-120 WAC with a new chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.100, 28B.50.130, 28B.50.140 and/or 34.05.010(16).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revision of these WAC chapters is needed to update and clarify them to comply with the state Administrative Procedure Act, and for general housekeeping.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cynthia Felice, Community Resource

WSR 02-22-090
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed November 6, 2002, 10:05 a.m.]

Subject of Possible Rule Making: Special restrictions to be placed upon pesticides containing the active ingredient thiamethoxam (Actara). Restrictions may be developed for use of this product when used to treat pome fruits.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington State Department of Agriculture (WSDA) has received several reports of bee kills that appear to be related to the use of Actara (active ingredient - thiamethoxam) in pome fruits. The label restrictions for Actara do not appear to be adequate to prevent the occurrence of additional bee kills. Honey bees are essential for the pollination of pome fruits and need enhanced protection.

Note: If new rules are adopted as a result of this CR-101 the department intends to repeal the rule when WSDA and Syngenta have determined that existing stocks of Actara have been exhausted.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USEPA is responsible or developing restrictions on federal pesticide labels to protect pollinators. WSDA has contacted USEPA regarding the adequacy of label restrictions for Actara, and has discussed the issue with the registrant. WSDA will consider adoption of rules that restrict the use of thiamethoxam in pome fruits if the Actara label is not revised to provide adequate protection of pollinators. In addition EPA has delegated WSDA Pesticide Management Division as the state lead agency for the enforcement of pesticide regulations in Washington state.

Process for Developing New Rule: WSDA is requesting input from beekeepers, tree fruit growers, pesticide dealers and consultants, WSU research and extension personnel, the registrant, and all other interested parties regarding (1) the adequacy of current Actara label restrictions to protect pollinators and (2) the need for WSDA to adopt rules restricting the use of thiamethoxam in pome fruits. If the Actara label is not revised to provide adequate protection of pollinators, then WSDA will form an advisory committee to develop rules restricting the use of Actara in pome fruits. **Note: WSDA is not currently considering any restrictions which would prohibit the use of Actara, rather restrictions are being**

considered which will allow the use of Actara while at the same time provide adequate protection for pollinators.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. For questions contact Erik Johansen, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42589, Olympia, WA 98504-2589, (360) 902-2078, fax (360) 902-2093 or e-mail ejohansen@agr.wa.gov.

Submit comments to Laurie Mauerman, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, e-mail lmauerman@agr.wa.gov.

November 6, 2002

Bob Arrington
Assistant Director

WSR 02-22-091

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed November 6, 2002, 10:06 a.m.]

Subject of Possible Rule Making: Revision of WAC 16-228-1231(2) to add pesticide products labeled only for "home and garden aquatic use for control of mosquito larvae" to the list of products that are exempt from "state restricted use" status.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.58 and 17.21 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The recent discovery of West Nile Virus (a mosquito-borne disease) in Washington and the expectation that additional discoveries will occur next year, has caused a great deal of concern among Washington citizens. There are a number of mosquito control products available for the homeowner to purchase at local retail outlets, but most of these are adulticides. The preferred method of chemical control of mosquitoes is the use of larvacides. Larvacides, however, must be applied to water and, with limited exceptions, products labeled for use in water are "state restricted use," requiring a license to sell, purchase and use the product. WAC 16-228-1231(2) lists those limited exceptions. The proposal would add products labeled **only** for home and garden aquatic use for the control of mosquito larvae as one of these exceptions. The number of products labeled only for this use is small, primarily consisting of products containing bacillus thuringiensis (commonly referred to as Bt.). Nevertheless, it will give the homeowner an added tool to control the vector for West Nile Virus.

Process for Developing New Rule: Work with interested parties to develop specific language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ted Maxwell, Program Manager, Pesticide Management Division, Washington State Department

of Agriculture, P.O. Box 42589, Olympia, WA 98504-2589, fax (360) 902-2093, e-mail at tmaxwell@agr.wa.gov.

November 6, 2002

Bob Arrington
Assistant Director

WSR 02-22-092

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed November 6, 2002, 10:07 a.m.]

Subject of Possible Rule Making: WAC 16-231-107, 16-231-149, Restricted use pesticides—Franklin County.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 17.21, 15.58 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Correct errors: Areas 2B, 4 and 6 should be 2A, 4A and 6 in WAC 16-231-107. In WAC 16-231-149, Area 2 should be 2A.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Environmental Protection Agency. Coordination and communication via established procedures.

Process for Developing New Rule: Agency study; and a rules review was conducted in accordance with the Governor's Executive Order 97-02. Results of this review will be shared with stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Laurie Mauerman, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42560, Olympia, WA 98504-2560, e-mail lmauerman@agr.wa.gov, fax (360) 902-2093.

November 6, 2002

Bob Arrington
Assistant Director

WSR 02-22-093

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed November 6, 2002, 10:08 a.m.]

Subject of Possible Rule Making: Chapter 16-228 WAC, General pesticide rules, modify; add WAC 16-219-010 (Ziram on Bosc pears) to chapter 16-228 WAC; repeal WAC 16-219-016 (Phosdrin); and repeal WAC 16-230-250 through 16-230-290 (Microencapsulated methyl parathion).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 17.21, 15.58 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has conducted a review of the above rule under the provisions of the Governor's Executive Order 97-02.

Minor modifications to the rule include: Updating language and grammar, modify format of section headings, clar-

ify wording and correct spelling and condense or repeal rules (methyl parathion, thallium, phosdrin).

More substantive changes include: Combining rules for dealer record-keeping requirements, changing the license expiration date for consultants, recognizing Canadian certification, prohibit airblast and aerial applications under certain conditions, expand EUP registration, add federal 2(ee) language to state rules and modify record-keeping forms.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Environmental Protection Agency. Coordination and communication via established procedures.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Laurie Mauerman, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42560, Olympia, WA 98504-2560, e-mail lmauerman@agr.wa.gov, fax (360) 902-2093.

November 6, 2002
Bob Arrington
Assistant Director

WSR 02-22-094

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

(Pesticide Management Division)

[Filed November 6, 2002, 10:09 a.m.]

Subject of Possible Rule Making: Rules relating to commercial feeds and processed animal waste products, WAC 16-200-750 through 16-200-950.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.53 RCW, Washington Commercial Feed Law and chapter 34.05 RCW, Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of the department's Executive Order 97-02 rule review process, WAC 16-200-750 through 16-200-950 have been reviewed and will be rewritten in a new WAC chapter (chapter 16-250 WAC, Commercial feed rules) that specifically addresses the needs of the commercial feed industry. This new chapter will:

- Be written in a clear and readable style allowing users to more easily understand and use WSDA commercial feed rules.
- Reflect current commercial feed industry practices.
- Increase the safety of commercial animal feed by incorporating applicable sections of Part 589.2000 of Title 21 of the Code of Federal Regulations (Animal proteins prohibited in ruminant feed).
- Increase the free flow of trade between Washington state and many other states by incorporating applicable parts of the Association of American Feed Control Officials (AAFCO) model regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Food and Drug Administration (FDA) also has responsibility for regulating certain aspects of animal feed. The regional FDA office will be supplied with copies of the proposed rule changes for review and comment.

Process for Developing New Rule: The department's feed advisory committee, American Feed Industry Association (AFIA), National Grain and Feed Association (NGFA), Pet Food Institute (PFI) and FDA representatives have commented on the feed rule. Their comments are being incorporated into the draft rules. The department will make copies of the draft rules available for review and comment to the businesses regulated by them. Finally, members of the public and affected businesses will have an opportunity to comment on the proposed rules at the public hearing and during the public comment period.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ali Kashani, Assistant Program Manager, Feed and Fertilizer Program, phone (360) 902-2028, e-mail akashani@agr.wa.gov; or Neil Lanning, Feed Specialist, phone (360) 902-2052, e-mail nlanning@agr.wa.gov; address and fax for both: Pesticide Management Division, Department of Agriculture, P.O. Box 42589, Olympia, WA 98504-2589, fax (360) 902-2093.

November 6, 2002
Bob Arrington
Assistant Director

WSR 02-22-095

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

[Filed November 6, 2002, 10:14 a.m.]

Subject of Possible Rule Making: Commercial fishing rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A spawning season fishery on herring is developing and rules are needed to conserve the herring resource.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by December 31, 2002, expected proposal filing January 2, 2003.

November 6, 2002
Evan Jacoby
Rules Coordinator

WSR 02-22-096
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 6, 2002, 10:17 a.m.]

Subject of Possible Rule Making: Game management units and boundary descriptions; special closures and firearm restriction areas; game farms and shooting preserves; release and possession of wildlife; rock dove classification; shooting hours.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.12.020, 77.12.570.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provide recreational opportunity.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Assistant Director, Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2504. Contact by December 18, 2002, rule proposal filing expected to be January 2, 2003.

November 5, 2002
Evan Jacoby
Rules Coordinator

WSR 02-22-097
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 6, 2002, 10:17 a.m.]

Subject of Possible Rule Making: Commercial fishing gear rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Purse seine minimum mesh size differs between Alaska and Washington. Dual-licensed fishers may need additional nets to participate in the Washington fishery. A proposal to reduce the minimum size as part of the North of Falcon rule adoption was contested and commission action is needed if such a change is to be made.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-

1091, phone (360) 902-2651. Contact by December 31, 2002, expected proposal filing January 2, 2002 [2003].

November 5, 2002
Evan Jacoby
Rules Coordinator

WSR 02-22-098
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 6, 2002, 10:18 a.m.]

Subject of Possible Rule Making: Commercial fishing rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Certain coastal bottom fish stocks need protection from by-catch in the shrimp trawl fishery. Implementation of fin fish excluder devices will assist in protection of these stocks.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by December 31, 2002, expected proposal filing January 2, 2002 [2003].

November 5, 2002
Evan Jacoby
Rules Coordinator

WSR 02-22-099
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 6, 2002, 10:19 a.m.]

Subject of Possible Rule Making: Commercial fishing rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Walleye pollock are a species taken in midwater trawl. Although they may be seasonally abundant, the fishery has an impact on the Pacific whiting stocks in coastal waters. Rules are needed to allow for pollock fishery while protecting whiting.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by December 31, 2002, expected proposal filing January 2, 2002 [2003].

November 5, 2002

Evan Jacoby

Rules Coordinator

WSR 02-22-100

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF FISH AND WILDLIFE

[Filed November 6, 2002, 10:20 a.m.]

Subject of Possible Rule Making: Commercial fishing rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The abundance of dogfish shark in Washington waters is declining, as evidenced by declining landings. Modification of existing rules is needed to conserve the dogfish shark resource.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by December 31, 2002, expected proposal filing January 2, 2002 [2003].

November 5, 2002

Evan Jacoby

Rules Coordinator

WSR 02-22-101

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF FISH AND WILDLIFE

[Filed November 6, 2002, 10:22 a.m.]

Subject of Possible Rule Making: Commercial fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.50.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is mandated to define geographical boundaries in the Columbia River tributaries to ensure recreational fisheries in the tributaries are not impacted by Columbia River commercial fisheries.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by December 31, 2002, expected proposal filing January 2, 2002 [2003].

November 5, 2002

Evan Jacoby

Rules Coordinator

WSR 02-22-102

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF FISH AND WILDLIFE

[Filed November 6, 2002, 10:23 a.m.]

Subject of Possible Rule Making: Commercial fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.50.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Accounting of salmon harvest requires knowledge of all fish removed from the resource. The current rule disallowing sale of chum salmon eggs without the salmon carcass may need modification to include other species or geographical areas.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by December 31, 2002, expected proposal filing January 2, 2002 [2003].

November 5, 2002

Evan Jacoby

Rules Coordinator

WSR 02-22-103

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF FISH AND WILDLIFE

[Filed November 6, 2002, 10:24 a.m.]

Subject of Possible Rule Making: Invasive aquatic species.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Addition of species and

infested waters will reduce the impact of invasive aquatic species.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Agriculture regulates aquatic plants and will be consulted through the Aquatic Nuisance Species Committee.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by December 31, 2002, expected proposal filing January 2, 2002 [2003].

November 5, 2002

Evan Jacoby

Rules Coordinator

WSR 02-22-104

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed November 6, 2002, 10:26 a.m.]

Subject of Possible Rule Making: Commercial fishing rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Puget Sound state/tribal shellfish management plans require additional logbook detail which has been instituted by emergency rule. Making these requirements permanent will reduce rule making. In-season shrimp management is overly complex because of the lack of uniformity in management area descriptions. Redescribing the management areas will simplify the rules.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by December 31, 2002, expected proposal filing January 2, 2002 [2003].

November 5, 2002

Evan Jacoby

Rules Coordinator

WSR 02-22-105

PREPROPOSAL STATEMENT OF INQUIRY ENERGY FACILITY SITE EVALUATION COUNCIL

[Filed November 6, 2002, 10:32 a.m.]

Subject of Possible Rule Making: Update of Energy Facility Site Evaluation Council (EFSEC) air rules (chapter 463-39 WAC) to be consistent with ecology's new source review (NSR) and prevention of significant deterioration (PSD) programs for air emissions. Clarification of the appeals process for permits issued under chapter 463-39 WAC. This rule-making process is separate, and not linked to EFSEC's rule adoption process regarding "standards" for combustion turbine projects.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.50.040 (1) and (12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: EFSEC proposes to readopt by reference portions of, or adopt new section of chapters 173-400, 173-401, 173-406, and 173-460 WAC promulgated by the Department of Ecology to comply with the state and federal Clean Air Acts and the requirements of the state implementation plan (SIP). Adoption of these rules is required for EFSEC to retain and exercise its delegated authority from the United States Environmental Protection Agency (EPA) to implement state and federal NSR and PSD regulations for facilities under EFSEC jurisdiction. Readoption by reference is also required to allow EFSEC to participate in Washington state's requests to EPA for SIP approval, allowing full implementation of the NSR and PSD programs by ecology, EFSEC, and local air authorities. Changes to the language describing the appeals process for permits issued under chapter 463-39 WAC is needed for clarity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Ecology, EFSEC and local air authorities will submit a state package to the United States Environmental Protection Agency requesting SIP approval. Each agency must demonstrate ability to implement the federal NSR and PSD programs prior to EPA approving the state's SIP. These agencies are coordinating their rule adoption to ensure statewide consistency.

Process for Developing New Rule: EFSEC is coordinating development of its draft rules with ecology and EPA. EFSEC will discuss this rule-making activity at regular EFSEC meetings. EFSEC will issue notices to its interested person mailing list and rule-making lists, and will hold a public hearing prior to adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. EFSEC will distribute this information through surface mail and e-mail to persons on EFSEC mail lists. To be added to these lists, interested persons should send a request to efsec@ep.cted.wa.gov or call (360) 956-2121 stating they wish to be placed on rule-making surface or e-mail lists.

EFSEC will also discuss draft and proposed rules at its executive committee meetings and regular monthly meetings that are open to the public. For dates and locations go to <http://www.efsec.wa.gov/meet.html> or call (360) 956-2121.

For specific information regarding these rules contact
Irina Makarow at (360) 956-2047 or irinam@ep.cted.wa.gov.

November 6, 2002

Allen J. Fiksdal

EFSEC Manager

WSR 02-22-009
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed October 25, 2002, 2:09 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-13-081.

Title of Rule: WAC 458-20-185 Tax on tobacco products.

Purpose: To provide guidance to taxpayers necessary to meet the requirements set forth in chapter 82.26 RCW, Tax on tobacco products.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Statute Being Implemented: Chapter 82.26 RCW.

Summary: This rule explains the provisions of chapter 82.26 RCW, Tax on tobacco products. The rule identifies distributors who must pay the tax, the imposition of the tax, applicable penalties, the books and records that must be kept, and when a credit for previously paid tax may be taken.

Reasons Supporting Proposal: To amend the current rule to reflect changes to the law pursuant to Initiative 773, chapter 325, Laws of 2002, and chapter 420, Laws of 1997.

Name of Agency Personnel Responsible for Drafting: Anne Solwick, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6129; Implementation: Alan R. Lynn, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6125; and Enforcement: Ron Yamamoto, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

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: Chapter 82.26 RCW imposes the tobacco products tax upon distributors of tobacco products. The rule provides pertinent definitions; explains the measure and imposition of the tax; advises taxpayers of their record-keeping obligations; explains penalties applicable to persons who make retail sales of tobacco products and who are also distributors who must pay the tax; and explains available tax credits. The purpose of the rule is to provide guidance to those required to pay the tobacco products tax. The effect of the rule is that those required to pay the tobacco products tax will have a reference to assist them in complying with the law.

The department is proposing amendments to this rule to incorporate provisions of chapter 325, Laws of 2002. This legislation amended chapter 82.26 RCW by adding definitions and adding a new category of person who as a distributor must under certain circumstances pay the tax. Legislative changes are further reflected in the proposed rule's explanation of the imposition of the tax and the penalties that may be applicable for failure to pay the tax.

Additional proposed changes include the following:

- The definition of the tax base, "wholesale sales price," includes language from *United States Tobacco Sales and Marketing Company v. Department of Revenue*, 96 Wn.App.932, 982 P.2d 652 (1999).

- A clarification of when a tax credit for previously taxed product may or may not be taken.
- An explanation of the record-keeping requirements imposed on persons who handle tobacco.
- The addition of a section on enforcement consistent with 1997 legislative changes and the striking of outdated and/or unnecessary information.

Proposal Changes the Following Existing Rules: This proposal is to amend WAC 458-20-185 as explained above.

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

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

Hearing Location: Capitol Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on December 10, 2002, at 9:30 a.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: Anne Solwick, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail annes@dor.wa.gov, by December 10, 2002.

Date of Intended Adoption: December 17, 2002.

October 25, 2002

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 94-10-061, filed 5/3/94, effective 6/3/94)

WAC 458-20-185 Tax on tobacco products. (1) **Introduction.** This ~~((section))~~ rule explains the tax liabilities of persons engaged in business as a retailer, distributor or sub-jobber of tobacco products. ~~((It addresses only those taxes which apply exclusively to tobacco products.))~~ The tax on tobacco products is in addition to all other taxes owed. For example, retailers, distributors, and subjobbers are liable for business and occupation tax on their retailing or wholesaling activities, use tax on tobacco products distributed as samples, and litter tax on the value of the tobacco products. See WAC 458-20-186 for tax liabilities associated with taxes which apply exclusively to cigarettes.

(2) **Definitions.** The following definitions apply to this rule.

(a) "Tobacco products" means all tobacco products except cigarettes as defined in RCW 82.24.010. The term includes:

- (i) Cigars, cheroots, stogies, and periques;
- (ii) Granulated, plug cut, crimp cut, ready rubbed ~~((or)),~~ and other smoking tobacco;
- (iii) Snuff, snuff flour, cavendish, plug~~((s))~~ and twist tobacco, fine-cut, ~~((or))~~ and other chewing tobaccos; and
- (iv) Shorts, refuse scraps, clippings, cuttings~~((s))~~ and sweepings of tobacco, ~~((or))~~ and other kinds ~~((or))~~ and forms

of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

(b) "Manufacturer" means a person who manufactures and sells tobacco products.

(c) "Distributor" means:

(i) Any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from without the state any tobacco products for sale;

(ii) Any person who makes, manufactures, or fabricates tobacco products in this state for sale in this state;

(iii) Any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state, to be sold by those retailers; or

(iv) Any person engaged in the business of selling tobacco products in this state who handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

(d) "Subjobber" means any person, other than a tobacco manufacturer or distributor, who buys tobacco products from a distributor and sells them to persons other than the ultimate consumers.

(e) "Retailer" means any person engaged in the business of selling tobacco products to ultimate consumers.

(f) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person. It includes all gifts by persons engaged in the business of selling tobacco products, for advertising, as a means of evading the provisions of chapter 82.26 RCW, or for any other purposes whatsoever.

(g) "Wholesale sales price" means the established price for which a manufacturer sells tobacco product to the distributor, exclusive of any discount or other reduction.

(i) A wholesale sales price that is an established price must reflect the fair market value of the tobacco products. In the case of affiliated companies which buy and sell from each other, the wholesale sales price must be the fair market value rather than the manufacturer's price to its affiliate.

(ii) The phrase "discount or other reduction" includes any reduction from the established wholesale sales price made to a specific customer or class of customers.

(h) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state.

(i) "Place of business" means any place where tobacco products are sold or where tobacco products are manufactured, stored, or kept for the purpose of sale or consumption, including any vessel, vehicle, airplane, train, or vending machine.

(j) "Retail outlet" means each place of business from which tobacco products are sold to consumers.

(k) "Department" means the department of revenue.

(l) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock

company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. The term excludes any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(m) "Indian country" means the same as defined in WAC 458-20-192.

(3) ~~(Nature)~~ **Rate and measure of tax.** The Washington state tobacco products tax is an excise tax levied on the wholesale sales price on all tobacco products sold, used, consumed, handled, or distributed within the state.

The rate of tax is a combination of statutory percentage rates found in RCW 82.26.020, 82.26.025, and 82.26.028. The tax is to be paid by the distributor at the time the distributor brings or causes to be brought into this state from without the state tobacco products for sale. The total current rate of tax is shown on the current combined excise tax return.

(4) **Imposition of tax.** The tax is imposed once on all tobacco products sold, used, consumed, handled, or distributed within this state.

(a) **When tax is imposed.** The tax is imposed at the time the distributor:

(i) Brings, or causes to be brought, into this state from without the state tobacco products for sale; or

(ii) Makes, manufactures, or fabricates tobacco products in this state for sale in this state; or

(iii) Ships or transports tobacco products to retailers in this state, to be sold by those retailers; or

(iv) Handles for sale any tobacco products that are within this state but upon which tax has not been imposed. For example, a retailer with a place of business in this state purchases for sale tobacco products from an enrolled tribal member of a federally recognized tribe located within Indian country. Because the tax was not imposed on the enrolled tribal member, the retailer must pay the tax.

(b) **Additional occasion when tax may be imposed.** Any retailer who fails to keep invoices as required under chapter 82.32 RCW and which invoices do not conform to the requirements set forth in subsection (5)(b) of this rule is liable for the tax on any uninvoiced tobacco product which that retailer handles for sale.

(c) **When an out-of-state person is a distributor who must pay the tax.** Except as provided in (c)(ii) below, a person located out-of-state who is selling tobacco products to Washington wholesalers from a stock of goods located outside this state is not a distributor and therefore is not liable for the tax.

(i) A person located out-of-state who is selling and shipping tobacco products to Washington retailers from an out-of-state stock of goods is a distributor and is subject to the tax. If the out-of-state person is not required to register and pay taxes in Washington, the retailers to whom it sells must

pay the tax. However, such out-of-state persons may elect to register with the state and pay the tax.

(ii) A person located outside Washington must pay the tax when distributing samples into this state.

(5) **Books and records.** Since the tobacco products tax is paid on returns as computed by the taxpayer rather than by affixing of stamps or decals, the law contains stringent provisions requiring that accurate and complete records be maintained ~~((and preserved for five years for examination by the department of revenue))~~. The records must include all pertinent papers and documents relating to the purchase, sale, or disposition of tobacco products and must be kept for a period of at least five years after the date of the document or the date of the entry appearing in the records.

(a) **Distributors.** Distributors must keep at each registered place of business complete and accurate records for that place of business. The records to be kept by distributors include itemized invoices of tobacco products held, purchased, manufactured, brought in or caused to be brought in from without the state or shipped or transported to retailers in this state, and of all sales ~~((including customers' names and addresses))~~ of tobacco products except retail sales. ~~((All other pertinent papers and documents relating to purchase, sale, or disposition of tobacco products must be retained.))~~ The itemized invoice for each purchase or sale must be legible and must show the seller's name and address, the purchaser's name and address, the date of sale, and all prices and discounts. Itemized invoices must be preserved for five years from the date of sale.

(b) **Retailers and subjobbers.** Retailers and subjobbers must secure ~~((and retain legible and))~~ itemized invoices of all tobacco products purchased ~~((, showing name and address of the seller and the date of purchase))~~. The itemized invoice for each purchase must be legible and must show the seller's name and address, the purchaser's name and address, the date of sale, and all prices and discounts. Itemized invoices must be preserved for five years from the date of sale.

(c) **Warehouses.** Records of all deliveries or shipments (including ownership, quantities) of tobacco products from any public warehouse of first destination in this state must be kept by the warehouse.

~~((5))~~ (6) **Nonpayment of tax by retailers.** If the department finds that any nonpayment of tax by the retailer was willful, penalties and interest shall be assessed in accordance with chapter 82.32 RCW. In the case of a second or plural nonpayment of tax by the retailer, penalties and interest will be assessed in accordance with chapter 82.32 RCW without regard to willfulness.

(a) **Example.** In the course of an audit of Retailer, the department determines that on several occasions Retailer failed to pay the tax. The department does not find the nonpayment to be willful. Retailer owes the tax due on all occasions of nonpayment and the penalties and interest is assessed on all but the first occasion of nonpayment. A few years later Retailer is audited again. The department finds one occasion of nonpayment of tax. In addition to the tax due, penalties and interest will be assessed in accordance with chapter 82.32 RCW.

(b) **Example.** In the course of an audit of Retailer #2, the department determines that on several occasions Retailer #2 failed to pay the tax. The department determines that the nonpayment of tax was willful. In addition to the tax due on all occasions of nonpayment, Retailer #2 owes penalties and interest on all occasions.

(7) **Reports and returns.** The tax is reported on the combined excise tax return ~~((, Form REV 40-2406,))~~ to be filed according to the reporting frequency assigned by the department. Detailed instructions for preparation of these returns may be secured from the department.

Out-of-state wholesalers or distributors selling directly to retailers in Washington should apply for a certificate of registration, and the department will furnish returns for reporting the tax.

~~((6))~~ Retailers, distributors, and subjobbers may be required to file a report with the department in compliance with the provisions of the National Uniform Tobacco Settlement when purchasing tobacco products from certain manufacturers. Please see WAC 458-20-264 and chapter 70.157 RCW.

(8) **Interstate sales and sales to U.S.** The tax does not apply to tobacco products sold to federal government agencies, nor to deliveries to retailers or wholesalers outside the state for resale by such retailers or wholesalers, and a credit may be taken for the amount of tobacco products tax previously paid on such products. RCW 82.26.110. The credit is not available for sales made for delivery outside this state other than sales for resale to retailers or wholesalers. For example, no credit may be taken for a sale of tobacco products delivered to a consumer outside the state.

~~((7))~~ (9) **Returned or destroyed goods.** A credit may also be taken for tobacco products destroyed or returned to the manufacturer on which tax was previously paid ~~((, but returns on which such credits are claimed must be accompanied by))~~. Taxpayers must retain in their records appropriate affidavits or certificates conforming to those illustrated below:

(a) **Certificate of taxpayer.**

Claim for Credit on Tobacco Products
Tax Merchandise Destroyed

The undersigned certifies under penalty of perjury under the laws of the state of Washington that the following is true and correct to the best of his/her knowledge:

That he/she is (Title) of the (Business Name), a dealer in tobacco products; that the dealer has destroyed merchandise unfit for sale, said tobacco products having a wholesale sales price of \$; that tobacco tax had been paid on such tobacco products; that the tobacco products were destroyed in the following manner and in the presence of an authorized agent of the department of revenue:

.....
(State date and manner of destruction)
.....
.....

PROPOSED

PROPOSED

Attested to:
Date

By
Signature of Taxpayer or
Authorized Representative.
.....
Position with Dealer
.....
Dealer
.....
Address of Dealer

**WSR 02-22-028
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed October 28, 2002, 2:59 p.m.]

APPROVED:
.....
Authorized Agent of
Department of Revenue of the
State of Washington.

(b) Certificate of manufacturer.

Claim for Credit on Tobacco Products
Tax Merchandise Returned:

The undersigned certifies under penalty of perjury under the laws of the state of Washington that the following is true and correct to the best of his/her knowledge:

That he/she is (Title) of the (Business Name) , a manufacturer of tobacco products; that the manufacturer has received from (Dealer) , (Address) , a dealer in tobacco products within the State of Washington, certain tobacco products which were unfit for sale, the tobacco products having a wholesale sales price of \$; that the tobacco products were destroyed in the following manner:

.....
(Indicate date and manner of destruction)

Credit issued on Memo No.
credit approved by: Signature of Taxpayer or
Authorized Representative
.....
on behalf of the Department Name of Manufacturer
of Revenue - State of
Washington Address

(10) Enforcement. Pursuant to RCW 82.26.121 and 66.44.010, enforcement officers of the liquor control board may enforce all provisions of the law with respect to the tax on tobacco products. Retailers, distributors, and subjobbers must allow department personnel and enforcement officers of the liquor control board free access to their premises at any time during regular business hours to inspect the tobacco products contained in the premises and to examine the books and records of the business. Failure to allow free access or to hinder or interfere with department personnel and/or enforcement officers of the liquor control board may result in the revocation of the business license.

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-20-091.

Title of Rule: Chapter 296-14 WAC, Industrial insurance (wage calculation).

Purpose: The purpose of the rules is to provide the methods and factors used in calculating the wage for injured workers and crime victims.

Other Identifying Information: **New sections:**

WAC 296-14-520 Why is it important to establish the worker's monthly wage?

- Provides basis for establishing a worker's wage.
WAC 296-14-522 What does the term "wages" mean?
- Provides definition of wages.

WAC 296-14-524 How do I determine whether an employer provided benefit qualifies as "consideration of like nature" to board, housing and fuel?

- Provides guidelines to determine if an employer provided benefit qualifies as "consideration of like nature" to board, housing and fuel under the supreme court ruling in *Cockle*.

WAC 296-14-526 Is the value of "consideration of like nature" always included in determining the worker's compensation?

- Implements the supreme court's *Cockle* decision, for determining when the value of "consideration of like nature" should be included in the worker's monthly wages under RCW 51.08.178.

WAC 296-14-528 How do I determine the value of a benefit that qualifies as "consideration of like nature"?

- Implements the supreme court's *Cockle* ruling for determining the value of "consideration of like nature."

WAC 296-14-530 Is overtime considered in calculating the worker's monthly wage?

- Explains how overtime is taken into consideration under RCW 51.08.178 (1) and (2).

Statutory Authority for Adoption: RCW 51.04.010, 51.04.020.

Statute Being Implemented: RCW 51.08.178.

Summary: In *Cockle v. Dep't of Labor & Indus.*, 142 Wn.2d 801, 16 P.3d 583 (2001) the supreme court ruled that core, nonfringe benefits that are critical to protecting the worker's basic health and survival at the time of injury must be included in the monthly wages of an industrially injured or ill worker under RCW 51.08.178. The proposed rules set forth the department's interpretation of RCW 51.08.178 and the manner by which it will implement the supreme court's decision in *Cockle*.

Name of Agency Personnel Responsible for Drafting: Valerie Grimm, Tumwater, Washington, (360) 902-5005;

Implementation and Enforcement: Georgia Moran/George Pickett, Tumwater, Washington/Olympia, Washington, 902-4300/902-6907.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of state court decision, *Cockle v. Dept. of Labor & Indus.*, 142 Wn.2d 801, 16 P.3d 583 (2001).

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules implement RCW 51.08.178(1) and the supreme court ruling in *Cockle v. Dept. of Labor & Indus.*, 142 Wn.2d 801, 16 P.3d 583 (2001). The court ruled an employer's contribution to core, nonfringe benefits that are objectively critical to protecting the worker's basic health and survival at the time of injury or disease manifestation are "consideration of like nature" to board, housing and fuel. The proposed rules are intended to clarify which employer paid benefits may be included in the worker's wage and improve the public's understanding of the supreme court decision. The purpose of the proposed rules is to ensure consistent, fair, and reasonable calculation of an injured worker's or crime victim's monthly wage.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Washington state supreme court's holding in *Cockle v. Dept. of Labor & Indus.*, 142 Wn.2d 801, 16 P.3d 583 (2001) altered the manner in which the department and self-insured employers interpreted and applied RCW 51.08.178. The proposed rules simply implement the supreme court's decision in *Cockle*. In all other respects, the proposed rules codify the department's longstanding interpretation and implementation of RCW 51.08.178.

RCW 34.05.328 applies to this rule adoption. Currently no rules exist to establish the methods and factors used in determining a worker's wage at the time of injury or on the date of disease manifestation.

Hearing Location: Department of Labor and Industries, Tukwila Office, 12806 Gateway Drive, Seattle, WA 98166-1050, on December 11, 2002, at 10:00 a.m.; and at the Department of Labor and Industries, 7273 Linderson Way S.W., Tumwater, WA 98504, on December 16, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Valerie Grimm by phone (360) 902-5005 or fax (360) 902-4960, TDD 1-800-833-6388.

Submit Written Comments to: Department of Labor and Industries, Valerie Grimm, P.O. Box 44208, Olympia, WA 98504-4208, fax (360) 902-4960, by December 24, 2002.

Date of Intended Adoption: March 19, 2003.

October 28, 2002

Gary Moore
Director

ably reflects workers' lost wages from all employment at the time of injury or date of disease manifestation. This monthly wage, which is calculated using the formulas in RCW 51.08.178, represents the worker's lost earning capacity. This monthly wage is used to calculate the rate of the worker's total disability compensation or beneficiary's survivor benefits under Washington's Industrial Insurance Act.

NEW SECTION

WAC 296-14-522 What does the term "wages" mean? The term "wages" is defined as:

(1) The gross cash wages paid by the employer for services performed. "Cash wages" means payment in cash, by check, by electronic transfer or by other means made directly to the worker before any mandatory deductions required by state or federal law. Tips are also considered wages but only to the extent they are reported to the employer for federal income tax purposes.

(2) Bonuses paid by the employer of record as part of the employment contract in the twelve months immediately preceding the injury or date of disease manifestation.

(3) The reasonable value of board, housing, fuel and other consideration of like nature received from the employer at the time of injury or on the date of disease manifestation that are part of the contract of hire.

Exception: Payments for items other than board, housing, fuel or other consideration of like nature made by the employer to a trust fund or other entity for fringe benefits do not constitute wages.

NEW SECTION

WAC 296-14-524 How do I determine whether an employer provided benefit qualifies as "consideration of like nature" to board, housing and fuel? To qualify as "consideration of like nature" the employer provided benefit must meet all of the following elements:

(1) The benefit must be objectively critical to protecting the worker's basic health and survival at the time of injury or date of disease manifestation.

(a) The benefit must be one that provides a necessity of life at the time of injury or date of disease manifestation without which employees cannot survive a period of even temporary disability.

(b) This is not a subjective determination. The benefit must be one that virtually all employees in all employment typically use to protect their immediate health and survival while employed.

(c) The benefit itself must be critical to protecting the employee's immediate health and survival. The fact that a benefit has a cash value that can be assigned, transferred, or "cashed out" by an employee and used to meet one or more of the employee's basic needs is not sufficient to satisfy this element.

(2) The benefit must be readily identifiable. The general terms and extent of the benefit must be established through the employer's written policies, or the written or verbal employment contract between the employer and worker (for example, a collective bargaining agreement that requires the

PROPOSED

NEW SECTION

WAC 296-14-520 Why is it important to establish the worker's monthly wage? The department or self-insurer is required to establish a monthly wage that fairly and reason-

employer to pay a certain sum for the employee's health insurance).

(3) The monthly amount paid by the employer for the benefit must be reasonably calculable (for example, as part of the employment contract, the employer agrees to pay three dollars for each hour worked by the employee for that person's health insurance).

Examples of benefits that qualify as "consideration of like nature" are medical, dental and vision insurance provided by the employer.

Examples of benefits that do **not** qualify as "consideration of like nature" are retirement benefits or payments into a retirement plan or stock option, union dues and life insurance provided by the employer.

NEW SECTION

WAC 296-14-526 Is the value of "consideration of like nature" always included in determining the worker's compensation? (1) No. The value of other consideration of like nature is only included in the worker's monthly wage if:

(a) The employer, through its full or partial payment, provided the benefit to the worker at the time of injury or on the date of disease manifestation;

(b) The worker received the benefit at the time of injury or on the date of disease manifestation; and

(c) Subsection (1)(b) of this section is satisfied if, at the time of injury or on the date of disease manifestation:

(i) The employer made payments to a union trust fund or other entity for the identified benefit; and

(ii) The worker was actually eligible to receive the benefit.

Example: At the time of the worker's industrial injury, the employer paid two dollars and fifty cents for each hour worked by the employee to a union trust fund for medical insurance on behalf of the employee and her family. If the employee was able to use the medical insurance at the time of her injury, the employer's monthly payment for this benefit is included in the worker's monthly wage, in accordance with (d) of this subsection. This is true even where the worker's eligibility for this medical insurance is based primarily or solely on payments to the trust fund from past employers.

(d) The worker or beneficiary no longer receives the benefit and the department or self-insurer has knowledge of this change.

If the worker continues to receive the benefit from a union trust fund or other entity for which the employer made a financial contribution at the time of injury or on the date of disease manifestation, the employer's monthly payment for the benefit is **not** included in the worker's monthly wage.

Example: An employer contributes two dollars and fifty cents for each hour an employee works into a union trust fund that provides the employee and her family with medical insurance. If the employer stops contributing to this fund, but the worker continues to receive this benefit, the employer's monthly payment for the medical insurance is not included in the worker's monthly wage.

(2) This rule does not permit the department or self-insurer to alter, change or modify a final order establishing

the worker's monthly wage except as provided under RCW 51.28.040.

NEW SECTION

WAC 296-14-528 How do I determine the value of a benefit that qualifies as "consideration of like nature"? The amount paid by the employer for the benefit at the time of injury or on the date of disease manifestation represents the amount that may be included in the worker's monthly wage.

NEW SECTION

WAC 296-14-530 Is overtime considered in calculating the worker's monthly wage? (1) When the worker's monthly wage is computed under RCW 51.08.178(1), only the overtime hours the worker normally works are taken into consideration.

(2) When the worker's monthly wage is computed under RCW 51.08.178(2), the overtime pay is included in determining the worker's wages.

WSR 02-22-033

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF HEALTH

(By the Code Reviser's Office)

[Filed October 29, 2002, 8:13 a.m.]

WAC 246-12-040, proposed by the Department of Health in WSR 02-09-042 appearing in issue 02-09 of the State Register, which was distributed on May 1, 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 02-22-034

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

(By the Code Reviser's Office)

[Filed October 29, 2002, 8:14 a.m.]

WAC 296-800-13030, 296-800-13035 and 296-800-13040, proposed by the Department of Labor and Industries in WSR 02-09-092 appearing in issue 02-09 of the State Register, which was distributed on May 1, 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 02-22-035
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 (By the Code Reviser's Office)
 [Filed October 29, 2002, 8:14 a.m.]

WAC 296-400A-025 and 296-400A-026, proposed by the Department of Labor and Industries in WSR 02-09-096 appearing in issue 02-09 of the State Register, which was distributed on May 1, 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 02-22-041
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY
 [Filed October 29, 2002, 2:38 p.m.]

Continuance of WSR 02-13-124 and 02-16-037.

Title of Rule: Adopt Regulation I, Section 8.06; amend Regulation II, Section 2.09; and adopt Regulation II, Section 2.10.

Purpose: Continue hearing from October 24, 2002 (which was continued from July 25, 2002) to December 19, 2002.

Statutory Authority for Adoption: Chapter 70.94 RCW.
 Statute Being Implemented: RCW 70.94.141.

Hearing Location: Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, on December 19, 2002, at 9:15 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by December 12, 2002, TDD (800) 833-6388 or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, fax (206) 343-7522, by December 9, 2002.

Date of Intended Adoption: December 19, 2002.

October 24, 2002
 John K. Anderson
 Supervisory Engineer

WSR 02-22-043
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed October 30, 2002, 9:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-18-098.

Title of Rule: Amending WAC 388-550-2595 Identification of and payment methodology for services and equipment included in the LTAC fixed per diem rate and 388-550-2596 Services and equipment covered by MAA but not included in the LTAC fixed per diem rate.

Purpose: To clarify existing policy by adding language that states the long term acute care (LTAC) fixed per diem rate includes up to and including two hundred dollars per day in total allowed charges for any combination of pharmacy services that includes prescription drugs, total parental nutrition (TPN) therapy, IV infusion therapy, and/or epo-gen/neupogen therapy. Any combination of these charges after the first two hundred dollars per day is paid using the ratio of costs-to-charges (RCC) payment method.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The rule clarifies existing policy by listing the pharmacy services, up to and including two hundred dollars per day in total allowed charges, that are included in the LTAC fixed per diem rate. MAA uses the ratio of costs-to-charges (RCC) payment method to reimburse total allowed charges for pharmacy services after the first two hundred dollars per day.

Reasons Supporting Proposal: To clarify existing policy by adding language that states which pharmacy services are included in the up to and including two hundred dollars allowed in the LTAC fixed per diem rate.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; Implementation and Enforcement: Larry Linn, P.O. Box 45510, Olympia, WA 98504, (360) 725-1856.

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

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

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

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule and concludes that it will have no more than minor impact upon affected businesses.

RCW 34.05.328 does not apply to this rule adoption. The department has analyzed the proposed rule and determined that it does not meet the definition of a "significant legislative rule" per RCW 34.05.328 (5)(c)(iii). The proposed rule merely clarifies existing policy by adding which pharmacy services are included in the LTAC fixed per diem rate up to and including two hundred dollars per day of total allowed charges. It also clarifies that pharmacy services after the first two hundred dollars per day of total allowed charges are paid using the RCC payment method. A determination of the probable cost and benefits is available from the person listed in Name of Agency Personnel above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on December 10, 2002, at 10:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by December 6, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaa@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 fernaa@dshs.wa.gov, by 5:00 p.m., December 10, 2002.

Date of Intended Adoption: Not sooner than December 11, 2002.

October 28, 2002

Wanda Emmick

for Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-14-162, filed 7/3/02, effective 8/3/02)

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) Pharmacy - Up to and including two hundred dollars per day in total allowed charges for any combination of pharmacy services that includes prescription drugs, total parenteral nutrition (TPN) therapy, IV infusion therapy, and/or epogen/neupogen therapy;
 - (d) Medical/surgical supplies and devices;
 - ~~((d))~~ (e) Laboratory - General;
 - ~~((e))~~ (f) Laboratory - Chemistry;
 - ~~((f))~~ (g) Laboratory - Immunology;
 - ~~((g))~~ (h) Laboratory - Hematology;
 - ~~((h))~~ (i) Laboratory - Bacteriology and microbiology;
 - ~~((i))~~ (j) Laboratory - Urology;
 - ~~((j))~~ (k) Laboratory - Other laboratory services;
 - ~~((k))~~ (l) Respiratory services;
 - ~~((l))~~ (m) Physical therapy;
 - ~~((m))~~ (n) Occupational therapy; and
 - ~~((n))~~ (o) 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).

AMENDATORY SECTION (Amending WSR 02-14-162, filed 7/3/02, effective 8/3/02)

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)) Pharmacy - After the first two hundred dollars per day in total allowed charges for any combination of pharmacy services that includes prescription drugs, total parenteral nutrition (TPN) therapy, IV infusion therapy, and/or epogen/neupogen therapy;~~
 - (b) Radiology services;
 - ~~((e))~~ (c) Nuclear medicine services;
 - ~~((f))~~ (d) Computerized tomographic (CT) scan;
 - ~~((g))~~ (e) Operating room services;
 - ~~((h))~~ (f) Anesthesia services;
 - ~~((i))~~ (g) Blood storage and processing;
 - ~~((j))~~ (h) Blood administration;
 - ~~((k))~~ (i) Other imaging services - Ultrasound;
 - ~~((l))~~ (j) Pulmonary function services;
 - ~~((m))~~ (k) Cardiology services;
 - ~~((n))~~ (l) Recovery room services;
 - ~~((o))~~ (m) EKG/ECG services;
 - ~~((p))~~ (n) Gastro-intestinal services;
 - ~~((q))~~ (o) Inpatient hemodialysis; and
 - ~~((r))~~ (p) 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 02-22-051
PROPOSED RULES
FOREST PRACTICES BOARD

[Filed October 30, 2002, 3:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-17-098.

Title of Rule: The rule chapter undergoing amendment is entitled "Small forest landowner forestry riparian easement program," chapter 222-21 WAC. It contains the process followed by the Department of Natural Resources (DNR) and landowners of small acreages (as described in RCW 76.13-120 (2)(c)) in granting and receiving compensation for trees that may not be harvested under chapter 76.09 RCW and Title 222 WAC.

Purpose: To adopt legislatively directed changes from 2SHB 2311, Washington Laws of 2002.

Other Identifying Information: DNR administers the forestry riparian easement program.

Statutory Authority for Adoption: RCW 76.09.040, chapters 76.13 and 34.05 RCW.

Statute Being Implemented: 2SHB 2311, Washington Laws of 2002.

Summary: The changes implement 2SHB 2311 which, in part, amends chapter 76.13 RCW, Stewardship on nonindustrial forests and woodlands. The statutory amendments make it necessary to amend chapter 222-21 WAC by:

- Eliminating compensation reduction for timber harvest reentry into approved riparian easements, and
- Clarifying the Department of Natural Resources' authority to reimburse small forest landowners for their costs in preparing riparian easements.

Reasons Supporting Proposal: The changes are proposed to make the forestry riparian easement program consistent with 2SHB 2311, and also to provide language clarification and procedural clarification.

Name of Agency Personnel Responsible for Drafting: Gretchen Robinson, 1111 Washington Street S.E., Olympia, (360) 902-1388; **Implementation and Enforcement:** Lenny Young, 1111 Washington Street S.E., Olympia, (360) 902-1744.

Name of Proponent: Forest Practices Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The statutory amendments, which, in part, amend chapter 76.13 RCW, make it necessary to amend chapter 222-21 WAC, Small forest landowner forestry riparian easement program. The WAC amendments also include minor changes for procedural and language clarification.

Proposal Changes the Following Existing Rules: Changes to implement 2SHB 2311: WAC 222-21-010(10), add definition of "reimbursement."

WAC 222-21-010 (13)[(a)](iii), delete the word, "timber" from the term "small timber harvester."

WAC 222-21-045(3), eliminate language about the landowner receiving a reduced compensation for situations where there may be future removal of qualifying timber during the easement term, and add language from legislation that states there shall be no reduction in compensation for reentry.

WAC 222-21-045(3), add language from legislation regarding reimbursement of costs to landowners.

WAC 222-21-050(1), add reimbursement costs to factors of payment to landowners.

Changes for language and procedural clarification: WAC 222-21-030 (3)(b), add reference to section 17 of the Forest Practices Board manual to specify the section where riparian easement program procedures will be described.

WAC 222-21-035(3), spell out the numerals "one" and "two," to clarify mapping specifications.

WAC 222-21-040 [(2)](d), add reference to section 17 of the Forest Practices Board manual to specify the section where riparian easement program procedures will be described.

WAC 222-21-045 (2)(b)(i), eliminate the requirement for landowners to provide scaling bureau log grades information for the valuation of easements.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule making does not impose any costs on businesses. According to RCW 19.85.030 in the Regulatory Fairness Act, an agency shall prepare a small business economic impact statement "if the proposed rule will impose more than minor costs on businesses in any industry." Therefore, the requirement does not apply to this rule amendment.

RCW 34.05.328 does not apply to this rule adoption. The content of these rule amendments to chapter 222-21 WAC are dictated by statute and clarify language of the rule without changing the rule's effect (RCW 34.05.328 [(5)](b)(iv) and (v)). Therefore, this rule is exempt from RCW 34.05.328 analysis.

Hearing Location: Natural Resources Building, 1111 Washington Street S.E., First Floor, Room 172, Olympia, WA 98504, on January 15, 2003, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Forest Practices Division at (360) 902-1400, by January 2, 2003, TDD (360) 902-1125.

Submit Written Comments to: Patricia Anderson, Department of Natural Resources, Forest Practices Division, 1111 Washington Street S.E., P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forest.practices-board@wadnr.gov, by January 15, 2003, 5:00 p.m.

PROPOSED

Date of Intended Adoption: February 19, 2003.

October 25, 2002

Pat McElroy
Chair

AMENDATORY SECTION (Amending WSR 02-05-084, filed 2/20/02, effective 3/23/02)

WAC 222-21-010 Definitions. The following definitions apply to this chapter:

(1) "**Commercially reasonable harvest unit**" means a harvest area that meets the requirements of WAC 222-21-060.

(2) "**Completion of harvest**" means that the trees have been harvested from an area under an approved forest practices application and that further entry into that area by any type of logging or slash treating equipment or method is not expected.

(3) "**Compliance costs**" includes the cost of preparing and recording the easement, and any business and occupation tax and real estate excise tax imposed because of entering into the easement.

(4) "**Danger tree**" means any qualifying timber reasonably perceived to pose an imminent danger to life or improved property.

(5) "**Easement premises**" means the geographic area designated in a forestry riparian easement, including the areas in which qualifying timber is located. Easement premises may be categorized as follows:

(a) **Riparian area easement premises** means riparian areas and areas upon which qualifying timber associated with riparian areas are located.

(b) **Other easement premises** means areas of land required to be left unharvested under rules adopted under RCW 76.09.055 or 76.09.370 including areas upon which other qualifying timber outside riparian areas is located and areas of land upon which uneconomic qualifying timber is located.

(6) "**Forestry riparian easement**" means an easement covering qualifying timber granted voluntarily to the state by a small forest landowner.

(7) "**Hazardous substances**" means hazardous substances as defined in RCW 70.102.010(5), and 70.105D.-020(7), and solid waste as defined in RCW 70.95.030(22).

(8) "**High impact regulatory threshold**" means the threshold where the value of qualifying timber is greater than 19.1% (for timber in Western Washington) or 12.2% (for timber in Eastern Washington) of the value of the harvested timber and qualifying timber under the approved forest practices application covering the qualifying timber.

(9) "**Qualifying timber**" means those trees covered by a forest practices application that the small forest landowner is required to leave unharvested under rules adopted under RCW 76.09.055 or 76.09.370 or that are made uneconomic to harvest by those rules, and for which the small forest landowner is willing to grant the state a forestry riparian easement. Qualifying timber is timber within or bordering a commercially reasonable harvest unit, or timber for which an

approved forest practices application for timber harvest cannot be obtained because of restrictions under these rules. Qualifying timber is categorized as follows:

(a) **Permanent qualifying timber** includes trees that shall not be harvested or damaged or removed from the easement premises during the term of the easement.

(i) Where permanent qualifying timber is in areas in which no harvest may take place, the easement shall describe the boundaries of the areas. No harvest of any tree within this area shall take place during the term of the easement.

(ii) Where permanent qualifying timber is located in areas in which selective harvest may take place, the permanent qualifying timber must be tagged for the duration of the easement.

(b) **Reserve qualifying timber** includes trees that may be harvested and removed but only in compliance with the terms of the easement. Reserve qualifying timber shall be identified separately from the permanent qualifying timber.

(c) **Replacement qualifying timber** includes trees which, in the future, will be substituted for the reserve qualifying timber before the reserve qualifying timber may be harvested or removed from the property. Replacement qualifying timber will be selected from time to time pursuant to the provisions of the easement and will be subject to the terms and protections of the easement.

(d) **Uneconomic qualifying timber** includes trees made uneconomical to harvest. The trees are considered permanent qualifying timber and may not be harvested or otherwise damaged during the term of the easement.

(e) **Other qualifying timber outside riparian areas** includes trees that may not be harvested under forest practices rules adopted under RCW 76.09.055 or 76.09.370 for reasons other than protection of riparian functions. It includes without limitation trees that are unharvestable because of public safety concerns. The trees are considered permanent qualifying timber and may not be harvested or otherwise damaged during the term of the easement.

(10) "**Reimbursement**" means the repayment that the department shall provide to small forest landowners for the actual costs incurred for laying out the streamside buffers and marking the qualifying timber once a contract has been executed for the forestry riparian easement program.

(11) "**Riparian areas**" include the areas designated in a forestry riparian easement. Riparian areas include without limitation all riparian and other special management zones required by the forest practices rules for protection of aquatic resources and includes associated qualifying timber.

((11)) (12) "**Riparian function**" includes bank stability, recruitment of woody debris, leaf litter fall, nutrients, sediment filtering, shade, and other riparian features that are important to both riparian forest and aquatic systems conditions.

((12)) (13) "**Small forest landowner**" means:

(a) A forest landowner meeting all of the following characteristics as of the date a forest practices application is received (see WAC 222-20-010(8)), or the date the landowner provides written notification to the small forest landowner office that the harvest is to begin, for which the forestry riparian easement is associated:

PROPOSED

(i) Is an individual, partnership, corporate, or other non-governmental legal entity. If a landowner grants timber rights to another entity for less than five years, the landowner may still qualify as a small forest landowner under this section;

(ii) Has a fee interest in the land and timber or has rights to harvest the timber to be included in the forestry riparian easement that extend at least fifty years from the date the forest practices application associated with the easement is received;

(iii) Has harvested from its own lands in this state during the three years prior to the year of application an average timber volume that would qualify the forest landowner as a small ~~(timber)~~ harvester under RCW 84.33.035(14); and

(iv) Certifies at the time the forest practices application is received that it does not expect to harvest from its own lands more than the volume allowed by RCW 84.33.035(14) during the ten years following receipt of the application.

(b) A forest landowner whose prior three-year average harvest exceeds the limit of RCW 84.33.035(14), or who expects to exceed this limit during the ten years following receipt of the forest practices application, may still qualify as a small forest landowner if that landowner establishes to the small forest landowner office reasonable satisfaction that the harvest limits were or will be exceeded to raise funds to pay estate taxes or equally compelling and unexpected obligations such as court-ordered judgments or extraordinary med-

ical expenses. (Note: The small forest landowner office will establish a board manual governing these exceptions.)

(c) A landowner may still qualify as a small forest landowner if the landowner is unable to obtain an approved forest practices application for timber harvest for any of his or her land because of restrictions under the forest practices rules adopted under RCW 76.09.055 or 76.09.370.

~~((13))~~ (14) "**Small forest landowner office**" is an office within the department described in RCW 76.13.110, and it shall be a resource and focal point for small landowner concerns and policies and shall have significant expertise regarding the management of small forest holdings and government programs applicable to such holdings, and the forestry riparian easement program.

~~((14))~~ (15) "**Uneconomic to harvest**" means that a harvest area meets the requirements of WAC 222-21-065.

AMENDATORY SECTION (Amending WSR 01-12-042, filed 5/30/01, effective 7/1/01)

WAC 222-21-030 Document standards. (1) **Riparian easement.** The riparian easement document must be substantially in the following form, but may be modified by the small forest landowner office wherever necessary to accomplish the purposes of RCW 76.13.120.

(This version assumes ownership of land and trees)

FORESTRY RIPARIAN EASEMENT

THIS GRANT OF A FORESTRY RIPARIAN EASEMENT is made on this _____ day of _____, 20___, by _____ [a _____ corporation, limited liability company, partnership, limited partnership, limited liability partnership] [husband and wife] [individual][or others as appropriate] having an address at ("Grantor"), to and in favor of the State of Washington, acting by and through the Department of Natural Resources ("Grantee").

1.0 RECITALS AND PURPOSE

1.1 This Easement is intended to implement the goals of the Forest Practices Salmon Recovery Act, ESHB 2091, sections 501 through 504, chapter 4, Laws of 1999 ("Salmon Recovery Act"). The goals include avoiding the further erosion of the small forest landowners' economic viability and willingness or ability to keep the lands in forestry use which would reduce the amount of habitat available for salmon recovery and conservation of other aquatic resources, through the establishment of a forestry riparian easement program to acquire easements from small forest landowners along riparian and other areas of value to the state for protection of aquatic resources.

1.2 This Easement is intended to protect the Qualifying Timber and riparian functions associated with the qualifying timber located on the Easement Premises as provided by the terms of this Easement as set forth in Exhibit B while preserving all lawful uses of the Easement Premises by Grantor consistent with the Easement objectives, and to provide Grantee with the ability to enforce the terms thereof.

1.3 The Easement Premises and Qualifying Timber are located, as described in **Exhibit A**; that the encumbrances, if any, are as set forth in **Exhibit A**; that all Exhibits referenced herein and attachments thereto are incorporated into this Easement as part of this Easement; and that the Grantor wishes to execute this Forestry Riparian Easement.

PROPOSED

2.0 CONVEYANCE AND CONSIDERATION

2.1 In consideration of the mutual covenants contained herein, including without limitation the monetary consideration set forth in subsection 2.2 below, the Grantor does hereby voluntarily warrant and convey to the Grantee a Forestry Riparian Easement under the Salmon Recovery Act, which Easement shall remain in full force and effect from the date hereof until it expires on (month, date, year) [50 years from the date the complete and accurate forest practices application is submitted], which Easement shall consist of the rights and restrictions expressly set forth herein.

2.2 In consideration of this Easement, Grantee shall pay to Grantor the sum of _____ dollars (\$____.00).

IN WITNESS WHEREOF Grantor and Grantee have executed this instrument on the day and year written.

GRANTOR:

_____ Date: _____

By: _____

GRANTEE:

State of Washington

By and Through the Department of
Natural Resources

_____ Date: _____

(Title)

(insert form of acknowledgement, as appropriate)

EXHIBIT A

A1 DESCRIPTION AND LOCATION OF QUALIFYING TIMBER

The Qualifying Timber includes the following categories of trees located within the Easement Premises:

[List the categories relevant to particular Easement, i.e., Permanent, Reserve, Replacement, Uneconomic, or Other Qualifying Timber.] The Qualifying Timber is located as shown in the documentation attached hereto as Attachment A-1.

A2 DESCRIPTION AND LOCATION OF EASEMENT PREMISES

The Easement Premises is [insert description using the standards developed under Section 504(9)(b) of the Salmon Recovery Act including the categories relevant to particular Easement, i.e., Riparian Area and Other Easement Premises] as shown in the documentation attached hereto as Attachment A-2 and is located in [insert legal subdivision/lot, etc., in which the Easement Premises exists.]

A3 BASELINE IDENTIFICATION, DESCRIPTION AND DOCUMENTATION OF PROPERTY, EASEMENT PREMISES AND QUALIFYING TIMBER

The parties agree that the current use, condition of the Easement Premises and the condition of the Qualifying Timber are documented in the inventory of their relevant features and identified in Attachment A-3 ("Baseline Documentation"), and that this documentation provides, collectively, an accurate representation at the time of this grant and is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant.

EXHIBIT B**FORESTRY RIPARIAN EASEMENT TERMS AND CONDITIONS****B1 DEFINITIONS**

The terms used in this Easement, including without limitation the following, are defined by the forest practices rules incorporated in Attachment B-1 to this Exhibit.

"Danger Tree"

"Easement Premises"

"Qualifying Timber"

"Hazard Substances"

"Riparian Areas"

"Riparian Function"

B2 RIGHTS OF GRANTEE *[Subsection B2.4 should be included only for multiple entry Easements.]*****

To accomplish the purposes of this Easement, the following rights are conveyed to Grantee by this Easement:

B2.1 To enforce the terms of this Easement as provided in subsection **B9**.

B2.2 To enter upon the Easement Premises, or to allow Grantee's agents or any experts consulted by Grantee in exercising its rights under this Easement to enter upon the Easement Premises in order to evaluate Grantor's compliance with this Easement, and to otherwise enforce the terms of this Easement.

B2.3 To convey, assign, or otherwise transfer Grantee's interests herein to another agency of the State of Washington, as provided for and limited by Section 504 of the Salmon Recovery Act.

B2.4 Where harvest of Reserve Qualifying Timber is allowed during the term of this Easement, to approve Replacement Qualifying Timber that will be protected by this Easement as provided in subsection **B3.5**.

B3 RESTRICTIONS ON GRANTOR *[Subsection B3.6 should be included only for multiple entry Easements.]*******B3.1 Inconsistent Uses of Riparian Easement Premises**

Any use of, or activity on, the Easement Premises inconsistent with the purposes and terms of this Easement, including without limitation converting to a use incompatible with growing timber, is prohibited, and Grantor acknowledges and agrees that it will not conduct, engage in, or permit any such use or activity.

B3.2 Property Outside the Easement Premises

Grantor may change its use of the property on which the Easement lies to any lawful use. Grantor shall provide Grantee sixty (60) days notice prior to changing the use of the property as a courtesy to Grantee.

B3.3 Qualifying Timber

Grantor shall not engage in any activity which would result in the cutting of Qualifying Timber or the removal of that timber from the Easement Premises, except as provided in this Easement. The parties further agree that use, harvest, and treatment of the Qualifying Timber are restricted according to the forest practices rules in Attachment B-1.

B3.4 Danger Trees and Salvage

Grantor may cut a Danger Tree, which shall be left in place within the Easement Premises or moved by Grantor inside the Easement Premises. Grantor shall notify DNR within seven (7) days that a Danger Tree has been felled. Grantor shall not engage in any activities pertaining to salvage of Qualifying Timber including without limitation blowdown except as provided for in the forest practices rules.

B3.5 Harvest of Reserve Qualifying Timber and Designation of Replacement Qualifying Timber on Riparian Area Easement Premises

Grantor shall not, during the term of this Easement, harvest or remove any Reserve Qualifying Timber except as permitted under the applicable forest practices rules. Grantor shall give Grantee at least thirty (30) days written notice prior to harvest or removal of Reserve Qualifying Timber, except that where a permit or approval is required from any governmental entity, such notice shall be given thirty (30) days before submission of the application for such permit or approval. Grantor shall mark Reserve Qualifying Timber and Replacement Qualifying Timber, where Replacement Qualifying Timber is required, for review by Grantee. Grantor's thirty (30) days written notice to Grantee is effective only after both Reserve Qualifying Timber and Replacement Qualifying Timber (if required) are marked. If Grantee does not object by giving Grantor written notice within thirty (30) days of receipt of Grantor's notice, Grantor may proceed to harvest and remove the Reserve Qualifying Timber. If Grantee does object and gives Grantor written notice thereof within thirty (30) days of receipt of Grantor's notice, Grantor shall not harvest or remove Reserve Qualifying Timber until the objection is resolved. If Reserve Qualifying Timber is to be removed but Replacement Qualifying Timber is required to be left standing for the balance of the term of this Easement, then Grantor shall mark the Replacement Qualifying Timber and, if approved by Grantee, such Timber shall be considered Qualifying Timber under this Easement. A new Exhibit A shall be prepared along with a supplement to this Easement, executed by Grantor and Grantee, and recorded.

B3.6 Multiple Entry Easements

Grantor shall not, during the term of this Easement, make multiple entry harvests except as permitted under the applicable forest practices rules. Grantor shall give Grantee at least thirty (30) days written notice prior to harvest or removal of timber, except that where a permit or approval is required from any government entity, such notice shall be given thirty (30) days before submission of the application for such permit or approval. Grantor shall mark timber to be removed for review by Grantee. Grantor's thirty (30) day written notice to Grantee is effective only after the timber to be removed is marked. If Grantee does not object by giving Grantor written notice within thirty (30) days of receipt of Grantor's notice, Grantor may proceed to harvest. If Grantee does object and gives Grantor notice thereof within thirty (30) days of receipt of Grantor's notice, Grantor shall not harvest until the objection is resolved. Valuation methodology for multiple entry easements shall be in accordance with WAC 222-21-045(3).

B4 RESERVED RIGHTS

Other than specifically provided herein, Grantor is not restricted in its use of the Easement Premises.

B5 PUBLIC ACCESS

No right of public access to or across, or any public use of, the Easement Premises or the property on which it lies is conveyed by this Easement.

B6 COSTS, LIABILITIES, TAXES, AND INDEMNIFICATION**B6.1 Costs, Legal Requirements, and General Liabilities**

Except as is expressly placed on Grantee herein, Grantor retains full responsibility for the Qualifying Timber and Easement Premises. Grantor shall keep the Qualifying Timber and Easement Premises free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor. Grantor remains responsible for obtaining all permits required by law.

B6.2 Taxes and Obligations

Grantor shall remain responsible for payment of taxes or other assessments imposed on the Easement Premises or the Qualifying Timber. Grantor shall furnish Grantee with satisfactory evidence of payment upon request.

B6.3 Hold Harmless**B6.3.a Grantor**

To the extent permitted by law, Grantor hereby releases and agrees to hold harmless, indemnify, and defend Grantee and its employees, agents, and assigns from and against all liabilities, penalties, costs, charges, losses, damages, expenses, causes of action, claims, demands, orders, judgments, or administrative actions, including without limitation reasonable attorneys' fees arising from or in any way connected with: (a) Injury or death of any person or any physical damage to property resulting from any act or omission, or other matter occurring on or relating to the Easement Premises or Qualifying Timber, caused solely by Grantor; (b) a breach by Grantor of its obligations under subsection **B3**; (c) the violation or alleged violation of, or other failure to comply with, any state, federal, or local law or requirement by Grantor in any way affecting, involving, or relating to the Easement Premises or the Qualifying Timber; (d) the release or threatened release onto the Easement Premises of any substance now or hereinafter classified by state or federal law as a hazardous substance or material caused solely by Grantor.

B6.3.b Grantee

To the extent permitted by law, Grantee hereby releases and agrees to hold harmless, indemnify and defend Grantor and its employees, agents, and assigns from and against all liabilities, penalties, costs, charges, losses, damages, expenses, causes of action, claims, demands, orders, judgments or administrative actions, including without limitation reasonable attorneys' fees arising from or in any way connected with: (a) Injury or death of any person or any physical damage to property resulting from any act or omission, or other matter occurring on or relating to the Easement Premises or Qualifying Timber, caused solely by Grantee; or (b) the release or threatened release onto the Easement Premises of any substance now or hereinafter classified by state or federal law as a hazardous substance or material caused solely by Grantee.

B7 SUBSEQUENT TRANSFERS**B7.1 Grantee**

Grantee may assign, convey, or otherwise transfer its interest as evidenced in this Easement, but only to another agency of the State of Washington under any circumstances in which it determines, in its sole discretion, that such transfer is in the best interests of the state. Grantee shall give written notice to Grantor of the same within thirty (30) days of such conveyance, assignment, or transfer (provided that failure to give such notice shall not affect the validity of the assignment, conveyance, or transfer).

B7.2 Grantor

Grantor may assign, convey, or otherwise transfer without restriction its interest in the Easement Premises or the Qualifying Timber identified in Exhibit A hereto. Grantor agrees to incorporate the restrictions of the Easement in any deed or other legal instrument by which Grantor divests itself of all or a portion of its interests in the Easement Premises or Qualifying Timber. Grantor shall give written notice to the Grantee of the assignment, conveyance, or other transfer of all or a portion of its interest in the Easement Premises or the Qualifying Timber within thirty (30) days of such conveyance, assignment, or transfer (provided that failure to give such notice shall not affect the validity of the assignment, conveyance, or transfer).

B7.3 Termination of Grantor's Rights and Obligations

The Grantor's personal rights and obligations under this Easement terminate upon transfer of the Grantor's interest in the property on which the Easement lies or the Qualifying Timber, except that liability under the Easement for acts or omissions occurring prior to transfer shall survive transfer.

B8 DISPUTE RESOLUTION

The parties may at any time by mutual agreement use any nonbinding alternative dispute resolution mechanism with a qualified third party acceptable to Grantor and Grantee. Grantor and Grantee shall share equally the costs charged by the third party. The existence of a dispute between the parties with respect to this Easement, including without limitation the belief by one party that the other party is in breach of its obligations hereunder, shall not excuse either party from continuing to fully perform its obligations under this Easement. The dispute resolution provided for in this subsection is optional, not obligatory, and shall not be required as a condition precedent to any remedies for enforcement of this Easement.

B9 ENFORCEMENT**B9.1 Remedies**

Either party may bring any action in law or in equity in the superior court for the county in which the Easement Premises are located or in Thurston County (subject to venue change under law) to enforce any provision of this Easement, including without limitation, injunctive relief (permanent, temporary, or ex parte, as appropriate) to prohibit a breach of this Easement, enforce the rights and obligations of this Easement, restore Qualifying Timber cut or removed in violation of this Easement or for damages. Grantee may elect to pursue some or all of the remedies provided herein.

B9.1.a Damages and Restoration

If Grantor cuts or removes (or causes another to cut or remove) Qualifying Timber from the Easement Premises in violation of this Easement, Grantee shall be entitled to damages, or restoration. Damages for the cutting of Qualifying Timber or the removal of Qualifying Timber from the Easement Premises in violation of the terms of this Easement may be up to triple stumpage value times the proportion of the original compensation. The maximum amount of damages shall be calculated according to the following formula:

Where:

Sv = The stumpage value of the Qualifying Timber that is cut or removed from the Easement Premises at the time the damage was done;

C = The compensation paid by the state to the Grantor at the time the Easement became effective;

Vq = The original value of Qualifying Timber at the time the Easement became effective as calculated in WAC 222-21-050.

$$\text{Maximum Damages} = 3 * Sv * (C / Vq)$$

In addition the Grantor shall pay interest on the amount of the damages at the maximum interest rate allowable by law.

Grantee's rights to damages under this section shall survive termination. Restoration of Qualifying Timber may include either replanting or replacing trees or both, as determined by Grantee, in its sole discretion, to be appropriate. Replanting shall be by nursery transplant seedlings approved by Grantee with subsequent silvicultural treatment including without limitation weed control and fertilization approved by Grantee. Replacing trees shall be accomplished by designation of replacement trees of the size and species acceptable to Grantee. If replacement trees are designated to replace the Qualifying Timber cut or removed in violation of the terms of this Easement, the designated trees shall be thereafter treated as Qualifying Timber under this Easement.

B9.1.b Injunctive Relief. Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement may be inadequate and that Grantee may be entitled to injunctive relief, both prohibitive and mandatory, in addition to other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of providing either actual damages or the inadequacy of otherwise available legal remedies.

B9.1.c Relationship to Remedies in Other Laws. The remedies provided for in this section are in addition to whatever other remedies the state may have under other laws including without limitation the Forest Practices Act. Nothing in this Easement shall be construed to enlarge, diminish or otherwise alter the authority of the state to administer state law.

B9.2 Costs of Enforcement

The costs, including reasonable attorneys' fees, of enforcing this Easement shall be borne by Grantee unless Grantee prevails in a judicial action to enforce the terms of this Easement, in which case costs shall be borne by Grantor, provided that nothing herein shall make Grantor liable for costs incurred by Grantee in taking enforcement actions pursuant to other state laws.

B9.3 Forbearance/Waiver

Enforcement of this Easement against the Grantor is at the sole discretion of the Grantee, and vice versa. Any forbearance by either party to exercise its rights hereunder in the event of a breach by the other party shall not be deemed a waiver by the forbearing party of the term being breached or of a subsequent breach of that term or any other term or of any other of the forbearing party's rights under this Easement.

B9.4 Waiver of Certain Defenses

Grantor hereby waives any defense of laches, estoppel, or prescription.

B9.5 Acts Beyond Grantor's Control

Nothing herein shall be construed to entitle Grantee to bring any action or claim against Grantor on account of any change in the condition of the Easement Premises or of the Qualifying Timber that was not within Grantor's control, including without limitation fire, flood, storms, insect and disease outbreaks, earth movement, or acts of trespassers, that Grantor could not reasonably have anticipated and prevented, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Easement Premises or Qualifying Timber resulting from such causes. In the event the terms of this Easement are violated by acts of trespassers that Grantor could not reasonably have anticipated or prevented, Grantor agrees, at Grantee's option, to join in any suit, to assign its right of action to Grantee, or to appoint Grantee its attorney in fact, for the purpose of pursuing enforcement action against the responsible parties.

B10 CONSTRUCTION AND INTERPRETATION**B10.1 Controlling Law**

Interpretation and performance of this Easement shall be governed by the laws of the State of Washington.

B10.2 Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purposes of this Easement. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purposes of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid. The parties acknowledge that each has had an opportunity to have this Easement reviewed by an attorney and agree that the terms shall not be presumptively construed against either party.

B10.3 Captions

The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

B11 AMENDMENT

This Easement may be jointly amended. The amendments shall be in writing and signed by authorized representatives. Grantee shall record any such amendments in a timely fashion in the official records of ____ County, Washington. All amendments shall be consistent with the purposes of this Easement.

B12 TERMINATION

Grantee may unilaterally terminate this Easement if it determines, in its sole discretion, that termination is in the best interest of the State of Washington. Grantee shall provide thirty (30) days written notice to Grantor of such termination.

B13 EXTINGUISHMENT

If circumstances arise that render the purpose of this Easement impossible to accomplish, this Easement can only be extinguished, in whole or in part, by mutual agreement of the parties or through judicial proceedings brought by one of the parties. Grantee shall be entitled to the value of the Easement as such value is determined pursuant to forest practices rules governing extinguishment or eminent domain, if no rule for extinguishment exists.

B14 CONDEMNATION

If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, or acquired by purchase in lieu of condemnation, Grantee shall be entitled to compensation in accordance with the forest practices rules.

B15 NOTICE

Notices given pursuant or in relation to this Easement shall be in writing and delivered personally or by first class mail (postage prepaid), addressed as follows:

(a) If to Grantor:

(b) If to Grantee:

Washington State Department of Natural Resources
Small Forest Landowner Office
DNR-Forest Practices Division
P.O. Box 47012
Olympia, WA 98504-7012

If either party's address changes during the term of this Easement, that party shall notify the other party of the change.

Any notice required to be given hereunder is considered as being received: (i) If delivery in person, upon personal receipt by the person to whom it is being given; or (ii) if delivered by first class U.S. mail and properly addressed, three (3) days after deposit into the U.S. mail; or (iii) if sent by U.S. mail registered or certified, upon the date receipt is acknowledged by the recipient.

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B16 RECORDATION

Grantee shall record this instrument in timely fashion in the official records of _____ County, Washington and may rerecord it at any time as may be required to preserve its rights in this Easement.

B17 GENERAL PROVISIONS**B17.1 Severability**

If any provision in this Easement, or the application hereof to any person or circumstance, is found to be invalid, the remainder of this Easement, or the application hereof to other persons or circumstances shall not be affected thereby and shall remain in full force and effect.

B17.2 Entire Agreement

This instrument sets forth the entire agreement of the parties with respect to the Easement. This instrument supersedes all other and prior discussions, negotiations, understandings, or agreements of the parties. No alteration or variation of this instrument shall be binding unless set forth in an amendment to this instrument consistent with subsection **B11**.

B17.3 Successors and Assigns

The covenants, terms, conditions, and restrictions of this Easement shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective successors and assigns and shall continue as a servitude running with the property on which the Easement lies for the term of this Easement set forth in subsection **2.1**.

B17.4 No Forfeiture

Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

B17.5 Counterparts

The parties may execute this instrument in two or more counterparts which shall, in the aggregate, be signed by both parties. Each counterpart shall be deemed an original as against the party that has signed it. In the event of any disparity between counterparts produced, the recorded counterpart shall be controlling.

B17.6 References to Statutes and Rules

Except as otherwise specifically provided, any references in this Easement to any statute or rule shall be deemed to be a reference to such statute or rule in existence at the time the action is taken or the event occurs.

B17.7 Adherence to Applicable Law

Any activity pertaining to or use of the Easement Premises or Qualifying Timber shall be consistent with applicable federal, state, or local law including chapter 76.09 RCW, the Forest Practices Act, chapter 36.70A RCW, the Growth Management Act, chapter 90.58 RCW, the Shoreline Management Act, chapter 75.20 RCW, Construction Projects in State Waters Act ("Hydraulics Code"), the Endangered Species Act (16 U.S.C. Sec. 1531, et seq.), and the Clean Water Act (33 U.S.C. Sec. 1251, et seq.), and rules adopted pursuant to these statutes (including all rules adopted under Section 4(d) of the Endangered Species Act).

(2) **Forestry riparian easement application.** The following items are required for a complete forestry riparian easement application:

- (a) A certification by the small forest landowner that he or she meets the qualifications of a small forest landowner;
- (b) The small forest landowners' timber tax identification number and permission to access harvest information at the department of revenue;
- (c) All forest practices application numbers for the commercially reasonable harvest units and the associated qualifying timber on the property;
- (d) The dates and areas of all planned future harvest entries on the easement premises;
- (e) A preliminary litigation guarantee or similar report from a title company for the tax parcels that contain the easement premises;
- (f) A description of past and current uses of the easement premises;
- (g) Any information not specifically listed that the small forest landowner office needs to evaluate the easement and eligibility of the small forest landowner.

(3) **Baseline documentation.** The baseline documentation must describe the features and current uses on the easement premises and the qualifying timber. The information provided by the small forest landowner in subsection (2) of this section is considered part of the baseline documentation. In addition, the department will provide documentation that includes, but is not limited to:

- (a) Cruise information consistent with the standards and methods in WAC 222-21-040;
- (b) An assessment to determine site condition and potential liabilities associated with the proposed riparian easement (see the board manual ((en)) section 17 for procedures for conducting assessment); and
- (c) A description of the easement consistent with WAC 222-21-035.

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

AMENDATORY SECTION (Amending WSR 01-12-042, filed 5/30/01, effective 7/1/01)

WAC 222-21-035 Description of easement. The easement premises and qualifying timber must be described as follows:

- (1) Range, township, section, and parcel number;
- (2) Forest practice base map of proposed harvest, other forest practice activities and easement;
- (3) 1:400 map of the easement premises indexed either to ((+)) one legal land survey point or ((-)) two geopositional system points; and
- (4) Traverse of the easement premises tied to subsection (3) of this section. (See the board manual section 17 for standards of traverse.)
- (5) Where the department does not have satisfactory access to the easement premises, the landowner must designate the access route on the forest practice application base map.

AMENDATORY SECTION (Amending WSR 01-12-042, filed 5/30/01, effective 7/1/01)

WAC 222-21-040 Timber cruises. (1) This section is designed to establish methods and standards for cruises of qualifying timber for the proposed forestry riparian easements for purposes of establishing the compensation. It applies only to the department, small forest landowners, and the small forest landowner office in connection with the forestry riparian easement program.

(2) The following standards will be used for the timber cruises:

- (a) The purpose of the timber cruise is to determine the volume by species and grade sufficient to value the qualifying timber.
- (b) Additional trees left voluntarily by the small forest landowner may be noted, but are not included in the cruise volume.
- (c) The cruise method will be a 100 percent inventory of qualifying timber on the proposed easement premises. The inventory will include species, diameter class, grade, and any other information necessary to determine valuation of the easement. (See the board manual for specific cruise standards.)

(d) A sampling cruise method may be used for easement premises under certain circumstances. (See the board manual section 17 for standards for sampling cruise method.)

AMENDATORY SECTION (Amending WSR 02-05-084, filed 2/20/02, effective 3/23/02)

WAC 222-21-045 Valuation. (1) This section is designed to establish methods and standards for valuation of forestry riparian easements for purposes of establishing the compensation. It applies only to the department, small forest landowners, and the small forest landowner office in connection with the forestry riparian easement program.

(2) **The small forest landowner office will calculate the fair market value** of the forestry riparian easement as of the date of receipt of the forest practices application associated with the qualifying timber, or the date the landowner provides written notification to the small forest landowner office that the harvest is to begin. Data obtained or maintained by the department of revenue under RCW 84.33.074 and 84.33.091 will be used and adjusted to the applicable date. For easements with an approved forest practices application, the small forest landowner must indicate whether valuation will be calculated using method (a) or (b) of this subsection. Only method (a) of this subsection is available for qualifying timber for which an approved application for timber harvest cannot be obtained because of restrictions under the forest practices rules under WAC 222-21-061. In either method (a) or (b) of this subsection, the time adjustment index will be based on log price changes. The small forest landowner office will determine the specific log species and/or sorts and the log price reporting service to use after consultation with the small forest landowner advisory committee established under RCW 76.13.110(4) and the department of revenue. The small forest landowner office will gen-

erate an index that reflects the time adjustments using information and data obtained from a log price reporting service determined by the department in consultation with the small forest landowner committee.

(a) **Stumpage value determination.** The small forest landowner office will create and maintain value tables to determine stumpage value of the qualifying timber. These tables will be created using a method coordinated with the department of revenue. The values will closely approximate the stumpage value for logs that would be sold in the ordinary course of business for the date of receipt of the forest practices application. The landowner must provide the small forest landowner office with:

(i) The reference for the stumpage value table and any other needed information for use of the table (see the board manual section 17 for details); and

(ii) Any information the small forest landowner would like the department to consider in its cruise and valuation of the qualifying timber.

(b) **Small harvester tax return.** The landowner must provide mill or buyer information to the department on the sale breakdown. This includes:

(i) The volume ((and scaling bureau log grades)) of each species harvested;

(ii) The amount received for each species; and

(iii) The actual harvesting and marketing costs as defined in the department of revenue small harvester instructions.

The price received for the timber is adjusted to the applicable date using the time adjustment index and then the average logging and hauling cost per MBF is subtracted to arrive at the stumpage value. The value of the qualifying timber is determined by multiplying the time adjusted stumpage value of each species in the harvest unit by the net volume for each corresponding species in the inventory of qualifying timber. A residual value approach is used to determine the value of species in the easement, which are not present in the harvest area. The prices for species not present in the harvest unit are based on the delivered log price report approved by the small forest landowner office that corresponds closest to the date of the forest practices application, minus the average logging and hauling costs.

(3) ((Reduced valuation:

~~(a) For an easement that allows one or more harvests of qualifying timber during the term of the easement, a reduced valuation rate will be applied to the values obtained using either method in subsection (2) of this section. The reduced rate adjusts the values for reserve and replacement qualifying timber. The rate is based on the proportionate economic value lost to the small forest landowner from the regulatory requirements and adjusted for future harvest options during the term of the easement.~~

~~(b) The value of the qualifying timber that may be harvested during the term of the easement will be reduced based on the following formula. Variables will include:~~

~~(i) The 29 or more trees in the inner zone;~~

~~(ii) The outer zone leave trees;~~

~~(iii) Other regulatory requirements.~~

$$\text{Reduced valuation rate} = \frac{1 - \left(\frac{1}{(1+I)^N} \right)}{1 - \left(\frac{1}{(1+I)^{50}} \right)}$$

Where:

- I — Is the rate of return on 30-year treasury bills, as reported by the Federal Reserve Statistical Release H15 less the rate of increase in the Consumer Price Index for all urban consumers as published by the U.S. Department of Labor Bureau of Labor Statistics for the previous 12-months less the anticipated rate of growth expected on the portion of the easement subject to reentry, but not less than zero or greater than 6 percent.
- N — The single time limit established by the small forest landowner office.

~~(c) The reduced rate will not be applied to the department of revenue tax data values if the landowner does not intend to reenter the easement area during the length of the 50 year easement. The harvest at the time of the reentry is not required to meet the requirements in WAC 222-21-060 (5) and (6.)~~ **Removal of any qualifying timber before the expiration of the easement must be in accordance with the forest practices rules and the terms of the easement. There shall be no reduction in compensation for reentry.**

AMENDATORY SECTION (Amending WSR 02-05-084, filed 2/20/02, effective 3/23/02)

WAC 222-21-050 Payment of compensation. (1) The compensation offered to the small forest landowner will be 50% of the fair market value of the qualifying timber established under the process described in WAC 222-21-045, plus the compliance and reimbursement costs, subject to the following exceptions:

(a) If the high impact regulatory threshold is exceeded for an area covered by an approved forest practices application, then the compensation offered will be increased to 100% for the value of the qualifying timber where the high impact regulatory threshold is exceeded. Use the following calculation:

Where:

Vq = value of qualifying timber;

Vh = value of harvested timber;

t = high impact of regulatory threshold (19.1% for Western Washington, 12.2% for Eastern Washington);

TV = total value of all timber covered under FPA = Vq + Vh; and

HIO - high impact override = (Vq/TV)-t;

PROPOSED

$$\text{Compensation for easement} = (\text{HIO} * \text{TV}) + \left(\frac{r * \text{TV}}{2} \right)$$

See Section 17 of board manual for example.

(b) All compensation is subject to available funding.

(2) If funding is not available, the small forest landowner office will maintain a priority list for compensation. Priority will be based on (a) date of receipt of forest practice application and (b) date of receipt of completed harvest status questionnaire.

(3) Reimbursement costs for easement layout are subject to the work being acceptable to the department. The small forest landowner office shall determine how the reimbursement costs will be calculated. The small forest landowner office will send the small forest landowner a notice of compensation decision within 60 days of completion of the timber cruise.

(4) Compensation for a forestry riparian easement associated with an approved forest practices application will not be paid until:

(a) The department has documented completion of harvest;

(b) The department has verified that there has been compliance with the rules requiring leave trees in the easement area;

(c) Any dispute over the amount of compensation or eligibility or other matter involving the forestry riparian easement has been resolved; and

(d) The forestry riparian easement has been executed and delivered to the department.

(5) Compensation for a forestry riparian easement for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under these rules adopted under RCW 76.09.055 or 76.09.370 will not be paid until:

(a) The department has verified that there has been compliance with the rules requiring leave trees in the easement area; and

(b) Any dispute over the amount of compensation or eligibility or other matter involving the forestry riparian easement has been resolved; and

(c) The forestry riparian easement has been executed and delivered to the department.

WSR 02-22-053
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed October 31, 2002, 2:39 p.m.]

Original Notice.

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

Title of Rule: WAC 458-40-540 Forest land values—2003.

Purpose: RCW 84.33.120 requires that forest land values be adjusted annually by a statutory formula contained in

RCW 84.33.120(2). County assessors will use these published land values for property tax purposes in 2003.

Statutory Authority for Adoption: RCW 82.32.300, 82.01.060(2), and 84.33.096.

Statute Being Implemented: RCW 84.33.120.

Summary: The proposed rule adjusts the table of forest land values in Washington as required by statute.

Reasons Supporting Proposal: RCW 84.33.120 requires the values provided in this rule be adjusted each year.

Name of Agency Personnel Responsible for Drafting: Ed Ratcliffe, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6126; Implementation and Enforcement: Ron Yamamoto, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-40-540 adjusts the forest land values in accordance with the statutory formula found in RCW 84.33.120(2). County assessors use these land values to assess property tax for 2003.

Proposal Changes the Following Existing Rules: This revises an existing rule, WAC 458-40-540, to recognize that the forest land values are statutorily adjusted to reflect updated values each year. See Explanation of Rule above.

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

RCW 34.05.328 does not apply to this rule adoption. The content/values set in this rule are explicitly and specifically dictated by statute. Such rules are not subject to RCW 34.05.328.

Hearing Location: Department of Revenue, Conference Room, Target Place Building, No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on December 11, 2002, at 10:00 a.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: Ed Ratcliffe, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail edr@dor.wa.gov, by December 11, 2002.

Date of Intended Adoption: December 18, 2002.

October 31, 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 458-40-540 Forest land values—(2003) 2003.
The forest land values, per acre, for each grade of forest land

for the ((2002)) 2003 assessment year are determined to be as follows:

LAND GRADE	OPERABILITY CLASS	((2002))
		2003 VALUES ROUNDED
1	1	((\$227) <u>\$219</u>)
	2	((223) <u>215</u>)
	3	((214) <u>203</u>)
	4	((153) <u>147</u>)
2	1	((192) <u>185</u>)
	2	((185) <u>178</u>)
	3	((178) <u>171</u>)
	4	((128) <u>123</u>)
3	1	((150) <u>144</u>)
	2	((145) <u>140</u>)
	3	((144) <u>139</u>)
	4	((110) <u>106</u>)
4	1	((114) <u>110</u>)
	2	((111) <u>107</u>)
	3	((110) <u>106</u>)
	4	((84) <u>81</u>)
5	1	((83) <u>80</u>)
	2	((76) <u>73</u>)
	3	((75) <u>72</u>)
	4	((51) <u>49</u>)
6	1	((42) <u>40</u>)
	2	((38) <u>37</u>)
	3	((38) <u>37</u>)
	4	((36) <u>35</u>)
7	1	((20) <u>19</u>)
	2	((20) <u>19</u>)
	3	((19) <u>18</u>)
	4	((19) <u>18</u>)
8		1

WSR 02-22-054
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed October 31, 2002, 2:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-17-078.

Title of Rule: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Purpose: To provide taxpayers with stumpage value tables to determine timber excise tax liabilities as required by RCW 84.33.091.

Statutory Authority for Adoption: RCW 82.32.300, 82.01.060(2), and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: The rule contains eight tables of stumpage values. These eight tables represent the areas in the state in which timber is harvested. Each table breaks out the values by timber species, quality, and a downward adjustment for hauling. The rule also contains two harvest adjustment tables for the volume per acre which is harvested, logging conditions, remote island harvesting, damaged timber and thinning. In addition, the rule also contains a domestic market adjustment table for export restricted public timber not sold through a competitive bidding process.

Reasons Supporting Proposal: RCW 84.33.091 requires the values to be updated twice a year. This is the update to be used for the first half of the calendar year 2003.

Name of Agency Personnel Responsible for Drafting: Ed Ratcliffe, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6126; Implementation and Enforcement: Ron Yamamoto, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment of WAC 458-40-660 complies with RCW 84.33.091, which requires the department to publish stumpage values on a semi-annual basis. The tables set out for each stumpage value area the amount that each species or subclassification of timber would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Timber harvesters, other than electing small harvesters and purchasers of public timber, use the tables as a basis for calculating the amount of timber excise tax owed.

Proposal Changes the Following Existing Rules: This is an amendment to an existing rule, WAC 458-40-660. See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required when a legislative rule is being adopted under RCW 34.05.328.

RCW 34.05.328 applies to this rule adoption. This is a significant legislative rule pursuant to RCW 34.05.328 (5)(a)(i).

Hearing Location: Department of Revenue, Conference Room, Target Place Building, No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on December 11, 2002, at 10 a.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: Ed Ratcliffe, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail edr@dor.wa.gov, by December 11, 2002.

Date of Intended Adoption: December 18, 2002.

October 31, 2002

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

PROPOSED

AMENDATORY SECTION (Amending WSR 02-14-019, filed 6/21/02, effective 7/1/02)

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 ((July)) January 1 through ((December 31, 2002)) June 30, 2003:

**((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(3)	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(3)	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

Species Name	Species Code	Quantity	Distance Zone Number	Hauling					
				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	2	243 236 229 222 215	3	211 204 197 190 183	4	195 188 181 174 167
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	3	211 204 197 190 183	4	195 188 181 174 167
Black Cottonwood	BC	1	172 165 158 151 144	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
Other Hardwood	OH	1	708 701 694 687 680	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
Douglas Fir Poles	DFP	1	708 701 694 687 680	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
Western Redcedar Poles	RCP	1	1094 1087 1080 1073 1066	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
Chipwood	CHW	1	1094 1087 1080 1073 1066	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
RC Shake Blocks	RCS	1	303 296 289 282 275	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
RC Shingle Blocks	RCF	1	121 114 107 100 93	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
RC & Other Posts(5)	RCP	1	0.45 0.45 0.45 0.45 0.45	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
DP Christmas Trees(6)	DPX	1	0.25 0.25 0.25 0.25 0.25	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
Other Christmas Trees(6)	TFX	1	0.50 0.50 0.50 0.50 0.50	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167

(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, 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

Species Name	Species Code	Quantity	Distance Zone Number	Hauling					
				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	2	212 205 198 191 184	3	212 205 198 191 184	4	212 205 198 191 184
Ponderosa Pine	PP	1	347 340 333 326 319	2	212 205 198 191 184	3	212 205 198 191 184	4	212 205 198 191 184
Western Redcedar(3)	RC	1	602 595 588 581 574	2	212 205 198 191 184	3	212 205 198 191 184	4	212 205 198 191 184
Western Hemlock and Other Conifer(4)	WH	1	277 270 263 256 249	2	212 205 198 191 184	3	212 205 198 191 184	4	212 205 198 191 184
Red Alder	RA	1	294 287 280 273 266	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
Black Cottonwood	BC	1	172 165 158 151 144	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
Other Hardwood	OH	1	708 701 694 687 680	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
Douglas Fir Poles	DFP	1	708 701 694 687 680	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
Western Redcedar Poles	RCP	1	1094 1087 1080 1073 1066	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
Chipwood	CHW	1	1094 1087 1080 1073 1066	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
RC Shake Blocks	RCS	1	303 296 289 282 275	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
RC Shingle Blocks	RCF	1	121 114 107 100 93	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
RC & Other Posts(5)	RCP	1	0.45 0.45 0.45 0.45 0.45	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
DP Christmas Trees(6)	DPX	1	0.25 0.25 0.25 0.25 0.25	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167
Other Christmas Trees(6)	TFX	1	0.50 0.50 0.50 0.50 0.50	2	249 242 235 228 221	3	211 204 197 190 183	4	195 188 181 174 167

(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, as "White Fir."
 (5) Stumpage value per 8 lineal feet or portion thereof.
 (6) Stumpage value per lineal foot.

TABLB-6—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 2002

Species Name	Timber		Species Code	Code Number	Quality	Distance/Zone Number	Hauling		
	Stumpage Value	Log Scale							
Douglas Fir(2)	1	2	DF	1	\$279	\$272	\$265	\$258	\$251
Lodgepole Pine	1	2	LP	1	192	185	178	171	164
Ponderosa Pine	1	2	PP	1	347	340	333	326	319
Western Redcedar(3)	1	2	RC	1	467	460	453	446	439
True Firs and Spruce(4)	1	2	WH	1	181	174	167	160	153
Western White Pine	1	2	WP	1	392	385	378	371	364
Hardwoods	1	2	OH	1	50	43	36	29	22
Western Redcedar Poles	1	2	RCB	1	516	509	502	495	488
Small Logs	1	2	SML	1	24	23	22	21	20
Red Alder	1	2	RA	1	294	287	280	273	266
Black Cottonwood	1	2	BC	1	1	1	1	1	1
Other Hardwood	1	2	OH	1	172	165	158	151	144
Douglas Fir Poles	1	2	DPL	1	708	701	694	687	680
Western Redcedar Poles	1	2	RCB	1	1094	1087	1080	1073	1066
Chipwood	1	2	CHW	1	1	1	1	1	1
RC Shake Blocks	1	2	RCS	1	303	296	289	282	275
RC Single Blocks	1	2	RCF	1	121	114	107	100	93
RC & Other Posts(5)	1	2	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(6)	1	2	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(6)	1	2	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. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
(7) Stumpage value per lineal foot.

TABLB-5—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 2002

Species Name	Timber		Species Code	Code Number	Quality	Distance/Zone Number	Hauling		
	Stumpage Value	Log Scale							
Douglas Fir(2)	1	2	DF	1	\$454	\$447	\$440	\$433	\$426
Lodgepole Pine	1	2	LP	1	192	185	178	171	164
Ponderosa Pine	1	2	PP	1	347	340	333	326	319
Western Redcedar(3)	1	2	RC	1	602	595	588	581	574
Western Hemlock and Other Conifer(4)	1	2	WH	1	277	270	263	256	249
Hardwoods	1	2	OH	1	50	43	36	29	22
Western Redcedar Poles	1	2	RCB	1	516	509	502	495	488
Small Logs	1	2	SML	1	24	23	22	21	20
Red Alder	1	2	RA	1	294	287	280	273	266
Black Cottonwood	1	2	BC	1	1	1	1	1	1
Other Hardwood	1	2	OH	1	172	165	158	151	144
Douglas Fir Poles	1	2	DPL	1	708	701	694	687	680
Western Redcedar Poles	1	2	RCB	1	1094	1087	1080	1073	1066
Chipwood	1	2	CHW	1	1	1	1	1	1
RC Shake Blocks	1	2	RCS	1	303	296	289	282	275
RC Single Blocks	1	2	RCF	1	121	114	107	100	93
RC & Other Posts(5)	1	2	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(6)	1	2	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(6)	1	2	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. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
(7) Stumpage value per lineal foot.

TABLE 8—Stampage Value Table
Stampage Value Area 10
July 1 through December 31, 2002

Species	Name	Code	Quality	Distance	Zone	Number	Stampage Values per Thousand Board Feet Net Scribner Log Scale (1)							
							1	2	3	4	5			
Douglas Fir (2)	Douglas Fir	DF	+	\$519	\$512	\$505	\$498	\$491	2	422	415	408	401	394
									3	394	387	380	373	366
Lodgepole Pine	Lodgepole Pine	LP	+	192	185	178	171	164	4	370	363	356	349	342
									3	394	387	380	373	366
Ponderosa Pine	Ponderosa Pine	PP	+	347	340	333	326	319	2	212	205	198	191	184
									3	224	217	210	203	196
Western Redcedar (3)	Western Redcedar	RC	+	588	581	574	567	560	2	226	219	212	205	198
									3	224	217	210	203	196
Western Hemlock and Other Conifer (4)	Western Hemlock and Other Conifer	WH	+	263	256	249	242	235	2	226	219	212	205	198
									3	224	217	210	203	196
Red Alder	Red Alder	RA	+	280	273	266	259	252	2	235	228	221	214	207
									4	209	202	195	188	181
Black Cottonwood	Black Cottonwood	BC	+	+	+	+	+	+	2	235	228	221	214	207
									4	209	202	195	188	181
Other Hardwood	Other Hardwood	OH	+	158	151	144	137	130	2	226	219	212	205	198
									3	224	217	210	203	196
Douglas Fir Poles	Douglas Fir Poles	DFP	+	694	687	680	673	666	2	226	219	212	205	198
									3	224	217	210	203	196
Western Redcedar Poles	Western Redcedar Poles	RCP	+	1080	1073	1066	1059	1052	2	235	228	221	214	207
									4	209	202	195	188	181
Chipwood	Chipwood	CHW	+	+	+	+	+	+	2	235	228	221	214	207
									4	209	202	195	188	181
RC Shake Blocks	RC Shake Blocks	RCS	+	303	296	289	282	275	2	235	228	221	214	207
									4	209	202	195	188	181
RC Shingle Blocks	RC Shingle Blocks	RCF	+	121	114	107	100	93	2	235	228	221	214	207
									4	209	202	195	188	181
RC & Other Posts (5)	RC & Other Posts	RCP	+	0.45	0.45	0.45	0.45	0.45	2	235	228	221	214	207
									4	209	202	195	188	181
DP Christmas Trees (6)	DP Christmas Trees	DPX	+	0.25	0.25	0.25	0.25	0.25	2	235	228	221	214	207
									4	209	202	195	188	181
Other Christmas Trees (6)	Other Christmas Trees	FPX	+	0.50	0.50	0.50	0.50	0.50	2	235	228	221	214	207
									4	209	202	195	188	181

(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) Stampage value per lineal foot or portion thereof.
(6) Stampage value per lineal foot.

TABLE 7—Stampage Value Table
Stampage Value Area 7
July 1 through December 31, 2002

Species	Name	Code	Quality	Distance	Zone	Number	Stampage Values per Thousand Board Feet Net Scribner Log Scale (1)							
							1	2	3	4	5			
Douglas Fir (2)	Douglas Fir	DF	+	\$290	\$283	\$276	\$269	\$262	2	230	223	216	209	202
									3	374	367	360	353	346
Ponderosa Pine	Ponderosa Pine	PP	+	303	296	289	282	275	2	467	460	453	446	439
									3	467	460	453	446	439
Western Redcedar (3)	Western Redcedar	RC	+	467	460	453	446	439	2	219	212	205	198	191
									3	219	212	205	198	191
True Firs and Spruce (4)	True Firs and Spruce	WH	+	392	385	378	371	364	2	50	43	36	29	22
									3	50	43	36	29	22
Hardwoods	Hardwoods	OH	+	50	43	36	29	22	2	516	509	502	495	488
									3	516	509	502	495	488
Western Redcedar Poles	Western Redcedar Poles	RCP	+	18	17	16	15	14	2	226	219	212	205	198
									3	224	217	210	203	196
Small Logs	Small Logs	SML	+	18	17	16	15	14	2	235	228	221	214	207
									4	209	202	195	188	181
Chipwood	Chipwood	CHW	+	+	+	+	+	+	2	235	228	221	214	207
									4	209	202	195	188	181
RC Shake & Shingle Blocks	RC Shake & Shingle Blocks	RCP	+	92	85	78	71	64	2	0.35	0.35	0.35	0.35	0.35
									3	0.35	0.35	0.35	0.35	0.35
LP & Other Posts (5)	LP & Other Posts	LPP	+	0.25	0.25	0.25	0.25	0.25	2	0.25	0.25	0.25	0.25	0.25
									3	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees (6)	Pine Christmas Trees	PX	+	0.25	0.25	0.25	0.25	0.25	2	0.25	0.25	0.25	0.25	0.25
									3	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees (7)	Other Christmas Trees	DPX	+	0.25	0.25	0.25	0.25	0.25	2	0.25	0.25	0.25	0.25	0.25
									3	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) Stampage value per lineal foot or portion thereof.
(6) Stampage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
(7) Stampage value per lineal foot.

PROPOSED

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 January 1 through June 30, 2003

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	\$395	\$388	\$381	\$374	\$367
		2	395	388	381	374	367
		3	371	364	357	350	343
		4	355	348	341	334	327
Western Redcedar ⁽²⁾	RC	1	638	631	624	617	610
Western Hemlock and Other Conifer ⁽³⁾	WH	1	333	326	319	312	305
		2	237	230	223	216	209
		3	234	227	220	213	206
		4	234	227	220	213	206
Red Alder	RA	1	310	303	296	289	282
		2	269	262	255	248	241
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	683	676	669	662	655
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
 January 1 through June 30, 2003

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	\$395	\$388	\$381	\$374	\$367
		2	389	382	375	368	361
		3	378	371	364	357	350
		4	367	360	353	346	339
Western Redcedar ⁽²⁾	RC	1	638	631	624	617	610
Western Hemlock and Other Conifer ⁽³⁾	WH	1	333	326	319	312	305
		2	247	240	233	226	219
		3	240	233	226	219	212
		4	240	233	226	219	212
Red Alder	RA	1	310	303	296	289	282
		2	269	262	255	248	241
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	683	676	669	662	655
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.

PROPOSED

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 January 1 through June 30, 2003

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	\$395	\$388	\$381	\$374	\$367
		2	383	376	369	362	355
		3	335	328	321	314	307
		4	227	220	213	206	199
Western Redcedar ⁽³⁾	RC	1	638	631	624	617	610
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	333	326	319	312	305
		2	264	257	250	243	236
		3	248	241	234	227	220
		4	221	214	207	200	193
Red Alder	RA	1	310	303	296	289	282
		2	269	262	255	248	241
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	683	676	669	662	655
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
 January 1 through June 30, 2003

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	\$405	\$398	\$391	\$384	\$377
		2	405	398	391	384	377
		3	384	377	370	363	356
		4	369	362	355	348	341
Lodgepole Pine	LP	1	167	160	153	146	139
Ponderosa Pine	PP	1	332	325	318	311	304
		2	188	181	174	167	160
Western Redcedar ⁽³⁾	RC	1	638	631	624	617	610
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	333	326	319	312	305
		2	275	268	261	254	247
		3	253	246	239	232	225
		4	242	235	228	221	214
Red Alder	RA	1	310	303	296	289	282
		2	269	262	255	248	241
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	683	676	669	662	655
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.

PROPOSED

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 January 1 through June 30, 2003

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	\$402	\$395
		2	401	394	387	380	373
		3	375	368	361	354	347
		4	340	333	326	319	312
Lodgepole Pine	LP	1	167	160	153	146	139
Ponderosa Pine	PP	1	332	325	318	311	304
		2	188	181	174	167	160
Western Redcedar ⁽³⁾	RC	1	638	631	624	617	610
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	333	326	319	312	305
		2	239	232	225	218	211
		3	239	232	225	218	211
		4	239	232	225	218	211
Red Alder	RA	1	310	303	296	289	282
		2	269	262	255	248	241
Black Cottonwood	BC	1	1	1	1	1	1
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	683	676	669	662	655
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
 January 1 through June 30, 2003

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	\$280	\$273
Lodgepole Pine	LP	1	167	160	153	146	139
Ponderosa Pine	PP	1	332	325	318	311	304
		2	188	181	174	167	160
Western Redcedar ⁽³⁾	RC	1	505	498	491	484	477
True Firs and Spruce ⁽⁴⁾	WH	1	159	152	145	138	131
Western White Pine	WP	1	420	413	406	399	392
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	25	24	23	22	21
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.

PROPOSED

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
 January 1 through June 30, 2003

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	\$301	\$294	\$287	\$280	\$273
Lodgepole Pine	LP	1	245	238	231	224	217
Ponderosa Pine	PP	1	369	362	355	348	341
		2	298	291	284	277	270
Western Redcedar ⁽³⁾	RC	1	505	498	491	484	477
True Firs and Spruce ⁽⁴⁾	WH	1	238	231	224	217	210
Western White Pine	WP	1	420	413	406	399	392
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	19	18	17	16	15
Chipwood	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽²⁾	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.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 2003

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	\$391	\$384	\$377	\$370	\$363
		2	391	384	377	370	363
		3	370	363	356	349	342
		4	355	348	341	334	327
Lodgepole Pine	LP	1	167	160	153	146	139
Ponderosa Pine	PP	1	332	325	318	311	304
		2	188	181	174	167	160
Western Redcedar ⁽³⁾	RC	1	624	617	610	603	596
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	319	312	305	298	291
		2	261	254	247	240	233
		3	239	232	225	218	211
		4	228	221	214	207	200
Red Alder	RA	1	296	289	282	275	268
		2	255	248	241	234	227
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	164	157	150	143	136
Douglas-Fir Poles	DFL	1	669	662	655	648	641
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 ⁽²⁾	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.

PROPOSED

(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 July 1 through December 31, 2002:

TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
 ((July)) January 1 through ((December 31, 2002)) June 30, 2003

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
 ((July)) January 1 through ((December 31, 2002)) June 30, 2003

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

PROPOSED

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 02-22-063
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed November 1, 2002, 3:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-15-134.

Title of Rule: New WAC 388-271-0010 What are limited English proficient (LEP) services?, 388-271-0020 What are the department's responsibilities in providing me with an interpreter? and 388-271-0030 What are the department's responsibilities in providing me with written communication in my primary language?; and repealing WAC 388-200-1200 Translation of written communications with a limited English proficient client.

Purpose: These new rules define and describe LEP services that are available to applicants and recipients of Economic Services Administration (ESA) programs within DSHS.

Statutory Authority for Adoption: RCW 74.04.025, 74.08.090.

Statute Being Implemented: RCW 74.04.025.

Summary: WAC 388-271-0010 defines LEP services and who is eligible to receive these services. WAC 388-271-0020 describes interpreter services and how they are provided to applicants and recipients. WAC 388-271-0030 describes written translation services and how they are provided to applicants and recipients. These new rules are necessary to ensure LEP applicants and recipients understand what services are available to them to assist them in communicating with the department.

Reasons Supporting Proposal: Rules describing these services are not available.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jason Reed, 1009 College Street S.E., Lacey, WA 98504-5440, (360) 413-3223.

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

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

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

Proposal Changes the Following Existing Rules: WAC 388-200-1200 is being repealed and subject matter is being moved to these new WACs. Information in WAC 388-200-1200 was not complete and not in the appropriate chapter.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules only affect DSHS clients and do not have an economic impact on small businesses.

RCW 34.05.328 does not apply to this rule adoption. The rules do not meet the definition of a significant legislative rule as defined in RCW 34.05.328 (5)(c)(iii). The rules do not adopt substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction. The rules do not

PROPOSED

establish, alter, or revoke any qualification or standard for the issuance, suspension, or revocation of a license or permit. The rules do not adopt a new, or make significant amendments to, a policy or regulatory program.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on December 10, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by December 6, 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., December 10, 2002.

Date of Intended Adoption: Not earlier than December 11, 2002.

October 30, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-271 WAC

LIMITED ENGLISH PROFICIENT SERVICES

NEW SECTION

WAC 388-271-0010 What are limited English proficient (LEP) services? (1) The department provides limited English proficient (LEP) services to you if you are limited in your ability to read, write and/or speak English. These services provide a way for us to communicate with you even though you are limited in your ability to communicate in English. LEP services are provided in your primary language by authorized bilingual workers or by contracted interpreters and translators. Your primary language is the language you have indicated on your application or your eligibility review as the language you wish to communicate in with the department.

(2) LEP services include:

- (a) Interpreter (verbal) services in person and/or over the telephone; and
- (b) Translation of department forms, letters and other printed materials.

NEW SECTION

WAC 388-271-0020 What are the department's responsibilities in providing me with an interpreter? (1) If you have trouble speaking and/or understanding English, and a bilingual worker is not available to assist you, we get a qualified interpreter in your primary language to help you communicate verbally with us. A qualified interpreter is someone who is fluent in English and your primary language and is trained on the Interpreter Code of Professional Conduct.

(2) Interpreter services are provided in-person or over the telephone.

(3) We pay for the interpreter. You do not have to pay anything.

(4) If a worker from our department feels that they are not able to communicate with you well enough to provide adequate services, they may request the services of an interpreter even if you did not ask for help.

(5) We will provide interpreter services to you in a timely manner so that we can process your case within the processing timeframes defined in chapter 388-406, 388-418, and 388-434 WAC.

NEW SECTION

WAC 388-271-0030 What are the department's responsibilities in providing me with written communication in my primary language? (1) We provide fully translated written communication in your primary language. This includes, but is not limited to:

- (a) Department pamphlets, brochures and other informational material that describe department services and client rights and responsibilities;
- (b) Department forms, including applications and individual responsibility plans, that we ask you to complete and/or sign; and
- (c) Department letters as described in chapter 388-458 WAC.

(2) We pay for the written translation. You do not have to pay anything.

(3) We will provide translated documents to you in a timely manner so that we can process your case within the processing timeframes defined in chapter 388-406, 388-418, and 388-434 WAC.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-200-1200	Translation of written communications with a limited English proficient client.
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WSR 02-22-066

PROPOSED RULES

**SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed November 1, 2002, 4:13 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-15-151.

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

Purpose: To revise the state funding formula for the K-4 staff ratio for the 2002-03 school year and thereafter.

Statutory Authority for Adoption: RCW 28A.150.-290(1).

PROPOSED

Summary: For the 2002-03 school year, school districts will be allocated up to 54.0 certificated instructional staff (CIS) units per 1000 full-time equivalent (FTE) K-4 students. Formerly, the state allocated up to 55.4 CIS per 1000 FTE K-4 students. School districts must demonstrate an actual K-4 staff/student ratio of 54.0/1000 or greater in order to receive full funding.

Reasons Supporting Proposal: Rule revisions are needed to implement changes to state-funded staff/student ratios made in the 2002 legislative session. This change is in section 502 (2)(a) of ESSB 6387 (the 2002 Supplemental Operating Appropriations Act).

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction, (360) 725-6130; Implementation: Ross Bunda, Office of Superintendent of Public Instruction, (360) 725-6308; and Enforcement: Mike Bigelow, Office of Superintendent of Public Instruction, (360) 725-6111.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules are part of the state funding formula for K-12 education. Rule revisions are needed to implement language in the 2002 Supplemental Operating Appropriations Act. These revisions will provide for the correct calculation of the school district's funded K-4 staff/student ratio in the 2002-03 school year and thereafter.

Proposal Changes the Following Existing Rules: The maximum state-funded K-4 staff ratio decreases from 55.4 CIS per 1000 FTE students to 54.0 CIS per 1000 FTE students.

Supplemental contracts for extended learning opportunities in grades K-6 may contribute up to 0.8/1000 to a district's state-funded K-4 ratio. This is a decrease from the previous 2.2/1000 contribution.

An upper limit on the inclusion of classified staff has been restored. This limit was inadvertently omitted during the previous revision of these rules.

The average salary used to calculate the credit for increases in K-4 basic education classified instructional assistants is based on CIS for the purpose of apportionment, rather than on basic education CIS. This methodology is consistent with the recently revised RCW 28A.150.410 and proposed WAC 392-121-299 and 392-121-400.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable - no small business impact.

RCW 34.05.328 does not apply to this rule adoption. The Superintendent of Public Instruction is not subject to RCW 34.05.328 per subsection (5)(a)(i). Additionally, this rule is not a significant legislative rule per subsection (5)(c)(iii).

Hearing Location: Old Capitol Building, Bryan Conference Room, 4th Floor, P.O. Box 47200, Olympia, WA 98504-7200, on December 10, 2002, at 9-11 a.m.

Assistance for Persons with Disabilities: Contact Sheila Emery by December 3, 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 December 3, 2002.

Date of Intended Adoption: December 11, 2002.

October 30, 2002

Dr. Terry Bergeson

Superintendent of

Public Instruction

AMENDATORY SECTION (Amending WSR 02-09-024, filed 4/8/02, effective 5/9/02)

WAC 392-140-908 K-4 Staff enhancement—Determination of the K-4 certificated staff ratio equivalent of increased K-4 classified instructional assistants. For those school districts with an increase in K-4 basic education classified instructional assistants, the superintendent of public instruction shall calculate a K-4 certificated staff ratio equivalent as follows:

(1) Sum the increase in the district's K-4 basic education classified instructional assistants determined pursuant to WAC 392-140-907;

(2) Divide the result of subsection (1) of this section by the district's FTE K-4 basic education enrollment;

(3) Multiply the result of subsection (2) of this section by the ratio of actual average salary for basic education classified instructional assistants to average ((~~basic education~~) certified instructional staff salary for the purpose of apportionment; and

(4) Multiply the result of subsection (3) of this section by 1000.

AMENDATORY SECTION (Amending WSR 02-09-024, filed 4/8/02, effective 5/9/02)

WAC 392-140-912 K-4 Staff enhancement—Determination of K-4 apportionment ratios. The superintendent of public instruction shall determine each school district's ratio of state allocated certificated instructional staff units per one thousand K-4 students for state basic education apportionment as follows:

(1) For the months of September through December, the superintendent shall use the district's estimated K-4 ratio as submitted on Report F-203 Estimates of State Revenue, or as submitted on a letter to the superintendent after submission of Report F-203.

(2) Beginning with the January apportionment payment and each month thereafter, the superintendent shall calculate the district's K-4 apportionment ratio as the greater of (a) or (b) of this subsection:

(a) The district's minimum state-funded K-4 staffing ratio, using FTE enrollment for state apportionment, and calculated as follows:

(i) Sum the district's K-3 FTE enrollment times 0.049 and the district's fourth grade FTE enrollment times 0.046;

(ii) Divide the result of (a)(i) of this subsection by the district total K-4 FTE enrollment;

(iii) Multiply the result of (a)(ii) of this subsection by 1000.

(b) The lesser of:

(i) 55.4 for the 2001-02 school year and 54.0 for the 2002-03 school year and thereafter; or

(ii) The sum of the following:

(A) The district's K-4 certificated instructional staff ratio pursuant to WAC 392-140-910; and

(B) The lesser of 2.2 for the 2001-02 school year and 0.8 for the 2002-03 school year and thereafter or the district's K-4 staff ratio equivalent of K-6 basic education supplemental contracts for extended learning opportunities pursuant to WAC 392-140-904; and

(C) If the district's K-4 basic education certificated instructional staff ratio is 51.00 or greater, the lesser of 1.3 or the district's K-4 certificated staff ratio equivalent of the increased K-4 classified instructional assistants pursuant to WAC 392-140-908 if applicable, otherwise zero.

WSR 02-22-067

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed November 4, 2002, 8:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-19-052.

Title of Rule: WAC 446-20-285 Employment—Conviction records—Child and adult abuse information.

Purpose: The regulation is intended to cover all criminal justice records systems that contain criminal history record information, whether the systems are manual or automated.

Statutory Authority for Adoption: RCW 10.97.030 and 43.830-845 [43.43.830-43.43.845].

Summary: The proposed WAC amendment would remove the dissemination requirement of releasing conviction criminal history information based on an exact name and date of birth.

Reasons Supporting Proposal: This programming change will improve the name search results and provide a record even though search parameters used may be slightly different.

Name of Agency Personnel Responsible for Drafting: Ms. Cindy Haider, P.O. Box 42633, Olympia, WA 98504, (360) 570-5230; Implementation: Captain Paul Beckley, P.O. Box 42619, Olympia, WA 98504, (360) 570-5252; and Enforcement: Deputy Chief Maurice King, P.O. Box 42600, Olympia, WA 98504, (360) 753-4632.

Name of Proponent: Washington State Patrol, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Approval of the amendment.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The regulation is intended to cover all criminal justice records systems that contain criminal history record

information, whether the systems are manual or automated. This programming change will improve the name search results and provide a record even though search parameters used may be slightly different.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Statement is not needed.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Washington State Patrol, Criminal Records Division, Conference Room, 3000 Pacific Avenue S.E., Suite 202, Olympia, WA 98504, on December 10, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Mr. Michael Palios by December 6, 2002, TDD (360) 536-4270 or (360) 753-5966.

Submit Written Comments to: Ms. Cindy Haider, P.O. Box 42633, Olympia, WA 98504, fax (360) 570-5274, by December 6, 2002.

Date of Intended Adoption: December 20, 2002.

October 31, 2002

Ronal W. Serpas

Chief

AMENDATORY SECTION (Amending WSR 97-05-048, filed 2/18/97, effective 3/21/97)

WAC 446-20-285 Employment—Conviction records—Child and adult abuse information. After January 1, 1988, certain child and adult abuse conviction information will be furnished by the state patrol upon written or electronic request of any applicant, business or organization, the state board of education, or the department of social and health services. This information will consist of the following:

(1) Convictions of crimes against children or other persons as defined in RCW 43.43.830(6), and as amended by chapter 9A.44 RCW;

(2) Department of health disciplinary authority final decisions of specific findings of physical or sexual abuse or exploitation of a child and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary authority final decision; for the businesses and professions defined in chapter 9A.44 RCW; and

(3) Civil adjudications of child abuse, as amended by chapter 9A.44 RCW.

Criminal history information will be furnished from the Washington state patrol, consistent with the provisions of RCW 43.43.830 through 43.43.840, upon receipt of a written or electronic request.

School districts, the superintendent of public instruction, educational service districts and their contractors will also receive conviction information under RCW 10.97.030 and 10.97.050 pursuant to chapter 159, Laws of 1992.

The state patrol shall also furnish any similar records maintained by the Federal Bureau of Investigation or records in custody of the National Crime Information Center, if available, subject to their policies and procedures regarding such dissemination.

(a) The business or organization making such request shall not make an inquiry to the Washington state patrol or an equivalent inquiry to a federal law enforcement agency unless the business or organization has notified the applicant who has been offered a position as an employee or volunteer that an inquiry may be made.

(b) For positive identification, the request for criminal history information form may be accompanied by fingerprint cards of a type specified by the Washington state patrol identification and criminal history section, and shall contain a certification by the business or organization; the state board of education; or the department of social and health services, that the information is being requested and will be used only for the purposes as enumerated in RCW 43.43.830 through 43.43.845.

(c) In the absence of fingerprint cards, the applicant may provide a right thumb fingerprint impression in the area provided on the request for criminal history information form. In the event of a possible match ~~((, where)) to the applicant's name and date of birth ((as submitted varies from that of the record contained by the Washington state patrol identification and criminal history section)), the right thumb fingerprint impression will be used for identification verification purposes only. ((An exact name and date of birth match will be required for dissemination of conviction information in the absence of a fingerprint card or thumbprint impression for positive identification or verification of record.))~~

(d) After processing a properly completed request for criminal history information form, if the conviction record, disciplinary authority final decision, adjudication record, or equivalent response from a federal law enforcement agency shows no evidence of crimes against persons, an identification declaring the showing of no evidence shall be issued to the business or organization by the Washington state patrol identification and criminal history section within fourteen working days of receipt of the request. Possession of such identification shall satisfy future record check requirements for the applicant for a two-year period.

(e) The business or organization shall notify the applicant of the state patrol's response within ten calendar days after receipt by the business or organization. The employer shall provide a copy of the response to the applicant and shall notify the applicant of such availability.

(f) The business or organization shall be immune from civil liability for failure to request background information on a prospective employee or volunteer unless the failure to do so constitutes gross negligence.

Title of Rule: WAC 139-35-005 Firearms certification—Definitions.

Purpose: Consistency in language.

Statutory Authority for Adoption: RCW 43.101.080.

Summary: Stakeholders were contacted by letter to advise of the intended rule amendments. Proposal also listed on the agency website.

Reasons Supporting Proposal: To improve effectiveness, clarity and intent in order to better serve clients, stakeholders, and citizens.

Name of Agency Personnel Responsible for Drafting and Enforcement: Doug Blair, Burien, (206) 835-7311; and Implementation: Michael D. Parsons, Burien, (206) 835-7347.

Name of Proponent: Criminal Justice Training Commission staff in negotiated rule making with private industry representatives and the Department of Licensing (DOL), private and governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore, a small business economic impact statement is not required.

RCW 19.85.025(2), this chapter does not apply to a rule proposed for expedited adoption under RCW 34.05.230 (1) through (8), unless a written objection is timely filed with the agency and the objection is not withdrawn.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, on December 11, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sonja Hirsch by December 9, 2002, TDD (206) 835-7300.

Submit Written Comments to: Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, fax (206) 439-3860, by June 11, 2002.

Date of Intended Adoption: December 11, 2002.

November 1, 2002

Sharon M. Tolton

Deputy Director

WSR 02-22-072
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed November 4, 2002, 2:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-19-100.

AMENDATORY SECTION (Amending WSR 92-02-041, filed 12/24/91, effective 1/24/92)

WAC 139-35-005 Firearms certification—Definitions. (1) Words and terms used in WAC 139-35-005 through 139-35-025 shall have the same meaning as under chapter 18.165 RCW, unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Principal owner" means the sole owner of a private ~~((detective))~~ investigator agency.

(3) "Principal partner" means a partner who exercises operational control over a private ((~~detective~~)) investigator agency.

(4) "Department" means Washington state department of licensing.

(5) "Commission" means Washington state criminal justice training commission.

WSR 02-22-073

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed November 4, 2002, 3:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-15-017.

Title of Rule: Amend rules for course approval and distance education delivery method approval. Will amend WAC 308-124H-025 and 308-124H-029.

Purpose: To require that real estate continuing education providers demonstrate in the application for course approval how a course is related to the practice of real estate and how the school will determine that a student has completed the required number of clock hours.

Statutory Authority for Adoption: RCW 18.85.040(1).

Statute Being Implemented: RCW 18.85.090, [18.85.] - 095, and 18.85.165.

Summary: Will require that course providers demonstrate how a real estate continuing education course is related to the practice of real estate. Will require that distance education providers demonstrate how they will determine that a student has completed the required number of clock hours. Current rules do not clearly require this information from the providers and have resulted in many alleged abuses of the continuing education clock hour requirement.

Reasons Supporting Proposal: Will help to reduce alleged abuses of the continuing education clock hour requirement.

Name of Agency Personnel Responsible for Drafting: Jana L. Jones, Department of Licensing, Black Lake Complex, P.O. Box 2445, Olympia, WA, (360) 664-[6524]; Implementation and Enforcement: DOL Real Estate Program, Department of Licensing, Black Lake Complex, P.O. Box 2445, Olympia, WA, (360) 664-6524.

Name of Proponent: Washington Real Estate Commission and the Department of Licensing Real Estate Program, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To require that real estate continuing education providers demonstrate in the application for course approval how a course is related to the practice of real estate and how the school will determine that a student has completed the required number of clock hours.

Proposal Changes the Following Existing Rules: Amendment of WAC 308-124H-025 and 308-124H-029 will

help to reduce alleged abuses of the continuing education clock hour requirements.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There will not be a burden on the industry due to increased fees or increased workloads.

RCW 34.05.328 does not apply to this rule adoption. Department of Licensing is exempt from this law.

Hearing Location: Department of Licensing, 405 Black Lake Boulevard, Conference Room #102, 1st Floor, Olympia, WA 98502, on Wednesday, December 11, 2002, at 10:00 a.m. - 12:00 noon.

Assistance for Persons with Disabilities: Contact Jana Jones by December 10, 2002, TDD (360) 753-1966 or (360) 664-6524.

Submit Written Comments to: Jana L. Jones, Assistant Administrator, Real Estate Program, P.O. Box 2445, Olympia, WA 98507-2445, fax (360) 586-0998, by December 10, 2002.

Date of Intended Adoption: December 11, 2002.

October 23, 2002

Alan E. Rathbun

Assistant Director

Business and Professions Division

AMENDATORY SECTION (Amending WSR 02-03-055, filed 1/10/02, effective 2/10/02)

WAC 308-124H-025 General requirements for course approval. Courses shall meet the following requirements:

(1) Be offered by a private entity approved by the director to operate as a school;

(2) Be offered by a tax-supported, public technical or community college or other institution of higher learning that certifies clock hours as indicated in RCW 18.85.010(9), consistent with the approval standards prescribed by the director and this chapter;

(3) Be offered by the Washington real estate commission;

(4) Have a minimum of three hours of course work or instruction for the student. A clock-hour is a period of fifty minutes of actual instruction;

(5) Provide practical information related to the practice of real estate in any of the following real estate topic areas: Fundamentals, practices, principles/essentials, real estate law, legal aspects, brokerage management, business management, taxation, appraisal, evaluating real estate and business opportunities, property management and leasing, construction and land development, ethics and standards of practice, real estate closing practices, current trends and issues, finance, hazardous waste and other environmental issues, commercial, real estate sales and marketing, instructor development or the use of computers and/or other technologies as applied to the practice of real estate;

(6) Be under the supervision of an instructor approved to teach the topic area, who shall, at a minimum, be available to respond to specific questions from students on an immediate or reasonably delayed basis;

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(7) The following types of courses will not be approved for clock hours: Course offerings in mechanical office and business skills, such as, keyboarding, speed-reading, memory improvement, language, and report writing; orientation courses for licensees, such as those offered by trade associations; and personal and sales motivation courses or sales meetings held in conjunction with a licensee's general business. Clock hours will not be awarded for any course time devoted to meals or transportation;

(8) Courses of thirty clock hours or more which are submitted for approval shall include a comprehensive examination(s) and answer key(s) of no fewer than three questions per clock hour with a minimum of ninety questions, and a requirement of passing course grade of at least seventy percent; essay question examination keys shall identify the material to be tested and the points assigned for each question;

(9) Include textbook or instructional materials approved by the director, which shall be kept accurate and current;

(10) Not have a title which misleads the public as to the subject matter of the course;

(11) The provider's course application shall identify learning objectives and demonstrate how these are related to the practice of real estate;

(12) Courses offering the prescribed core curriculum shall meet the requirements of WAC 308-124A-605;

~~((12))~~ (13) Only primary providers shall be approved to teach the prescribed core curriculum; and

~~((13))~~ (14) Course providers offering core curriculum within a course exceeding three clock hours must clearly indicate in the application for approval where the core curriculum elements are met in the course.

AMENDATORY SECTION (Amending WSR 00-08-035, filed 3/29/00, effective 7/1/00)

WAC 308-124H-029 Distance education delivery method approval required. Applicants are required to submit an application for each separate distance education delivery method for which they propose to offer approved courses for clock hours. When submitting a distance education delivery method application, the following minimum criteria must be provided by the applicant:

(1) Specify the course learning objectives for each learning unit and clearly demonstrate that the learning objectives cover the subject matter and how these relate to the practice of real estate. Objectives must be specific to ensure that all content is covered adequately to ensure mastery;

(2) Demonstrate how mastery of the material is provided by:

(a) Dividing the material into major learning units, each of which divides the material into modules of instruction;

(b) Specifying learning objectives for each learning unit or module of instruction. Learning objectives must be comprehensive enough to ensure that if all the objectives are met, the entire content of the course will be mastered;

(c) Specifying an objective, quantitative criterion for mastery used for each learning objective and provide a structured learning method designed to enable students to attain each objective;

(3) Demonstrate that the course includes the same or reasonably similar informational content as a course that would otherwise qualify for the requisite number of clock hours of classroom-based instruction and how the provider will know that the student completed the required number of clock hours;

(4) Describe consistent and regular interactive events appropriate to the delivery method. The interactive elements must be designed to promote student involvement in the learning process, and must directly support the student's achievement of the course learning objectives. The application must identify the interactive events included in the course and specify how the interactive events contribute to achievement of the stated learning objectives;

(5) Demonstrate how the course provides a mechanism of individual remediation to correct any deficiencies identified during the instruction and assessment process;

(6) Measure, at regular intervals, the student's progress toward completion of the mastery requirement for each learning unit or module. In the case of computer-based instruction, the course software must include automatic shutdown after a period of inactivity;

(7) Demonstrate that approved instructors are available to answer questions regarding course content at reasonable times and by reasonable means, including in-person contact, individual and conference telephone calls, e-mail and FAX;

(8) Demonstrate how reasonable security will be provided to ensure that the student who receives credit for the course is the student who enrolled in and completed the course. Both the approved school and the student must certify in writing that the student has completed the course, and the required number of clock hours;

(9) Provide a complete description of any hardware, software, or other technology to be used by the provider and needed by the student to effectively engage in the delivery and completion of the course material and an assessment of the availability and adequacy of the equipment, software, or other technologies to the achievement of the course's instructional claims; and

(10) Provide an orientation session with the instructor or an affiliated representative of an approved school. Mechanisms must be clearly in place which allow students an early orientation to discuss course specifics.

WSR 02-22-078

PROPOSED RULES

**DEPARTMENT OF HEALTH
STATE BOARD OF HEALTH**

[Filed November 5, 2002, 8:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-08-091 and 01-08-093.

Title of Rule: Chapter 246-680 WAC, Prenatal tests—Congenital and heritable disorders.

Purpose: Chapter 246-680 WAC establishes (1) State Board of Health (SBOH) standards for screening and diagnostic procedures for prenatal diagnosis of congenital disor-

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ders of the fetus, and (2) Department of Health (DOH) criteria and timelines regarding the availability and use of prenatal tests for health care providers to share with pregnant women and couples.

Other Identifying Information: These rules have been reviewed under Executive Order 97-02, Regulatory Improvement. This proposal combines the rule development processes that were initiated under WSR 01-08-091 and 01-08-093.

Statutory Authority for Adoption: For WAC 246-680-001 Purpose, is RCW 43.20.050, 70.54.220; for WAC 246-680-010 Definitions, is RCW 48.21.244, 48.44.344, 48.46.-375, 70.54.220; and for WAC 246-680-020 Board of health standards for screening and diagnostic tests during pregnancy, is RCW 48.21.244, 48.44.344, 48.46.375.

Statute Being Implemented: RCW 70.54.220, 43.20.-050, 48.21.244, 48.44.344, 48.46.375.

Summary: The proposal adds time periods within which prenatal tests are to be performed. RCW 70.54.220 directs the department to establish time periods, but not all tests required by rules have time periods set out. RCW 43.20.050, 48.21.244, 48.44.344, and 48.46.375 direct the SBOH to establish standards for prenatal testing. The proposal updates the style of rules; deletes obsolete rules, updates the scope of prenatal genetics testing required for health insurance benefits packages; and adds three new tests: Maternal hepatitis B, and Group B strep, fluorescent in-situ hybridization (FISH).

Reasons Supporting Proposal: Existing rule does not fully reflect statutory requirements because not all prenatal tests in WAC include time periods within which they need to be made available to pregnant women. These rules have not been updated for ten years. The updates will improve readability and assure the rules are consistent with current standards of practice.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Debra Lochner Doyle, Center Point, Kent, (253) 395-6742.

Name of Proponent: Department of Health and State Board of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes standards of medical necessity for prenatal screening and diagnostic procedures that must be included in maternity benefits when offered by insurance companies, health maintenance organizations and group disability contractors. The purpose of the rule is to assure pregnant women have timely access to prenatal screening and diagnostic procedures.

The proposal adds time periods within which prenatal tests must be performed under requirements of medical necessity set by the SBOH. The amendments will make the rules responsive to RCW 70.54.220, which directs the department to establish prenatal testing time periods. Not all tests required by rules now have time periods set out. The change will also improve readability and assure that the rule is consistent with current standards of medical practice.

The anticipated effects of the rule are to enable pregnant women to receive timely information from their health care

providers about the availability of prenatal diagnostic tests in order to enable informed decisions about having those tests.

Proposal Changes the Following Existing Rules: The proposal amends chapter 246-680 WAC. WAC 246-680-001 Purpose, is amended to improve readability. WAC 246-680-010 Definitions, is amended to clarify terms, identify specific tests used to predict congenital or heritable disorders and when the tests should occur. Under WAC 246-680-020, Board of Health standards for screening and diagnostic test during pregnancy, the proposal adds maternal hepatitis B surface antigen, Group B strep and fluorescent in-situ hybridization (FISH) as standards of medical necessity for prenatal testing, and criteria for when prenatal ultrasound should occur. The section also adds, as a recommended procedure, prenatal tissue biopsy/sampling if the nature of the disorder indicates that tissue biopsy is the only means to provide biochemical genetic diagnosis for the purpose of protecting the mother's health, or predicting the prognosis of the fetus.

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

Small Business Economic Impact Statement

The following information is taken from the economic analysis that was completed for the significant analysis on the amendments to the prenatal screening portions of the prenatal screening rule, chapter 246-680 WAC. The small business impacts depend largely on the relative cost increases and decreases that are created by the shift in service. These were modeled in order to do all the economic analyses. The models are in the economic analysis that was filed in the rule-making file.

The amendments to the prenatal screening rule have been evaluated and the DOH has determined that the probable benefits exceed the probable costs, that this rule is the least burdensome for those who are required to comply and that the impacts of the rule amendments, taken together, have a disproportionate impact on small business. The cost minimization required for the small business economic impact statement is discussed in the least burden analysis.

Prenatal Screening: The amendments to the current prenatal screening rule bring the rule up-to-date with current standards of care. The rule amendment combines requirements for methods of tissue extraction and methods of testing to allow parents to have healthy babies. Appendix A provides a list of the changes to the rule in matrix form and indicates which changes are housekeeping, existing practice, or newly adopted standards of care. This document only evaluates the following substantive changes:¹

The following changes will produce little or no change in currently provided medical services but they are evaluated because the amendments are substantive:

- Use of laboratory testing called FISH (fluorescent *in-situ* hybridization).
- Testing for hepatitis B.

The following change will bring the rule up-to-date with the standard of care being adopted or recommended by the CDC and other professional organizations. It will create an increased impetus to a substantive change that is already going on in the market:

■ Testing for Group B strep.

The amendments augment the rule and allow each of the existing requirements to work better.

Small Business Economic Impact: The purpose of the amendment is to bring the WAC into conformance with current standards of care. Given this, it is highly likely that the rule will have no impact on costs because doctors and insurers either have incorporated, or are currently incorporating the requirements into their daily actions. However, this rule amendment is being reviewed as if this were not the case because in some areas of the state some practices may not comply with current standards of care. Furthermore, the insurers may not yet have incorporated the newer standards of care into their rate structures. This rule amendment has been reviewed and DOH has determined that if doctors are not currently practicing under recognized standards of care or if insurers have not incorporated the standard shift into their current policies then the amendment has a disproportionate impact on small businesses.

Many small and large businesses in every SIC² code provide insurance for their employees. They will be affected by the rule through changes in insurance rates.

SIC	DESCRIPTION	Total Units
6324	Hospital and medical service plans	48

Over the last year the draft rule has been circulated twice to insurers for feedback. Insurers have not responded to the rule change. They have also been invited to meetings as stakeholders. The purpose of the rule change is to bring the WAC into conformance with current standard of care. It is likely that the national carriers of distributed risk that provide the coverage have already incorporated the cost savings from FISH and the cost increases from Group B strep and HBV standard of care into their rates.

Testing for Group B strep and HBV will have significant net benefits for the population because children will not be injured but the greatest share of the gain is to the child and not to the medical system. The net medical cost for Group B strep is \$15 per child. The HBV screen decreases total medical costs by \$346 however the screen is still likely to increase rates. The short-term medical cost for HBV is 22 million or \$27 per child. The avoidance of HBV saves \$22,000 in medical costs for the adult victim and this will more than offset medical costs but the gain is in the distant future (over twenty to thirty years from now) and is unlikely to be factored into rates. Thus, these requirements are likely to increase rates. This would have a negative impact on insurers and on businesses that use regular insurance.

Small and large businesses are affected differently by the two shifts. The cost imposition is based on very common medical problems since all mothers will be tested. A cost that applies to all mothers is strictly proportional to the number of women employed. Thus, Group B strep and HBV screening will have a disproportionate impact on companies that employ more women of child-bearing age than other companies. Since the use of FISH is much rarer, the average small company is unlikely to be affected by the cost reduction due

This rule will affect the insurance providers directly. But the largest share of costs will accrue to the small businesses that provide insurance to their employees in small insurance pools. The insurance market is fluid and businesses have many options. Companies may provide insurance, may self insure, or may provide a defined contribution for the employee to use for insurance. It is impossible to know how many currently provide each type of coverage and, more importantly, what shifts will be made in the immediate future.

This rule requires coverage by insurance providers for techniques that will define genetic disorders in a fetus (FISH), for testing of the mother for Group B strep, and for testing of the mother for hepatitis B. Each has different implications for business itself:

The direct impact of the rule will be on insurance companies in the following SIC. Based on current information, FISH will provide significant savings to the medical structure³ and thus to insurers for all forms of coverage. Its use by reducing costs to insurers could possibly reduce rates if the savings were not already incorporated into the rate structure. This would have a positive impact on businesses that use regular insurance.

Total Employment	Average employment Small business	Largest 10%
6,938	11	135

to FISH but is highly likely to be affected by the other cost increases. The large company is more likely to be affected by both the cost increases and cost decreases.

DOH has done a worst-case analysis. The average large company⁴ has one hundred eighty-two employees where an average small company that provides coverage has 30.2 employees.⁵ If the following assumptions are applied then in a ten-year period the small business has only a 7% chance that FISH will produce a savings for their risk pool where the average large company has a 41% chance that FISH will produce a savings.

- Half the employees are female.
- Average percentages are between the age of twenty and thirty-four.⁶
- The average females in these age brackets bears two live children in the fourteen year period.
- Average population frequencies for FISH are applied.
- The small business is in a small risk pool.

A small company in a limited pool is more likely to experience a cost increase based on HBV and Group B strep screening and a large company in a large pool is more likely to experience a cost decrease based on FISH.

Thus, the costs of the rule are proportional and the savings are disproportionately accruing to large companies. Therefore, the rule imposes disproportionately higher costs on small business and cost minimization is required.

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Probability that the business may benefit from FISH requirement

	Average Employment	Half Female	N likely to give birth	Likelihood for FISH
Large employers with 50 or more employees	181.8	90.9	18.9	41%
Small employers with 20 to 49 employees	30.2	15.1	3.1	7%

A company with thirty employees, half of which are women and 20% of which are likely to bear two children and none of which use FISH will experience a cost increase of \$13 per employee. A large company with one hundred eighty-one employees may experience a cost reduction of \$6 per employee. This is disproportionate. It should be recognized however that large companies and small companies insured in large risk pools would experience very similar per employee costs.

Relative Impact for Worst Case Scenario

	\$ impact/child	Number of children	\$ impact	\$/Employee
Small Business: Screen costs	\$ 68.10	6.00	\$ (408.60)	\$ (13.62)
Large Business: Screen net	\$ 30.06	36.36	\$1,092.89	\$ 6.01

Insurers have been given early and later copies of the draft rule and have not responded. Given this lack of response from insurers, DOH had no basis to make a determination of actual disproportionate impact within the insurance industry. However, there has been a continuing trend of smaller insurers leaving the business. This indicates that there are economies of scale. Given economies of scale, any amendment that imposes costs proportionately across their female patients of child bearing age, such as the HBV and Group B strep screening, will by definition have a disproportionate impact. DOH assumes that the insurers have already recognized the potential cost savings from FISH and have already incorporated it into their rates. Thus, FISH would have no effect. Based on this, cost minimization would be required.

Cost Minimization: The committee considered several additions to the rule, which were eliminated because they were too costly. These are listed in the least burden determination section. Each of the listed requirements would have imposed significant costs on businesses such as providers and/or insurers. The reporting requirements for Group B strep would also have imposed costs on the state.

Consultation with Small Businesses: Two drafts of the amended rule were sent to a stakeholder list of one hundred fifty-seven hospitals, insurers, and primary and specialty providers. The proposed amendment will be sent to this same list of stakeholders, which includes small and large companies, at the time of filing. The information in the SBOH hearing package will also be posted on the Internet.

Least Burden Analysis: This rule amendment has been reviewed and it is the least burdensome for those who are required to comply. The following amendments were considered but were not selected because they were too burdensome:

Some stakeholders proposed eliminating any review of prenatal tests on a case-by-case basis, thus requiring insurers to cover all tests and procedures requested. This was rejected because it was felt the costs would be too great and could not be justified.

Advocates asked for prenatal ultrasound to be authorized per a given schedule that would include:

- First trimester ultrasound to determine twin status and dates.
- A second trimester ultrasound to evaluate fetal morphology with serial ultrasounds performed every two to four weeks after, if an abnormality was found.
- A fetal echocardiograph to evaluate the fetal heart.

This was requested because it was felt that it would be too costly and the pregnancy management would ultimately be up to the patient and physician.

Reporting requirements were considered for Group B strep, however, they were not included here since the cost of establishing a reporting system and database was deemed to be too high.

¹ RCW 34.05.328 (c) requires that the department determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented. This requirement does not apply to the housekeeping portions of the rule.

² Standard Industrial Classification.

³ On a medical cost only basis the net present value of the cost savings is estimated to average approximately \$86 per child born in the state over the next ten years. This may be a low estimate because it does not include other direct costs, which may accrue to insurers, especially for children who must eventually be medically institutionalized as adults. This is larger than the net medical cost that may be imposed per child for Group B strep and HBV provision. However, given that the net savings has been known for some time, insurers generally provide the FISH coverage now.

⁴ Based on the Employment Security breakdown of all companies with fifty employees or more.

⁵ Based on Employment Security breakdown of all companies with twenty to forty-nine employees. Companies with more than twenty employees are more likely to provide medical coverage so they were chosen for the worst-case analysis.

⁶ 20.8%, Office of the Forecast Council, 11/2001. Women over thirty-five are heading into the age category with higher risk, more pregnancy analysis and a much higher range of likely existing services including FISH.

A copy of the statement may be obtained by writing to Debra.LochnerDoyle@DOH.WA.GOV or Debra Lochner Doyle, MS, CGC, State Coordinator for Genetic Services, Washington State Department of Health, 20435 72nd Avenue South, Suite #200, Mailstop K17-8, Kent, WA 98032, phone (253) 395-6742, fax (253) 395-6724.

RCW 34.05.328 applies to this rule adoption. The rule is legislatively significant under RCW 34.05.328 (5)(c)(iii)(C) because it significantly alters policy by adding maternal hep-

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atitis B surface antigen, Group B strep and fluorescent in-situ hybridization (FISH) as standards of medical necessity for prenatal testing.

Hearing Location: The Hilton Airport and Conference Center, 17620 Pacific Highway South, Seattle, WA 98188, on December 10, 2002, at 2:30 p.m.

Assistance for Persons with Disabilities: Contact Desiree Day Robinson by December 2, 2002, TDD 1-800-833-6388 or (360) 236-4107.

Submit Written Comments to: Debra Lochner Doyle, MS, CGC, State Coordinator for Genetic Services, Washington State Department of Health, 20435 72nd Avenue South, Suite #200, Mailstop K17-8, Kent, WA 98032, fax (253) 395-6737, by December 6, 2002.

Date of Intended Adoption: December 10, 2002.

M. C. Selecky
Secretary
Department of Health
Don Sloma
Executive Director
State Board of Health

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-680-001 Purpose. The purpose of this chapter is to(=

~~(1) Establish department and state board of health description, definition, and enumeration of prenatal tests under RCW 70.83B.020 (3)(a) and (b);~~

~~(2)) establish standards ((of the Washington state board of health)) for screening and diagnostic procedures for prenatal diagnosis of congenital disorders of the fetus under RCW 48.21.244, 48.44.344, and 48.46.375;~~

~~((3) Require health care provider to provide information on certain prenatal tests under RCW 70.83B.030 to both their pregnant patients and the department;~~

~~(4) Establish requirements for laboratories to provide information on certain prenatal tests under RCW 70.83B.030 to the department; and~~

~~(5)) and to establish criteria and time lines ((for distribution of educational materials by health care providers related to prenatal tests)) regarding the availability and use of prenatal tests for health care providers to share with pregnant women and couples as required under RCW 70.54.220.~~

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-680-010 Definitions. For the purpose ((of RCW 70.83B.020, 70.83B.030, 70.83B.040, 70.54.220, 48.42.090, 48.21.244, 48.44.344, and 48.46.375 and chapter 248-106-WAC:

~~(1) "Approved written information" means the department form DOH 344-002 "prenatal genetic information," or an equivalent form.~~

~~(2)) of this chapter, the following definitions apply:~~

~~(1) "Department" means the Washington state department of health.~~

~~((3)) (2) "Health care providers" means persons licensed or certified by the state of Washington under Title 18 RCW to provide prenatal care or to practice medicine and qualified genetic counselors.~~

~~((4) "Laboratory" means a private or public person, agency, or organization performing prenatal tests for congenital and heritable disorders.~~

~~(5) "Parental chromosomal) (3) "Prenatal carrier testing" means a procedure to remove blood or other tissue from one or both parents in order to perform laboratory analysis to establish chromosome constitution or genetic carrier status of the parents.~~

~~((6)) (4) "Prenatal test" means any test to predict congenital or heritable disorders ((which:~~

~~(a) When improperly utilized, may clearly harm or endanger the health, safety, or welfare of the public;~~

~~(b) Potential harm is easily recognizable and not remote or dependent upon tenuous argument; and~~

~~(c) As determined by the state board of health under RCW 70.83B.020(3) and enumerated by the department, includes procedures and)) that may harm or endanger the health, safety, or welfare of members of the public if improperly utilized and includes preprocedure and post-procedure genetic counseling, laboratory tests, and procedures as follows:~~

~~((4)) (a) Maternal serum ((alpha-fetoprotein (MSAFP)) marker screening is a procedure involving obtaining blood from a pregnant woman during the fifteenth to ((twentieth completed menstrual)) twenty-second week(s) of gestation, in order to measure through laboratory tests the level of ((alpha-fetoprotein in the blood)) certain analytes that are associated with increased risks to the fetus or pregnancy such as alpha-fetoprotein, unconjugated estriol, human gonadotropin, inhibin, and/or PAPP-A.~~

~~(b) Maternal hepatitis B surface antigen (HBsAg) screening is a procedure involving obtaining blood from a pregnant woman during the first trimester of pregnancy to test for maternal hepatitis B infection. HBsAg screening should be repeated during the last trimester of pregnancy if a woman is at high risk for hepatitis B infection.~~

~~(c) Group B strep screening per vaginorectal culture at 35-37 weeks gestation is used to screen pregnant women for Group B strep colonization. The swab culture specimen must be grown in selective broth media.~~

~~((4)) (d) Amniocentesis is a procedure performed after fourteen weeks of gestation to remove a small amount of amniotic fluid from the uterus of a pregnant woman, in order to perform one or more of the following laboratory tests:~~

~~((A)) (i) Measure the level of alpha-fetoprotein;~~

~~((B)) (ii) Measure the level of acetylcholinesterase;~~

~~((C)) (iii) Cytogenetic studies on fetal cells including fluorescent in-situ hybridization (FISH) if indicated;~~

~~((D)) (iv) Biochemical studies on fetal cells or amniotic fluid; ((and~~

~~(E)) (v) Deoxyribonucleic Acid (DNA) studies on fetal cells including fetal genotyping for isoimmunization studies; and~~

~~(vi) Infectious disease studies.~~

~~((4)) (e) Chorionic villus sampling is a procedure performed from ten to twelve weeks of gestation to remove a~~

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small amount of cells from the developing placenta, in order to perform one or more of the following laboratory tests:

~~((A))~~ (i) Cytogenetic studies on fetal cells including fluorescent in-situ hybridization (FISH) if indicated;

~~((B))~~ (ii) Biochemical studies on fetal cells; and

~~((C))~~ (iii) DNA studies on fetal cells.

~~((iv))~~ (f) Percutaneous umbilical cord blood sampling is a procedure performed typically after fifteen weeks of gestation to obtain blood from the fetus, in order to perform one or more of the following laboratory tests:

~~((A))~~ (i) Cytogenetic studies including fluorescent in-situ hybridization (FISH) if indicated;

~~((B))~~ (ii) Viral titer studies;

~~((C))~~ (iii) Fetal blood typing for isoimmunization studies;

~~((D))~~ (iv) Prenatal diagnostic tests for hematological disorders;

~~((E))~~ (v) DNA studies on fetal cells;

(vi) Biochemical studies on fetal blood.

~~((+))~~ (g) Prenatal ultrasonography is a procedure performed at any time during pregnancy resulting in visualization of the uterus, the placenta, the fetus, and internal structures through use of sound waves.

~~((d) Includes pre-procedure and post-procedure genetic counseling when required under WAC 248-106-020.~~

(7)) (h) "Preprocedure genetic counseling" means individual counseling, which may be part of another ~~((substantive))~~ procedure or service, involving a health care provider or a qualified genetic counselor under the direction of a physician, and a pregnant woman with or without other family members, to assess and identify increased risks for congenital abnormalities or pregnancy complications, offer specific carrier or diagnostic tests, discuss the purposes, risks, accuracy, and limitations of a prenatal testing procedure, ~~(and to) aid in decision making and to assist in obtaining the desired testing or procedure.~~

~~((8))~~ (i) "Post-procedure genetic counseling" means, when test results are available, individual counseling, which may be part of another ~~((substantive))~~ procedure or service, involving a health care provider or a qualified genetic counselor under the direction of a physician and a pregnant woman with or without other family members, to discuss~~(;~~

~~((a))~~ the ~~((meaning of the))~~ results of the prenatal tests done~~(;~~ and

~~((b) Subsequent), any further testing or procedures available and/or referrals for further consultation or counseling.~~

~~((9))~~ (j) "Qualified genetic counselor" means an individual eligible for certification or certified as defined ~~((in Bulletin of Information, 1984,))~~ by the American Board of Medical Genetics, Inc., ~~((as a:~~

(a) Genetic counselor;

(b) Clinical geneticist;

(c) Ph.D. medical geneticist;

(d) Clinical cytogeneticist; or

~~((e) Clinical biochemical geneticist))~~ or the American Board of Genetic Counseling.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-680-020 Board of health standards for screening and diagnostic tests during pregnancy. (1) For the purpose of RCW 48.21.244, ~~((RCW))~~ 48.44.344, and ~~((RCW))~~ 48.46.375, the following are standards of medical necessity for insurers, health care service contractors, and health maintenance organizations to use ~~((in determining medical necessity on a case-by-case basis))~~ when authorizing requests or claims for prenatal screening and/or diagnosis without the requirement of a case-by-case determination and including preprocedure and post-procedure genetic counseling:

(a) Maternal serum ~~((alpha-fetoprotein))~~ marker screening for all pregnant women beginning prenatal care before the twentieth completed ~~((menstrual))~~ week of gestation~~(;~~

~~((i) Without the requirement for case-by-case determination; and~~

~~((ii) Including post-procedure genetic counseling if test result is abnormal.~~

~~((b))~~.

(b) Maternal hepatitis B surface antigen (HBsAg) screening for all pregnant women during the first trimester of pregnancy and the last trimester of pregnancy if the woman is at high risk for hepatitis B infection.

(c) Information about Group B strep should be provided to all pregnant women, including the risk to the newborn, if the woman is identified through screening as potentially colonized with Group B strep. Screening is done through prenatal vaginorectal cultures. Pregnant women who are currently colonized with Group B strep, or who have unknown Group B strep status and preterm labor with significant risk of preterm delivery, or women with amniotic membrane rupture for eighteen hours or more, or intrapartum fever of one hundred point four degrees Fahrenheit or more should receive intrapartum antibiotic prophylaxis. Pregnant women whose prior newborn had Group B strep disease, or women who have Group B strep bacteriuria during the current pregnancy need not be cultured for Group B strep in the prenatal period, but should receive intrapartum antibiotic prophylaxis.

(d) Prenatal ultrasonography if one or more of the following criteria are met:

(i) A woman undergoing amniocentesis, chorionic villus sampling, or percutaneous umbilical cord blood sampling or fetal tissue biopsy;

~~((ii) ((The results on a maternal serum alpha-fetoprotein screening test are abnormal;~~

~~((iii))~~ The results of a maternal serum marker screening test indicate an increased risk to the fetus or pregnancy;

~~((iii))~~ A woman, or her partner~~(;~~

~~((A))~~, has a ~~((prior child or fetus with))~~ personal or family history of a congenital abnormality detectable by prenatal ~~((ultrasonography))~~ ultrasound; ~~((or~~

~~((B) Has a family history of congenital abnormality detectable by prenatal ultrasonography; or~~

~~((C) Is affected with a congenital abnormality detectable by prenatal ultrasonography.~~

~~((iv) A woman is suspected to be carrying a fetus with a congenital abnormality; or~~

~~(v))~~ (iv) An increased risk of a congenital abnormality is present due to an environmental exposure including maternal exposure to alcohol; or

(v) A medical evaluation indicates the possibility of ~~((hydramnios))~~ polyhydramnios or oligohydramnios.

~~((e))~~ (e) Amniocentesis ~~((with pre-procedure and post-procedure genetic counseling))~~ if one or more of the following criteria are met:

(i) A woman is thirty-five years of age or older at the time of delivery;

(ii) A woman, or her partner ~~((having had))~~ has a previous child or fetus with a chromosomal abnormality or other prenatally diagnosable disorder;

(iii) A woman, or her partner, has a family history that includes birth defects or developmental delays;

(iv) A woman or her partner is a carrier of a chromosomal rearrangement ~~((or anomaly))~~;

~~((iv))~~ A woman or her partner:

(A) ~~With a neural tube defect; or~~

(B) ~~Having had a child or fetus with a neural tube defect.~~

~~(v) A woman or her partner with a history of:~~

(A) ~~A sibling with a neural tube defect;~~

(B) ~~A parent with a neural tube defect;~~

(C) ~~A niece or nephew with a neural tube defect; or~~

(D) ~~Other risk factors related to a neural tube defect.~~

~~(vi))~~ (v) A woman and/or her partner are carriers of, or affected with, a ~~((prenatal))~~ prenatally diagnosable inherited disorder;

~~((vii))~~ (vi) The results ~~((of))~~ of a maternal serum ~~((alpha fetoprotein))~~ marker screening test ~~((are abnormal))~~ indicate an increased risk to the pregnancy or fetus;

~~((viii))~~ (vii) A woman ~~((with))~~ has a documented history of three or more miscarriages of unknown cause when circumstances prevent parental chromosomal testing;

~~((ix))~~ (viii) There is an ultrasound diagnosis of fetal anomaly;

(ix) A medical evaluation indicates an increased risk of fetal infection;

(x) Fetal blood studies are indicated for isoimmunization studies or therapy.

~~((2))~~ ~~The board recommends the following additional procedures for use of insurers, health service contractors, and health maintenance organizations in determining medical necessity on a case-by-case basis:~~

~~(a))~~ (f) Chorionic villus sampling with preprocedure and post-procedure genetic counseling if one or more of the following criteria are met:

(i) A woman is thirty-five years of age or older at the time of delivery;

(ii) A woman, or her partner ~~((having had))~~, has a previous child or fetus with a chromosomal abnormality or other prenatally diagnosable inherited disorder;

(iii) A woman, or her partner, is a carrier of a chromosomal rearrangement ~~((or anomaly))~~;

(iv) A woman, or her partner ~~((are))~~, is a carrier~~((s))~~ of, or affected with, a ~~((prenatal))~~ prenatally diagnosable inherited disorder; ~~((or))~~

(v) A woman ~~((with))~~ has a documented history of three or more miscarriages of unknown cause when circumstances prevent parental chromosomal testing~~((~~

~~(b))~~; or

(vi) Fetal genotyping is indicated to determine risks for isoimmunization.

(g) Fluorescent in-situ hybridization (FISH) if a medical evaluation indicates a rapid or specific submicroscopic chromosomal diagnosis is required to predict the prognosis for the fetus.

(2) The board recommends the following additional procedures for use by insurers, health service contractors, and health maintenance organizations in determining medical necessity on a case-by-case basis:

(a) Percutaneous umbilical cord blood sampling with preprocedure and post-procedure genetic counseling if one or more of the following criteria are met:

(i) A medical evaluation indicates rapid or ~~((detailed))~~ specific submicroscopic chromosomal diagnosis or DNA diagnosis is required to~~((~~

(A) ~~Protect the health of the mother; or~~

(B)) predict prognosis for the fetus~~((~~

(ii) A medical evaluation indicates the possibility of a ~~((prenatal))~~ prenatally diagnosable fetal infection;

(iii) Fetal blood studies are medically indicated for isoimmunization studies or therapy;

(iv) Fetal blood is the only means to provide biochemical genetic diagnosis;

(v) Prenatal diagnosis of a hematological disorder~~((s))~~ is medically indicated.

(b) Prenatal tissue biopsy if the nature of the disorder in question indicates that fetal liver, skin, or other tissue biopsy is the only means to provide biochemical genetic diagnosis to protect the health of the mother or predict the prognosis of the fetus.

WSR 02-22-085
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
[Filed November 5, 2002, 2:58 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-19-089.

Title of Rule: Chapter 250-69 WAC, Community scholarship foundation demonstration project.

Purpose: To amend the rules by detailing priorities for the awarding of the matching grant.

Statutory Authority for Adoption: Chapters 28B.240 and [28B].370 RCW.

Statute Being Implemented: Section 611 (7)(g), chapter 7, Laws of 2001 2nd sp.s. ESSB 6153 - Operating Budget.

Summary: To officially adopt current administrative procedures resulting from a significantly increased appropriation.

Reasons Supporting Proposal: Program exists through a very limited budget proviso. The amended rules provide a public record of how the board currently administers the program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Betty Gebhardt, 917 Lakeridge Way, Olympia, WA 98504, (360) 753-7852.

Name of Proponent: Higher Education Coordinating Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amended rules are designed to explain current administrative procedures that have been developed with the assistance of a program advisory group. These revised priorities for awarding the matching grants came about in response to a significantly increased appropriation.

Proposal Changes the Following Existing Rules: The substantive changes include deleting reference to the program as a demonstration project. The program has been in existence for well over ten years now and is no longer referred to in the budget language as a "demonstration" project. The budget language now permits an organization to qualify for more than one grant, so these rules include this change. And, there are now three priorities for awarding the matching grants - new organizations that have not previously received the grant; previously awarded organizations pledging new fund raising for permanent irrevocable endowment scholarship accounts; and previously awarded organizations wishing to give out additional scholarships.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Higher Education Coordinating Board, 3rd Floor Conference Room, 917 Lakeridge Room, Olympia, WA 98504, on January 7, 2003, at 9 a.m. to 12 p.m.

Assistance for Persons with Disabilities: Contact Belma Villa by January 2, 2003, TDD (360) 753-7809 or (360) 753-7800.

Submit Written Comments to: Betty Gebhardt, Associate Director, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430, fax (360) 704-6252, by January 7, 2003.

Date of Intended Adoption: February 4, 2003.

November 5, 2002

Betty Gebhardt

Associate Director

Chapter 250-69 WAC

COMMUNITY SCHOLARSHIP (~~FOUNDATION DEMONSTRATION PROJECT~~) MATCHING GRANT PROGRAM

AMENDATORY SECTION (Amending WSR 90-09-003, filed 4/5/90, effective 5/6/90)

WAC 250-69-010 Purpose. The purpose of the community scholarship (~~foundation demonstration project~~) matching grant program is to provide (~~one-time~~) two thousand dollar state-funded matching awards as an incentive to Washington community scholarship foundations to raise money and award scholarships to community residents who

wish to pursue higher education. The community scholarship (~~foundation~~) matching grant program encourages community organizations to generate local dollars to complement efforts funded by the state. In making awards, (~~priority shall be given to new organizations formed after the date of this act~~) preference will be given to organizations affiliated with the citizens' scholarship foundation. An organization may receive more than one two thousand dollar matching grant per biennium.

AMENDATORY SECTION (Amending WSR 90-09-003, filed 4/5/90, effective 5/6/90)

WAC 250-69-020 Authority to administer. As defined in RCW 28B.80.240, the higher education coordinating board is charged with the administration of (~~demonstration projects designed to prepare and assist persons to obtain a higher education in this state (as defined by RCW 28B.80.180)) any state program or state administered federal program of student financial aid now or hereafter established.~~

AMENDATORY SECTION (Amending WSR 90-09-003, filed 4/5/90, effective 5/6/90)

WAC 250-69-030 Program definitions. (1) "Matching award" means the state appropriated funding for (~~one-time~~) two thousand dollar grants available to selected eligible community scholarship foundations that raise at least two thousand dollars for student scholarships.

(2) "Community scholarship foundation" means a non-profit, tax exempt 501 (c)(3) Internal Revenue Service Code, community-based organization, formed in part or in full for the purpose of providing higher education scholarships for local residents.

(3) "Higher education scholarship program" means a program which would provide awards to community residents to attend institutions of higher education in Washington state.

(4) "Washington institutions of higher education" or "institution" means a degree-granting college or university in the state of Washington (~~which is a member institution of an accrediting association recognized by rule of the board for the purposes of this chapter, or a Washington public vocational-technical institute~~) 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:

(a) The Northwest Association of Schools and Colleges or a similar regional accrediting body as determined by the board;

(b) The Accrediting Bureau of Health Education Schools;

(c) The Accrediting Council for Continuing Education and Training;

(d) The Accrediting Commission of Career Schools and Colleges of Technology;

(e) The Accrediting Council for Independent Colleges and Schools;

(f) The National Accrediting Commission of Cosmetology Arts and Sciences;

(g) The Middle States Association of Colleges and Schools, Commission on Higher Education;

(h) The New England Association of Schools and Colleges;

(i) The North Central Association of Colleges and Schools;

(j) The Southern Association of Colleges and Schools;

(k) The Western Association of Schools and Colleges.

(5) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in this chapter, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(6) "Washington resident" means a resident as defined in RCW ~~((28B.15.011 through 28B.15.013 and in board adopted rules and regulations pertaining to the determination of residency))~~ 28B.15.012 (2)(a) through (d) and board adopted rules and regulations pertaining to the determination of Washington state residency.

(7) "New money" means funds raised during a twelve-month period designated and described in the annual program application. These funds cannot include interest income from endowments or interest from other funds raised previous to July 1 of the year of application.

(8) "Permanent and irrevocable scholarship endowment fund" means contributions received and deposited into an investment fund with the permanent purpose of using only the interest earnings from the principal of the contribution for the scholarships.

AMENDATORY SECTION (Amending WSR 90-09-003, filed 4/5/90, effective 5/6/90)

WAC 250-69-040 Eligibility criteria. To be eligible to apply for a matching award a community organization must:

(1) Have or establish a higher education scholarship program and, ((after June 30, 1989)) during a twelve-month period designated and described in the annual application, raise at least two thousand dollars in new money for student scholarships;

(2) Obtain and maintain tax exempt status under section 501 (c)(3) of the Internal Revenue Code for the fund supporting the student scholarship program;

(3) Award student scholarships without regard to age, sex, marital status, race, creed, color, religion, national origin, or the presence of any mental, sensory, or physical handicap; and

(4) ~~((Have not previously received a matching award from this program.))~~ If the recipient of the matching grant is a college foundation, agree to award student scholarships funded by the grant and the matching money only to graduating students for the specific purpose of continuing their higher education. College foundations must be registered with the attorney general's office under the Charitable Trust Act, chapter 11.110 RCW.

AMENDATORY SECTION (Amending WSR 90-09-003, filed 4/5/90, effective 5/6/90)

WAC 250-69-050 Application procedure. Community organizations ~~((which meet))~~ meeting eligibility criteria will be considered for selection after they complete an application for the matching award on a form provided by the higher education coordinating board.

AMENDATORY SECTION (Amending WSR 90-09-003, filed 4/5/90, effective 5/6/90)

WAC 250-69-060 Selection criteria. Community organizations which meet the eligibility criteria in ~~((section 040 above))~~ WAC 250-69-040 and have raised two thousand dollars in new money during the twelve-month period designated and described in the annual application will be selected for a matching award, ~~((during the demonstration period.))~~ in the following priority order~~(:~~

~~(1) Organizations which after June 30, 1989, begin a higher education scholarship program, establish a nonprofit, tax exempt 501 (c)(3) Internal Revenue Service Code scholarship foundation, and raise two thousand dollars to be used for student scholarships.~~

~~(2) Organizations which have had prior scholarship programs but reorganize after June 30, 1989, to meet the eligibility criteria of the demonstration project and raise two thousand dollars to be used for student scholarships.~~

~~(3) Organizations which had scholarship programs and met the eligibility criteria of the program prior to June 30, 1989, and raise an additional two thousand dollars for student scholarships after June 30, 1989.~~

Among applying organizations, those which (a) solicit broad-based community support in their fund-raising activities and are representative of the community in their structure; (b) conduct fund-raising activities with volunteers and not with paid or contracted fund raisers; and (c) have a primary focus of awarding scholarships to Washington residents attending Washington institutions of higher education shall be given preference when the number of organizations applying exceeds available matching award funds). Preference is given to those organizations affiliated with citizens' scholarship foundation.

Priority 1: Eligible organizations that have not previously received the matching grant.

Priority 2: Recipients of the matching grant in previous years that agree to raise new money and place that money and the matching grant into a permanent and irrevocable scholarship endowment fund.

Priority 3: Recipients of the matching grant in previous years that agree to raise new money for student scholarships.

When the number of organizations applying exceeds available matching award funds, those which:

(1) Solicit broad-based community support in their fund-raising activities and are representative of the community in their structure;

(2) Conduct fund-raising activities with volunteers and not with paid or contracted fund raisers; and

(3) Have primary focus of awarding scholarships to Washington residents attending Washington institutions of higher education shall be given further preference.

AMENDATORY SECTION (Amending WSR 90-09-003, filed 4/5/90, effective 5/6/90)

WAC 250-69-070 Award amount. The community scholarship foundation matching award is a ~~((one-time))~~ two thousand dollar grant based on available funding.

AMENDATORY SECTION (Amending WSR 90-09-003, filed 4/5/90, effective 5/6/90)

WAC 250-69-090 Reporting requirements. Community organizations will submit, on a form provided by the board, reports of scholarships awarded from their two thousand dollar contribution and the two thousand dollar matching award. Reporting information will include, but is not limited to, recipients names and addresses, scholarship amounts and the higher education institution the recipient plans to attend. Or if the organization receives an endowment matching grant, a report indicating the endowment account number, name, the amount of the matching grant and the community match deposited along with a copy of the deposit receipt from the financial institution.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 250-69-110 Duration of demonstration project.

**WSR 02-22-086
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**
[Filed November 5, 2002, 4:13 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-17-112.

Title of Rule: WAC 392-140-600 through 392-140-685, state special education safety net funding.

Purpose: To reflect changes made by the 2002 legislature and to provide for application for supplemental safety net funding.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: Section 507(7), chapter 309, Laws of 1999.

Summary: Proposed amendments reflect the change in safety net funding from state to federal funding, the elimination of MOESR, percentage, and other factors, categories, and the provision for supplemental safety new awards.

Name of Agency Personnel Responsible for Drafting: Shelley Umpstead, Office of Superintendent of Public

Instruction, (360) 725-6142; Implementation: Calvin W. Brodie, Office of Superintendent of Public Instruction, (360) 725-6301; and Enforcement: Michael L. Bigelow, Office of Superintendent of Public Instruction, (360) 725-6111.

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: Change to rules: Elimination of the funded safety net category, MOESR; and elimination of state funded safety net categories, percentage and other factors, due to the elimination of state safety net funds and the provision for supplemental safety net awards for those districts that have exhausted the high cost individual category and have remaining demonstrated financial need.

Proposal Changes the Following Existing Rules: As described above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable, no small business impact.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Old Capitol Building, Bryan Conference Room, 4th Floor, P.O. Box 47200, Olympia, WA 98504-7200, on December 10, 2002, at 11-12 a.m.

Assistance for Persons with Disabilities: Contact Sheila Emery by December 3, 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 December 3, 2002.

Date of Intended Adoption: December 11, 2002.

November 4, 2002
Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 01-04-023, filed 1/30/01, effective 1/30/01)

WAC 392-140-600 Special education safety net—Applicable provisions. The provisions of WAC 392-140-600 through 392-140-685 apply to the determination of safety net allocations of ~~((state special education moneys and))~~ Individuals with Disabilities Education Act (IDEA) federal ~~((discretionary moneys))~~ funds for the ~~((2000-01))~~ 2002-03 school year and thereafter.

AMENDATORY SECTION (Amending WSR 02-05-036, filed 2/12/02, effective 2/13/02)

WAC 392-140-605 Special education safety net—Application type((s)), certification, worksheets. Application for safety net funding shall be made on ~~((Form SPI-1381—Maintenance or))~~ Form SPI 1381 - Certification published by the superintendent of public instruction as follows:

(1) School districts may make application for safety net funding ~~((on one or more of the four application types~~

PROPOSED

described below. Applications will be considered and awards made in the order shown until the district's eligibility is exhausted.

(a) Maintenance of effort (state revenue only) hereafter referred to as MOESR. State safety net funding may be requested when a district shows a MOESR loss calculated by the superintendent of public instruction pursuant to WAC 392-140-620.

(b) Students above the funded percentage hereafter referred to as percentage. State safety net funding may be requested if district's actual resident special education enrollment exceeds the district's funded resident special education enrollment, the district is implementing an ongoing plan of action to contain or eliminate any unnecessary, duplicative, or ineffective enrollment practices, and all available funding, including state, federal, and local if provided in the past, is insufficient to meet the expenditure level necessary for special education. State safety net funding may be requested by a school district with unfunded special education costs due to factors beyond the district's control and not attributable to district philosophy or service delivery style. The applicant district must meet the standards of WAC 392-140-613 and 392-140-625.

(e)) for high-cost individual student(s). ((A school district may submit applications for federal safety net funding for high-cost individual students meeting the standards in WAC 392-140-616.

(d) Factors other than students above the funded level or high-cost individual students hereafter referred to as other factors. State safety net funding may be requested by a school district with unfunded special education costs due to factors beyond the district's control and not attributable to district philosophy or service delivery style. The applicant district must meet standards of WAC 392-140-613 and 392-140-625.

(2)) The school district making application for safety net funding shall certify that:

(a) The district recognizes that differences in costs attributable to district philosophy, service delivery choice, or accounting practice are not a legitimate basis for safety net awards.

(b) The application complies with the respective safety net application standards of WAC ((392-140-610, 392-140-613, or) 392-140-616;

((b)) (c) The application provides true and complete information to the best of the school district's knowledge; ((and

(e)) (d) The district understands that safety net funding is not an entitlement, is subject to adjustment and recovery, may not be available in future years, ((state safety net funding must be expended in program 21 which impacts the amount that must be maintained for the federal maintenance of effort test, and federal safety net funding)) must be expended in program 24, and federal Medicaid has been billed for all services to eligible students;

(e) The district is making reasonable effort to provide appropriate services for students in need of special education using state funding generated by the basic education apportionment and special education funding formulas;

(f) The district's special education services are operated in a reasonably efficient manner;

(g) Indirect costs included for purposes of determining safety net allocations do not exceed the allowable percent for federal special education program plus one percent;

(h) Any available federal funding is insufficient to address the additional needs;

(i) The costs of any supplemental contracts are not included for purposes of determining safety net awards. Supplemental contracts are those contracts made pursuant to RCW 28A.400.200(4) excluding extended school year contracts (ESY) required by an IEP; and

(j) The costs of any summer school instruction are not included for purposes of making safety net determinations excluding extended school year contracts (ESY) required by an IEP.

((3)) (2) Worksheet(s) A shall be included with the application ((shall)) must demonstrate the need for safety net funding. Worksheet A is used to determine a maximum amount of eligibility for a school district. Award amounts may be less than the maximum amount of eligibility determined on Worksheet A. School districts are encouraged and may be required to submit additional information designed to assist the state oversight committee in analyzing the application.

((a) MOESR applications pursuant to subsection (1)(a) of this section do not require any worksheets. Applications for MOESR shall include certification of standards and criteria described in WAC 392-140-610.

(b) Percentage applications pursuant to subsection (1)(b) of this section require completion of worksheet "A" described in WAC 392-140-625, certification of standards and criteria pursuant to WAC 392-140-613 and percentage application plan.

(e)) (3) All high-cost individual student applications shall include worksheets "A" and "C" and summary published in the safety net application, and certification of standards and criteria pursuant to WAC 392-140-616.

((d) Other factors applications pursuant to subsection (1)(d) of this section require completion of application narrative, worksheet "A" described in WAC 392-140-625, and certification of standards and criteria described in WAC 392-140-613.) (4) At the final meeting of the year, the state oversight committee may consider supplemental safety net funding needs of applicant districts that have exhausted their pool of high-cost individual students. This supplemental funding is limited to the remaining safety net funding available pursuant to WAC 392-140-660.

Districts making application for supplemental safety net funds shall convincingly demonstrate to the committee that their request for supplemental funding is not due to district philosophy, service delivery choice, or accounting practice.

AMENDATORY SECTION (Amending WSR 02-05-036, filed 2/12/02, effective 2/13/02)

WAC 392-140-609 Special education safety net—Standards and criteria—Appropriate and properly and efficiently prepared and formulated IEPs. Individualized education programs (IEPs) which are appropriate, properly

and efficiently prepared and formulated are those IEPs that meet all of the following criteria:

(1) The IEPs comply with federal and state procedural requirements.

(2) The delivery of specially designed instruction identified on the IEP complies with state standards (regularly scheduled teaching or training activities provided or designed by special education qualified staff).

(3) ~~((Areas for))~~ The provision of special education services conforms with areas of need identified in the student's evaluation and/or reevaluation made pursuant to chapter 392-172 WAC ~~((392-172-111))~~.

(4) The state oversight committee determines:

(a) There are no unresolved state audit examination issues related to special education which are material in nature;

(b) There are no unresolved state child count verification issues which are material in nature; and

(c) All corrections to state enrollment reporting, required for resolution of (a) and (b) of this subsection, are completed.

AMENDATORY SECTION (Amending WSR 02-05-036, filed 2/12/02, effective 2/13/02)

WAC 392-140-616 Special education safety net—Standards—High-cost individual student applications. For districts requesting safety net funding to meet the extraordinary needs of an eligible high-cost individual special education student, the district shall demonstrate at a minimum that:

(1) The IEP for the eligible special education student is appropriate, and properly and efficiently prepared and formulated.

(2) All of the following criteria apply to the high-cost individual student:

(a) Costs eligible for safety net consideration must be direct expenditures for services required in the IEP.

(b) In order to deliver appropriate special education to the student, the district must be providing services which incur additional costs which exceed available district annual average per-pupil revenues, including state, federal and local revenues, by ~~((seven thousand three hundred fifty eight dollars for the 2001-02 school year))~~ the published threshold. The threshold amount shall be adjusted annually thereafter based upon the increase in base salary and NERCs as budgeted in the Biennial Operating Appropriations Act and published in the safety net application. This threshold amount shall be adjusted pro rata for students not counted or expected to be counted for special education services on all eight enrollment count dates (October through May). For example, for a student served and reported for only six of the eight count dates, the threshold amount shall be reduced to three-quarters of the full amount. The state safety net oversight committee may set a lower threshold for small school districts.

(c) The total cost of educational services must exceed any carryover of federal flow-through special education funding as of August 31 of the prior school year.

(d) The cost of providing special education services, as directed in the IEP, for this student would be detrimental to

the school district's ability to provide necessary services to the other students being provided special education in the district.

(3) The state safety net oversight committee shall adapt the high cost individual student application as appropriate for applications prepared by the Washington state school for the blind and the Washington state school for the deaf.

AMENDATORY SECTION (Amending WSR 01-04-023, filed 1/30/01, effective 1/30/01)

WAC 392-140-626 Special education safety net—Worksheet A—Demonstration of need. Applications for ~~((percentage,))~~ high-cost individual students ~~((, and other factors))~~ shall demonstrate district financial need as follows:

(1) Application worksheet "A" shall demonstrate a fiscal need in excess of:

(a) ~~((The district's maximum eligibility for MOESR;~~

~~((b)))~~ Any previous safety net awards for the current school year; and

~~((c)))~~ (b) All other available revenue for special education, including all carryover of federal special education revenue.

(2) Awards shall not exceed the amount of need demonstrated on the worksheet "A."

(3) Worksheets submitted with safety net applications are to reflect the state adopted excess cost method of accounting, consistently applied for both years presented.

(4) The safety net oversight committee may revise the district's worksheet "A" submitted for errors or omissions.

(5) The school district shall provide ~~((additional))~~ clarifying information as requested by the state oversight committee.

(6) After the close of the school year, the safety net oversight committee may review the worksheet "A" used to determine need for a district's award against the actual final school year enrollments, revenues, and expenditures reported by the district. Based upon the results of this review:

(a) The safety net allocation for the school year may be adjusted or recovered; or

(b) If the committee finds that a portion of the safety net allocation was not needed to balance revenues and expenditures, the committee may consider that portion of the allocation available to meet the needs of the ensuing school year.

AMENDATORY SECTION (Amending Order 96-15, filed 9/18/96, effective 10/19/96)

WAC 392-140-643 Special education safety net—Definition—State oversight committee—Procedures. (1) The state oversight committee will review applications as deemed necessary by the superintendent of public instruction pursuant to WAC 392-140-608.

(2) All applications received by the state oversight committee will be reviewed for completeness by the state oversight committee manager or designee. If applications are not complete, they will be returned to the submitting school district.

(3) The state oversight committee manager will forward to the committee members copies of the applications in a timely manner.

(4) The state oversight committee manager will be responsible for presenting each application for consideration to the committee.

(5) Committee members shall question and discuss the application content for completeness, accuracy, and understanding of the reason(s) for the applicant's need for safety net funding.

(6) The committee may request that a submitting school district provide ~~((additional))~~ clarifying information.

(7) Committee members will individually indicate their agreement or disagreement with the action of the committee pursuant to WAC 392-140-646.

(8) A majority vote by the committee members will be sufficient to determine the committee action.

(9) The state oversight committee manager will ensure that notes are taken which summarize the questions and discussion related to each application. A decision summary for each application shall include the amount of the initial request, funding adjustments recommended by the committee, the amount of any award to be made, and the reasons for and against the action taken by the committee.

(10) Committee members shall each sign the decision summary.

(11) The state oversight committee manager, on behalf of the committee, will notify the applicant school district in writing of the determination of the committee. The school district will be provided a copy of the decision summary.

(12) All applications received by the state oversight committee will be retained by the superintendent of public instruction for use in the evaluation of the safety net funding process and to provide the superintendent of public instruction with information with which to make future decisions regarding the safety net process.

AMENDATORY SECTION (Amending Order 98-05, filed 3/18/98, effective 4/18/98)

WAC 392-140-656 Special education safety net—Request for review and reconsideration of an action. An applicant district may request review and reconsideration of an action of the state oversight committee made pursuant to WAC 392-140-646.

(1) The district shall make the request in writing to the superintendent of public instruction within thirty days of the date that the state oversight committee's written determination notice is sent to the district pursuant to WAC 392-140-643(11).

(2) The applicant district shall request reconsideration of the state oversight committee's action on one or more of the following grounds:

(a) The action was outside the statutory authority of the committee;

(b) The action failed to follow prescribed procedures;

(c) The action erroneously interpreted or applied the law;

(d) The action was not supported by substantial evidence; or

(e) The action was inconsistent with the agency rules regarding safety net funding.

(3) If the superintendent of public instruction finds grounds for reconsideration pursuant to subsection (2) of this section, the superintendent shall request reconsideration of the action by the state oversight committee. The superintendent's request shall state the grounds for reconsideration supported by the facts considered by the superintendent.

AMENDATORY SECTION (Amending WSR 01-04-023, filed 1/30/01, effective 1/30/01)

WAC 392-140-660 Special education safety net—Approved application—Special education safety net allocations. ~~((The total amount allocated to school districts may not exceed the authorized appropriation.))~~

(1) The special education safety net allocation for an individual district shall be the smaller of:

(a) The amount requested by the school district; or

(b) The amount authorized by the state oversight committee.

~~((2) ((If the district requests and the oversight committee approves the "full" allocation permitted by a state formula, then the allocation shall be adjusted periodically during the year and again in January after the close of the school year to reflect the amount determined under the formula.~~

~~((3) Special education safety net allocations of state moneys for percentage and other factors applicants under WAC 392-140-605 (1)(b) and (d) shall be prorated if total year to date state allocations for all safety net applications under WAC 392-140-605 (1)(a), (b), and (d) exceed the authorized appropriation for that school year.~~

~~((4)) Special education safety net allocations for high-cost individual students under WAC 392-140-605 (1)((e)) shall use appropriated federal moneys. If safety net awards to meet the extraordinary needs of one or more individual special education students exceed the general fund—federal appropriation, the superintendent shall expend all available federal discretionary funds necessary to meet this need. ((General fund—state funds shall not be expended for this purpose.))~~

AMENDATORY SECTION (Amending WSR 01-04-023, filed 1/30/01, effective 1/30/01)

WAC 392-140-675 Special education safety net—Adjustments to special education safety net allocations. Safety net allocations may be adjusted as follows:

(1) For those districts not maximizing Medicaid billing for special education students under RCW 74.09.5255, special education safety net allocations shall be reduced by the estimated potential additional incentive payments for the school year if the district maximized Medicaid incentive payments. Potential additional incentive payments shall be estimated by the superintendent of public instruction based on the district's percent of Medicaid eligible students billed and a statewide average incentive payment per student determined by the superintendent in October of the school year. The average incentive payment per student shall be deter-

mined using the prior school year's statewide Medicaid billing data assuming fifty percent incentive payments for all school districts. The superintendent of public instruction shall update Medicaid billing adjustments to safety net allocations periodically during the school year and again in January following the close of the school year.

(2) Special education safety net allocations for a school district may be adjusted to reflect changes in factors for which additional or revised information becomes available after the awarding of the initial safety net allocation. This means:

~~(a) ((MOESR awards for the "full" amount shall be increased, reduced, or nullified when a recalculation pursuant to WAC 392-140-620 results in a change in the amount previously calculated pursuant to WAC 392-140-620.~~

~~(b) Percentage awards for the full amount under WAC 392-140-605 (1)(b) shall be increased, reduced, or nullified when the district's enrollment or state funding factors change.~~

~~(e) Percentage and other factors)) High-cost awards may be reduced or nullified when the school district's actual revenues and expenditures for the school year differ significantly from the estimates on which the initial safety net award was based.~~

~~((d)) (b) A school district's safety net award may be adjusted by the safety net oversight committee based on the results of the review conducted by the special education program audit team pursuant to WAC 392-140-630.~~

~~((3) Allocations of state moneys under WAC 392-140-605 (1)(b) and (d) shall be prorated if total state allocations for all safety net applications under WAC 392-140-605 (1)(a), (b), and (d) exceed the authorized appropriation for that school year. Allocations shall be restored to full funding if additional appropriation authority becomes available.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-140-610 Special education safety net—Standards—MOESR applications.
- WAC 392-140-613 Special education safety net—Standards and criteria—Percentage and other factors applications.
- WAC 392-140-620 Special education safety net—Calculation of MOESR.
- WAC 392-140-625 Special education safety net—Demonstration of percentage and other factors.
- WAC 392-140-670 Special education safety net—Distribution of state moneys.

WAC 392-140-680

Special education safety net—Recovery of state allocations to school districts.

**WSR 02-22-087
PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed November 5, 2002, 4:41 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-16-097.

Title of Rule: Registration of brand name materials for organic food production.

Purpose: Chapter 16-160 WAC are the rules for the registration of materials (e.g. pesticides, fertilizers, post-harvest materials, etc.) for use in organic food production. The rules specify the application process and review criteria for registering brand name materials used in organic food production, processing and handling. The Department of Agriculture is proposing to amend chapter 16-160 WAC in order to adopt the national organic program and increase fees for brand name material registration to cover the costs of the program. The Washington state legislature amended RCW 15.86.070 to authorize the Washington State Department of Agriculture (WSDA) to increase fees in excess of the fiscal growth factor in order to ensure that fees cover the full cost of the program.

Statutory Authority for Adoption: RCW 15.86.060 and 15.86.070.

Statute Being Implemented: Chapters 15.86, 34.05 RCW.

Summary: The proposed amendments to chapter 16-160 WAC adopt the requirements under the 2001 national organic program final rule and increase fees.

Reasons Supporting Proposal: The national organic program sets requirements for materials used in organic food production and handling. The national organic program requirements must be adopted in order for the rule to be compliant with federal organic standards. Under RCW 15.86.070 the program must collect fees to cover the cost of the program. Fees must be increased to cover the cost of reviewing materials for organic food production.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Miles McEvoy, Olympia, (360) 902-1924.

Name of Proponent: Organic Food Program, Washington State Department of Agriculture, governmental.

Rule is necessary because of federal law, Title 7 C.F.R. Part 205.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 16-160 WAC contains the rules for the registration of materials (pesticides, fertilizers, post-harvest materials, processing aids, etc.) for use in organic food production, processing and handling. Under the chapter, materials used in organic food production are evaluated to determine whether they meet organic standards. Materials that comply with organic standards may be registered under the chapter as approved for use in organic food production.

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The WSDA is amending chapter 16-160 WAC to be in compliance with the national organic program, Title 7 C.F.R. Part 205. Registration fees are increased to cover the cost of reviewing materials and maintaining the brand name materials list. Proposed fee increases account for increases in the department's cost of reviewing materials.

Proposal Changes the Following Existing Rules: Chapter 16-160 WAC, Registration of brand name materials for organic food production, contains the rules for the registration of materials (pesticides, fertilizers, post-harvest materials, processing aids, etc.) for use in organic food production, processing and handling. Under the chapter, materials used in organic food production are evaluated to determine whether they meet organic standards. Materials that comply with organic standards may be registered under the chapter as approved for use in organic food production.

The WSDA is amending chapter 16-160 WAC to be in compliance with the national organic program, Title 7 C.F.R. Part 205. Registration fees are increased to cover the cost of reviewing materials and maintaining the brand name materials list. Proposed fee increases account for increases in the department's cost of registering materials.

Notes on Proposed Changes:

WAC 16-160-010 Purpose, amends section to be consistent with chapter 15.86 RCW.

WAC 16-160-020 Definitions, a number of definitions are deleted as they are no longer used in the rule. The deleted definitions include active ingredient, approved generic material, defoliant, desiccant, EPA, generic material, genetic engineering, inert ingredient, plant regulator, prohibited material, and Washington application rate.

WAC 16-160-025 What materials are approved for use in organic food production, processing and handling?, this section is no longer needed and is repealed.

WAC 16-160-035 Brand name materials list, the amendments clarify that the brand name materials list includes all material registered for use in organic food production, processing and handling.

WAC 16-160-060 What criteria are used to determine if a brand name material is approved?, amends section to use the criteria established under the national organic program.

WAC 16-160-070 Application fees.

Fee	Old fee	New fee
Initial application fee (pesticides, spray adjuvants, processing aids, post-harvest materials)	\$200	\$300
Initial application fee (fertilizers, composts, soil amendments, organic waste derived materials, animal manures, crop production aids, livestock production aids)	\$100	\$200
Renewal application fee (pesticides, spray adjuvants, processing aids, post-harvest materials)	\$100	\$200
Renewal application fee (fertilizers, composts, soil amendments, organic waste derived materials, animal manures, crop production aids, livestock production aids)	\$50	\$100

Late fee (pesticides, spray adjuvants, processing aids, post-harvest materials)	\$20	\$30
Late fee (fertilizers, composts, soil amendments, organic waste derived materials, animal manures, crop production aids, livestock production aids)	\$10	\$30

No small business economic impact statement has been prepared under chapter 19.85 RCW. Chapter 16-160 WAC provides a voluntary registration program for registering brand name materials for use in organic production and handling. Since the material registration program is voluntary there are no costs imposed on businesses and under RCW 19.85.030 a small business economic impact statement is not required. The material registration fees provide the funds necessary to support this voluntary program for those that wish to avail themselves of these services. The program is required to recover the full cost of the program under RCW 15.86.070.

Businesses are not required to register their products in order to provide their products to organic producers, processors, and handlers. In addition, businesses may register their products with other organizations.

RCW 34.05.328 does not apply to this rule adoption. WSDA is not a listed agency in section 201.

Hearing Location: Natural Resources Building, Room 259, 1111 Washington Street, 2nd Floor, Olympia, WA 98504-2560, on December 26, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by December 19, 2002, TDD (360) 902-1996 or (360) 902-1880.

Submit Written Comments to: Miles McEvoy, Organic Food Program, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2087, by 5:00 p.m., December 26, 2002.

Date of Intended Adoption: No earlier than January 3, 2003.

November 5, 2002

K. Diane Dolstad

Acting Assistant Director

AMENDATORY SECTION (Amending WSR 99-16-054, filed 7/30/99, effective 8/30/99)

WAC 16-160-010 What is the purpose of this rule? This chapter specifies the review process and criteria for registering brand name materials used in organic food production, processing and handling. This chapter is promulgated pursuant to RCW 15.86.060 in which the director is authorized to adopt rules for the proper administration of chapter 15.86 RCW and ~~((establish a list of approved substances that may be used in the production, processing and handling of organic food and))~~ RCW 15.86.070 in which the director is authorized to adopt rules governing the certification of producers of organic food.

AMENDATORY SECTION (Amending WSR 99-16-054, filed 7/30/99, effective 8/30/99)

WAC 16-160-020 Definitions. As used in this chapter:

(1) ~~((1))~~ ~~(1)~~ "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

~~((2))~~ ~~(2)~~ "Animal manure" means a material composed of excreta, with or without bedding materials and/or animal drugs and collected from poultry, ruminants or other animals except humans.

~~((3))~~ ~~(2)~~ "Applicant" means the person who submits an application to register a material pursuant to the provisions of this chapter.

~~((4))~~ ~~(3)~~ "Approved generic material" means any material which is approved for use in organic food production, processing or handling under chapter 15.86 RCW (Organic food products) and rules adopted pursuant to chapter 15.86 RCW.

~~((5))~~ ~~(3)~~ "Brand name material" means any material that is supplied, distributed or manufactured by a person.

~~((6))~~ ~~(4)~~ "Compost" means a material produced from a controlled process in which organic materials are digested aerobically or anaerobically by microbial action.

~~((7))~~ ~~(5)~~ "Crop production aid" means any substance, material, structure, or device, that is used to aid a producer of an agricultural product except for fertilizers and pesticides.

~~((8))~~ ~~(6)~~ "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

~~((9))~~ ~~(6)~~ "Department" means the department of agriculture of the state of Washington.

~~((10))~~ ~~(7)~~ "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

~~((11))~~ ~~(7)~~ "Director" means the director of the department of agriculture or his or her duly authorized representative.

~~((12))~~ ~~(8)~~ "Distribute" means to offer for sale, hold for sale, sell, barter, deliver, or supply materials in this state.

~~((13))~~ ~~(8)~~ "EPA" means the United States Environmental Protection Agency.

~~((14))~~ ~~(9)~~ "Fertilizer" means any substance containing one or more recognized plant nutrients.

~~((15))~~ ~~(9)~~ "Generic material" means any type, class or group of materials that is specified under chapter 15.86 RCW or rules adopted pursuant to chapter 15.86 RCW.

~~((16))~~ ~~(10)~~ "Genetic engineering" means techniques that alter the molecular or cell biology of an organism by means that are not possible under natural conditions or processes. Genetic engineering includes recombinant DNA, cell fusion, micro and macro-encapsulation, gene deletion, and doubling, introducing a foreign gene, and changing the positions of genes. It does not include breeding, conjugation, fermentation, hybridization, in vitro fertilization and tissue culture.

~~((17))~~ ~~(10)~~ "Inert ingredient" means an ingredient which is not an active ingredient.

~~((18))~~ ~~(10)~~ "Label" means the written, printed, or graphic matter on, or attached to, the material or its immediate container.

~~((19))~~ ~~(11)~~ "Labeling" includes all written, printed, or graphic matter, upon or accompanying a material, or advertisement, brochures, posters, television, and radio announce-

ments used in promoting the distribution or sale of the material.

~~((20))~~ ~~(12)~~ "Livestock production aid" means any substance, material, structure, or device, that is used to aid a producer in the production of livestock (e.g., parasiticides, medicines, feed additives).

~~((21))~~ ~~(13)~~ "Material" means any substance or mixture of substances that is intended to be used in agricultural production, processing or handling.

~~((22))~~ ~~(14)~~ "Organic waste-derived material" means grass clippings, leaves, weeds, bark, plantings, prunings, and other vegetative wastes, uncontaminated wood waste from logging and milling operations, food wastes, food processing wastes, and materials derived from these wastes through composting. "Organic waste-derived material" does not include products that include biosolids as defined in chapter 70.95 RCW.

~~((23))~~ ~~(15)~~ "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

~~((24))~~ ~~(16)~~ "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant;

(c) Any substance or mixture of substances intended to be used as a spray adjuvant; and

(d) Any other substances intended for such use as may be named by the director by regulation.

~~((25))~~ ~~(17)~~ "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculant, or soil amendments.

~~((26))~~ ~~(17)~~ "Post-harvest material" means any substance, material, structure, or device, that is used in the post-harvest handling of agricultural products.

~~((27))~~ ~~(18)~~ "Processing aid" means any material used in processing that does not become an ingredient in the food product (e.g., enzymes, boiler water additives, pressing aids, and filtering aids).

~~((28))~~ ~~(18)~~ "Prohibited material" means any material which is prohibited for use in organic food production, handling, or processing under chapter 15.86 RCW (Organic food products) and rules adopted pursuant to chapter 15.86 RCW.

~~((29))~~ ~~(19)~~ "Registered material" means any material that has applied for registration under this chapter, has met the criteria for approval and has been issued written approval by the department.

~~((30))~~ ~~(20)~~ "Registrant" means the person registering any material pursuant to the provisions of this chapter.

~~((31))~~ ~~(21)~~ "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except for fertilizers and pesticides.

~~((32))~~ (22) "Spray adjuvant" means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to its application or to its effect, and which is in a package or container separate from that of the pesticide with which it is to be used.

~~((33) "Washington application rate" is calculated by using an averaging period of up to four consecutive years that incorporates agronomic rates that are representative of soil, crop rotation, and climatic conditions in Washington state.))~~

AMENDATORY SECTION (Amending WSR 99-16-054, filed 7/30/99, effective 8/30/99)

WAC 16-160-035 Brand name materials list. The department maintains a list of registered materials (~~and brand name materials that have been denied registration~~) that are approved for use in organic food production, processing or handling. The list is provided to all producers, processors and handlers of organic food who apply for certification with the department. A registered material that appears on the brand name materials list has been reviewed to verify that all of its ingredients comply with organic standards.

AMENDATORY SECTION (Amending WSR 99-16-054, filed 7/30/99, effective 8/30/99)

WAC 16-160-060 What criteria are used to determine if a brand name material is approved? The director reviews the information provided under WAC 16-160-040. A brand name material that meets the ~~((following criteria))~~ requirements under the 2001 National Organic Program final rule, section 205.105 and sections 205.600 through 205.606 will be registered.

~~((1) General requirements.~~

~~(a) Its composition is such as to warrant the proposed claims for it;~~

~~(b) Its labeling and other material required to be submitted comply with state and federal laws;~~

~~(c) It does not contain ingredients that are genetically engineered;~~

~~(d) It does not contain ingredients that appear on the EPA's List 1 or 2 of inert pesticide ingredients.~~

~~(2) Pesticide and spray adjuvants.~~

~~(a) The material does not contain ingredients that are prohibited under chapter 16-154 WAC; and~~

~~(b) The ingredients are approved under chapter 16-154 WAC; or~~

~~The ingredients are naturally derived, except for those naturally derived materials prohibited under chapter 16-154 WAC; or~~

~~The ingredients appear on the EPA's List 4A or 4B of Inert Pesticide Ingredients; or~~

~~The ingredients meet the following conditions:~~

~~(i) Would not be harmful to human health or the environment;~~

~~(ii) Are necessary to the production or handling of organic products; and~~

~~(iii) Are consistent with organic principles.~~

~~(3) Fertilizers, organic waste derived materials, compost, animal manures, soil amendments, and crop production aids:~~

~~(a) All fertilizers, organic waste derived materials, compost, animal manures and soil amendments must meet standards for allowable levels of nonnutritive substances under chapter 15.54 RCW. Washington application rates shall be used to ensure that the maximum acceptable cumulative metal additions to soil are not exceeded.~~

~~(b) All organic waste derived materials, compost and animal manures must consist of acceptable feedstocks. Acceptable feedstocks include materials approved under WAC 16-154-070. Prohibited feedstocks include mixed municipal solid waste, sewage sludge, biosolids, glossy paper, recycled gypsum, dangerous waste, special waste, waste or by product from processes that create organochlorines, cement kilns, secondary steel mills, waste categorically excluded from the dangerous waste regulations and other materials prohibited under this chapter. Applications for registering organic waste derived materials, composts and animal manures must include an inspection of the facility. Inspections of facilities entail an examination of the feedstocks and may entail an examination of any other information deemed necessary to the requirements of chapter 15.86 RCW and this chapter.~~

~~(c) The material does not contain ingredients that are prohibited under chapter 16-154 WAC.~~

~~(d) The ingredients are approved under chapter 16-154 WAC; or the ingredients are naturally derived, except for those naturally derived materials prohibited under chapter 16-154 WAC; or the ingredients appear on the EPA's List 4A or 4B of Inert Pesticide Ingredients; or the ingredients meet the following conditions:~~

~~(i) Would not be harmful to human health or the environment;~~

~~(ii) Are necessary to the production of organic products; and~~

~~(iii) Are consistent with organic principles.~~

~~(4) Post harvest materials:~~

~~(a) The material does not contain ingredients that are prohibited under chapter 16-164 WAC or WAC 16-154-120; and~~

~~(b) The ingredients are approved under WAC 16-154-120 or chapter 16-164 WAC; or~~

~~The ingredients are naturally derived, except for those naturally derived materials prohibited under chapter 16-154 WAC; or~~

~~The ingredients appear on the EPA's List 4A or 4B of Inert Pesticide Ingredients; or~~

~~The ingredients meet the following conditions:~~

~~(i) Would not be harmful to human health or the environment;~~

~~(ii) Are necessary to the handling of the organic products; and~~

~~(iii) Are consistent with organic principles.~~

~~(5) Processing aids:~~

~~(a) The material does not contain ingredients that are prohibited under chapter 16-158 WAC; and~~

~~(b) The ingredients are approved under chapter 16-158 WAC; or~~

~~The ingredients are naturally derived, except for those naturally derived materials prohibited under chapter 16-158 WAC; or~~

~~The ingredients appear on the United States Food and Drug Administration list of food additives generally regarded as safe; or~~

~~The ingredients meet the following conditions:~~

~~(i) Would not be harmful to human health or the environment;~~

~~(ii) Are necessary to the processing of organic products; and~~

~~(iii) Are consistent with organic principles.~~

~~(6) Livestock production aids (parasitocides and medicines, vitamins, minerals, livestock feed additives).~~

~~(a) The material does not contain ingredients that are prohibited under chapter 16-162 WAC; and~~

~~(b) The ingredients are approved under chapter 16-162 WAC; or~~

~~The ingredients are naturally derived, except for those naturally derived materials prohibited under chapter 16-162 WAC; or~~

~~The ingredients appear on the United States Food and Drug Administration list of food additives generally regarded as safe; or~~

~~The ingredients meet the following conditions:~~

~~(i) Would not be harmful to human health or the environment;~~

~~(ii) Are necessary to the production or handling of the organic livestock products; and~~

~~(iii) Are consistent with organic principles.)~~

AMENDATORY SECTION (Amending WSR 99-16-054, filed 7/30/99, effective 8/30/99)

WAC 16-160-070 Application fees. Whenever the department receives an application for registration of materials under this chapter, the department may conduct an inspection. This inspection may entail a survey of required records, examination of facilities, testing representative samples for prohibited materials, and any other information deemed necessary to the requirements of this chapter.

The application fee for initial registration of a pesticide, spray adjuvant, processing aid or post-harvest material is ~~((two))~~ three hundred dollars per material. The application fee for initial registration of a fertilizer, soil amendment, organic waste derived material, compost, animal manure, crop production aid, or livestock production aid is ~~((one))~~ two hundred dollars per material.

The application fee for renewing a registration for a pesticide, spray adjuvant, processing aid or post-harvest material is ~~((one))~~ two hundred dollars per material. The application fee for renewing a registration for a fertilizer, soil amendment, organic waste derived material, compost, animal manure, crop production aid, or livestock production aid is ~~((fifty))~~ one hundred dollars per material.

Renewal registrations postmarked after October 31 pay a late fee of ~~((twenty))~~ thirty dollars ~~((per pesticide, spray adjuvant, processing aid or post-harvest material; and ten dollars per fertilizer, soil amendment, organic waste derived mate-~~

~~rial, compost, animal manure, crop production aid, or livestock production aid.~~

~~Additional)).~~ Inspections, if required, will be billed at ~~((twenty))~~ forty dollars per hour plus mileage which shall be charged at the rate established by the state office of financial management.

~~((Additional))~~ Samples ~~((in addition to one sample provided for), if required shall cost an additional lab fee of one hundred ten dollars)), if required for registration, or requested by the applicant, will be charged to the applicant at a rate established by the laboratory services division of the department of agriculture.~~ If an additional visit must be arranged, it shall be at ~~((twenty))~~ forty dollars per hour plus mileage which shall be charged at the rate established by the state office of financial management.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-160-025

What materials are approved for use in organic food production, processing and handling?

WSR 02-22-088

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed November 5, 2002, 4:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-16-098.

Title of Rule: Organic food standards and certification.

Purpose: Chapter 16-157 WAC adopts the National Organic Program, establishes a fee structure for organic certification and provides organic certification logos for producers, processors and handlers certified under the chapter. The proposal increases fees for organic certification in order to cover the costs of the program and adopts all sections of the 2001 National Organic Program.

Statutory Authority for Adoption: Chapters 15.86 and 34.05 RCW.

Statute Being Implemented: Chapters 15.86, 34.05 RCW.

Summary: The proposed amendments to chapter 16-157 WAC increases fees for organic certification, establish a fee structure for retail certification, and adopt additional sections of the 2001 National Organic Program so that Washington state organic standards are fully compliant with the National Organic Program.

Reasons Supporting Proposal: The Washington state legislature amended RCW 15.86.070 to authorize the Department of Agriculture to increase fees in excess of the fiscal growth factor in order to ensure that fees cover the full cost of the organic program. Fees must be increased to cover the

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cost of certifying organic producers, processors, and handlers.

The additional sections of the National Organic Program must be adopted in order for Washington state to be in compliance with the National Organic Program and continue to provide organic certification services to the organic food industry and enable producers, processors and handlers to maintain access to the organic market.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Miles McEvoy, Olympia, (360) 902-1924.

Name of Proponent: Organic Food Program, Washington State Department of Agriculture, governmental.

Rule is necessary because of federal law, Title 7 C.F.R. Part 205.

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 16-157 WAC, Organic food standards and certification, adopts the National Organic Program and provides certification for producers, processors and handlers wishing to obtain organic certification. The rule sets fees for obtaining certification and provides organic certification logos for those parties certified under the rule. Organic certification is also offered for retail food stores.

The purpose of the rule amendments are to adopt additional sections of the 2001 National Organic Program, increase fees to cover the cost of the program, make some technical corrections to the rule, provide a fee schedule for certification for retail food stores, and repeal sections of the rule that are no longer in compliance with the federal organic standards.

Some new fees are established to cover the costs of services. Fees for certification are increased to cover the costs of providing the service.

The amendments will provide sufficient funding for the Washington State Department of Agriculture organic food program to continue to provide organic certification services.

Proposal Changes the Following Existing Rules:

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 02-23 issue of the Register.

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

Small Business Economic Impact Statement

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 02-23 issue of the Register.

A copy of the statement may be obtained by writing to Miles McEvoy, Organic Food Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1805, fax (360) 902-2087.

RCW 34.05.328 does not apply to this rule adoption. WSDA is not a listed agency in section 201.

Hearing Location: Natural Resources Building, Room 259, 1111 Washington Street, 2nd Floor, Olympia, WA 98504-2560, on December 26, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by December 19, 2002, TDD (360) 902-1996 or (360) 902-1880.

Submit Written Comments to: Miles McEvoy, Organic Food Program, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2087, by 5:00 p.m., December 26, 2002.

Date of Intended Adoption: No earlier than January 3, 2003.

November 5, 2002

K. Diane Dolstad

Acting Assistant 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 02-23 issue of the Register.

WSR 02-22-107

PROPOSED RULES

STATE BOARD OF HEALTH

[Filed November 6, 2002, 11:22 a.m.]

Supplemental Notice to WSR 02-16-102.

Preproposal statement of inquiry was filed as WSR 01-24-102.

Title of Rule: Emergency powers and duties of local health officers.

Purpose: To provide guidance to first-responders in the event of a bioterrorism attack, chemical or radiologic attack, or major infectious disease outbreak about the enforceability of local health officers orders and the due process rights of individuals subject to isolation and quarantine orders.

Other Identifying Information: Amends and supplements provisions in chapter 246-100 WAC, Communicable and certain other diseases and chapter 246-101 WAC, Notifiable conditions, pertaining to the powers and duties of local health officers and local board of health in order to clarify processes surrounding implementation of measures to control disease and contamination.

Statutory Authority for Adoption: RCW 43.20.050 (2)(d).

Statute Being Implemented: RCW 70.05.050 and [70.05.]070.

Summary: These rules would apply modern due process procedures to the existing authorities of local health officers and local boards of health to order isolation and quarantine. They would also emphasize in rule existing statutory requirements that board's rules and the orders of local health officers be obeyed and enforced by law enforcement officers.

Reasons Supporting Proposal: The board has developed rules for isolation and quarantine in response to disease-specific threats. Increased awareness of the possibility of a bioterrorism attack and the risk of a serious communicable disease outbreak has prompted the board to consider broader rules for isolation and quarantine.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Craig McLaughlin, 1102 S.E. Quince, Olympia, WA 98504, (360) 236-4106.

Name of Proponent: Local health jurisdictions, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the rule is to enable local health officers and other first responders to react more effectively in the event of a bioterrorism attack or major disease outbreak. The rule would establish a process and set of procedures for local health officers, law enforcement, and the courts to follow for the imposition and use of isolation and quarantine when there is a serious and imminent threat to the public. It establishes:

- Conditions that must be met before detaining people involuntarily,
- A right to notice,
- How long a person or group can be isolated or quarantined on the order of a local health officer before judicial review is necessary,
- The standard of proof for convincing the court to issue, uphold, or extend an isolation or quarantine order,
- Conditions of quarantine,
- Conditions for entering an isolation and quarantine facility,
- Right to counsel,
- Procedures for seeking relief from the courts, and
- Other due process protections.

It also consolidates in rule statutory requirements that people obey orders issued by a local health officer to control the spread of disease and that law enforcement enforce those orders.

Proposal Changes the Following Existing Rules: Changes to existing rules concerning emergency powers and duties of local health officers and local board of health, WAC 246-100-036 and 246-101-505. These require planning for disease control efforts, "invoking the powers of the courts to enforce those measures when necessary." That language would be struck and the existing sections would reference new sections.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Explanation submitted with WSR 02-16-102.

RCW 34.05.328 applies to this rule adoption. The rule would adopt substantive provisions of law pursuant to delegated legislative authority (to adopt rules for the imposition of isolation and quarantine), and it is a misdemeanor to disobey a State Board of Health (SBOH) rule. The proposed rule, therefore, fits the definition of a significant legislative rule. SBOH has chosen to make RCW 34.05.328 applicable to its rule-making activities under RCW 34.05.328 (5)(a)(ii).

Hearing Location: Hilton Seattle Airport and Conference Center, 17620 Pacific Highway South, Seattle, WA 98188, on December 10, 2002, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Desiree Day Robinson by December 6, 2002, (360) 236-4107.

Submit Written Comments to: Craig McLaughlin, Policy Manager, Washington State Board of Health, P.O. Box 47990, Olympia, WA 98502, fax (360) 236-4088, by December 6, 2002.

Date of Intended Adoption: December 10, 2002.

November 5, 2002

Don Sloma

Executive Director

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-100-011 Definitions. The following definitions shall apply in the interpretation and enforcement of chapter 246-100 WAC:

(1) "Acquired immunodeficiency syndrome (AIDS)" means illness, disease, or conditions defined and described by the Centers for Disease Control, U.S. Public Health Service, Morbidity and Mortality Weekly Report (MMWR), December 18, 1992, Volume 41, Number RR-17. A copy of this publication is available for review at the department and at each local health department.

(2) "AIDS counseling" means counseling directed toward:

(a) Increasing the individual's understanding of acquired immunodeficiency syndrome; and

(b) Assessing the individual's risk of HIV acquisition and transmission; and

(c) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection.

(3) "Board" means the Washington state board of health.

(4) "Case" means a person, alive or dead, having been diagnosed to have a particular disease or condition by a health care provider with diagnosis based on clinical or laboratory criteria or both.

(5) "Child day care facility" means an agency regularly providing care for a group of children for less than twenty-four hours a day and subject to licensing under chapter 74.15 RCW.

(6) "Communicable disease" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air.

(7) "Contaminated" or "contamination" means containing or having contact with infectious agents or chemical or radiological materials that pose an immediate threat to present or future public health.

(8) "Contamination control measures" means the management of persons, animals, goods, and facilities that are contaminated, or suspected to be contaminated, in a manner to avoid human exposure to the contaminant, prevent the contaminant from spreading, and/or effect decontamination.

(9) "Department" means the Washington state department of health.

~~((8))~~ (10) "Detention" or "detainment" means physical restriction of activities of an individual by confinement(~~(7~~ consistent with ~~WAC 246-100-206(8),~~)) for the purpose of ~~((monitoring and eliminating behaviors presenting imminent danger))~~ controlling or preventing a serious and imminent threat to public health and may include physical plant, facilities, equipment, and/or personnel to physically restrict activities of the individual to accomplish such purposes.

~~((9))~~ (11) "Disease control measures" means the management of persons, animals, goods, and facilities that are infected with, suspected to be infected with, exposed to, or suspected to be exposed to an infectious agent in a manner to prevent human transmission of the infectious agent.

(12) "Health care facility" means:

(a) Any facility or institution licensed under chapter 18.20 RCW, boarding home, chapter 18.46 RCW, birthing centers, chapter 18.51 RCW, nursing homes, chapter 70.41 RCW, hospitals, or chapter 71.12 RCW, private establishments, clinics, or other settings where one or more health care providers practice; and

(b) In reference to a sexually transmitted disease, other settings as defined in chapter 70.24 RCW.

~~((10))~~ (13) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care who is:

(a) Licensed or certified in this state under Title 18 RCW; or

(b) Is military personnel providing health care within the state regardless of licensure.

~~((11))~~ (14) "HIV testing" means conducting a laboratory test or sequence of tests to detect the human immunodeficiency virus (HIV) or antibodies to HIV performed in accordance with requirements to WAC 246-100-207. To assure that the protection, including but not limited to, pre- and post-test counseling, consent, and confidentiality afforded to HIV testing as described in chapter 246-100 WAC also applies to the enumeration of CD4+ (T4) lymphocyte counts (CD4+ counts) and CD4+ (T4) percents of total lymphocytes (CD4+ percents) when used to diagnose HIV infection, CD4+ counts and CD4+ percents will be presumed HIV testing except when shown by clear and convincing evidence to be for use in the following circumstances:

(a) Monitoring previously diagnosed infection with HIV;

(b) Monitoring organ or bone marrow transplants;

(c) Monitoring chemotherapy;

(d) Medical research; or

(e) Diagnosis or monitoring of congenital immunodeficiency states or autoimmune states not related to HIV.

The burden of proving the existence of one or more of the circumstances identified in (a) through (e) of this subsection shall be on the person asserting such existence.

~~((12)) "Isolation" means the separation or restriction of activities of infected persons, or of persons suspected to be infected, from other persons to prevent transmission of the infectious agent.)~~ (15) "Infectious agent" means an organism such as a virus, rickettsia, bacteria, fungus, protozoan, or helminth that is capable of producing infection or infectious disease.

(16) "Isolation" means the separation from others of persons infected or contaminated, or suspected to be infected or contaminated, with an infectious agent or contaminant, or the restriction of their activities, to prevent direct or indirect transmission of the infectious agent or contaminant.

~~((13))~~ (17) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, as provided in chapter 70.05 RCW and chapter 70.08 RCW.

~~((14))~~ (18) "Local health officer" means the individual having been appointed under chapter 70.05 RCW as the health officer for the local health department, or having been appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department, or his or her delegatee appointed by the local board of health.

~~((15))~~ (19) "Nosocomial infection" means an infection acquired in a hospital or other health care facility.

~~((16))~~ (20) "Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.

~~((17))~~ (21) "Post-test counseling" means counseling after the HIV test when results are provided and directed toward:

(a) Increasing the individual's understanding of human immunodeficiency virus (HIV) infection;

(b) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection;

(c) Encouraging the individual testing positive to notify persons with whom there has been contact capable of spreading HIV;

(d) Assessing emotional impact of HIV test results; and

(e) Appropriate referral for other community support services.

~~((18))~~ (22) "Pretest counseling" means counseling provided prior to HIV testing and aimed at:

(a) Helping an individual to understand:

(i) Ways to reduce the risk of human immunodeficiency virus (HIV) transmission;

(ii) The nature, purpose, and potential ramifications of HIV testing;

(iii) The significance of the results of HIV testing; and

(iv) The dangers of HIV infection; and

(b) Assessing the individual's ability to cope with the results of HIV testing.

~~((19))~~ (23) "Principal health care provider" means the attending physician or other health care provider recognized as primarily responsible for diagnosis and treatment of a patient or, in the absence of such, the health care provider initiating diagnostic testing or therapy for a patient.

~~((20)) "Quarantine" means the separation or restriction on activities of a person having been exposed to or infected with an infectious agent, to prevent disease transmission.~~

~~((21))~~ (24) "Quarantine" means the separation from others of well persons exposed to, or suspected to be exposed to, an infectious agent or contaminant through contact with an infected or contaminated individual, animal, or environment, or the restriction of their activities, to prevent direct or indirect transmission of the infectious agent or contaminant.

(25) "School" means a facility for programs of education as defined in RCW 28A.210.070 (preschool and kindergarten through grade twelve).

~~((22))~~ (26) "Sexually transmitted disease (STD)" means a bacterial, viral, fungal, or parasitic disease or condition which is usually transmitted through sexual contact, including:

(a) Acute pelvic inflammatory disease;

(b) Chancroid;

(c) Chlamydia trachomatis infection;

(d) Genital and neonatal herpes simplex;

- (e) Genital human papilloma virus infection;
- (f) Gonorrhea;
- (g) Granuloma inguinale;
- (h) Hepatitis B infection;
- (i) Human immunodeficiency virus infection (HIV) and acquired immunodeficiency syndrome (AIDS);
- (j) Lymphogranuloma venereum;
- (k) Nongonococcal urethritis (NGU); and
- (l) Syphilis.

~~((23))~~ (27) "Spouse" means any individual who is the marriage partner of an HIV-infected individual, or who has been the marriage partner of the HIV-infected individual within the ten-year period prior to the diagnosis of HIV-infection, and evidence exists of possible exposure to HIV.

~~((24))~~ (28) "State health officer" means the person designated by the secretary of the department to serve as state-wide health officer, or, in the absence of such designation, the person having primary responsibility for public health matters in the state.

~~((25))~~ (29) "Suspected case" ~~((means a person whose diagnosis is thought likely to be a particular disease or condition with suspected diagnosis based on signs and symptoms, laboratory evidence, or both))~~ or "suspected to be infected" means the local health officer, in his or her professional judgment, reasonably believes that infection with a particular infectious agent is likely based on signs and symptoms, laboratory evidence, or contact with an infected individual, animal, or contaminated environment.

~~((26))~~ (30) "Veterinarian" means an individual licensed under provisions of chapter 18.92 RCW, veterinary medicine, surgery, and dentistry and practicing animal health care.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-100-036 Responsibilities and duties—Local health officers. (1) The local health officer shall ~~(review and determine appropriate action for:~~

~~instituting disease prevention and infection control, isolation, detention, and quarantine measures necessary to prevent the spread of communicable disease, invoking the power of the courts to enforce these measures when necessary))~~ establish, in consultation with local health care providers, health facilities, emergency management personnel, law enforcement agencies, and any other entity he or she deems necessary, plans, policies, and procedures for instituting emergency measures necessary to prevent the spread of communicable disease or contamination.

(2) Local health officers shall:

- (a) Notify health care providers within the health district regarding requirements in this chapter;
- (b) Ensure anonymous HIV testing is reasonably available;
- (c) Make HIV testing, AIDS counseling, and pretest and post-test counseling, as defined in this chapter, available for voluntary, mandatory, and anonymous testing and counseling as required by RCW 70.24.400;
- (d) Make information on anonymous HIV testing, AIDS counseling, and pretest and post-test counseling, as described under WAC 246-100-208 and 246-100-209, available;

(e) Use identifying information on HIV-infected individuals provided according to chapter 246-101 WAC only:

- (i) For purposes of contacting the HIV-positive individual to provide test results and post-test counseling; or
- (ii) To contact persons who have experienced substantial exposure, including sex and injection equipment-sharing partners, and spouses; or
- (iii) To link with other name-based public health disease registries when doing so will improve ability to provide needed care services and counseling and disease prevention; and

(f) Destroy documentation of referral information established in WAC 246-100-072 and this subsection containing identities and identifying information on HIV-infected individuals and at-risk partners of those individuals immediately after notifying partners or within three months, whichever occurs first.

(3) Local health officers shall ~~(conduct investigations and institute control measures consistent with those indicated in the seventeenth edition, 2000, of Communicable Diseases Manual, James Chin, MD, MPH, editor, except:~~

- ~~(a) When superseded by more up to date measures, or~~
- ~~(b) When other measures are more specifically related to Washington state)),~~ when necessary, conduct investigations and institute disease control and contamination control measures, including medical examination, testing, counseling, treatment, vaccination, decontamination of persons or animals, isolation, quarantine, vector control, condemnation of food supplies, and inspection and closure of facilities, consistent with those indicated in the 18th edition, 2002 of the *Control of Communicable Disease Manual*, published by the American Public Health Association, or other measures he or she deems necessary based on his or her professional judgment, current standards of practice and the best available medical and scientific information.

(4) A local health department may make agreements with tribal governments, with federal authorities or with state agencies or institutions of higher education that empower the local health officer to conduct investigations and institute control measures in accordance with WAC 246-100-040 on tribal lands, federal enclaves and military bases, and the campuses of state institutions. State institutions include, but are not limited to, state-operated colleges and universities, schools, hospitals, prisons, group homes, juvenile detention centers, institutions for juvenile delinquents, and residential habilitation centers.

NEW SECTION

WAC 246-100-040 Procedures for isolation and quarantine. (1) At his or her sole discretion, a local health officer may issue an emergency detention order causing a person or group of persons to be immediately detained for purposes of isolation and quarantine in accordance with subsection (3) of this section, or may petition the superior court *ex parte* for an order to take the person or group of persons into involuntary detention for purposes of isolation or quarantine in accordance with subsection (4) of this section, provided that he or she:

(a) Has first made reasonable efforts, which shall be documented, to obtain voluntary compliance with requests for medical examination, testing, treatment, counseling, vaccination, decontamination of persons or animals, isolation, quarantine, and inspection and closure of facilities, or has determined in his or her professional judgment that seeking voluntary compliance would create a risk of serious harm; and

(b) Has reason to believe that the person or group of persons is, or is suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent that could spread to or contaminate others if remedial action is not taken; and

(c) Has reason to believe that the person or group of persons would pose a serious and imminent risk to the health and safety of others if not detained for purposes of isolation and quarantine.

(2) A local health officer may invoke the powers of police officers, sheriffs, constables, and all other officers and employees of any political subdivisions within the jurisdiction of the health department to enforce immediately orders given to effectuate the purposes of this section in accordance with the provisions of RCW 43.20.050(4) and 70.05.120.

(3) If a local health officer orders the immediate involuntary detention of a person or group of persons for purposes of isolation or quarantine:

(a) The emergency detention order shall be for a period not to exceed ten days.

(b) The local health officer shall issue a written emergency detention order as soon as reasonably possible and in all cases within twelve hours of detention that shall specify the following:

(i) The identity of all persons or groups subject to isolation or quarantine;

(ii) The premises subject to isolation or quarantine;

(iii) The date and time at which isolation or quarantine commences;

(iv) The suspected communicable disease or infectious agent if known;

(v) The measures taken by the local health officer to seek voluntary compliance or the basis on which the local health officer determined that seeking voluntary compliance would create a risk of serious harm; and

(vi) The medical basis on which isolation and quarantine is justified.

(c) The local health officer shall provide copies of the written emergency detention order to the person or group of persons detained or, if the order applies to a group and it is impractical to provide individual copies, post copies in a conspicuous place in the isolated or quarantined premises.

(d) Along with the written order, and by the same means of distribution, the local health officer shall provide the person or group of persons detained with the following written notice:

NOTICE: You have the right to petition the superior court for release from isolation and quarantine in accordance with WAC 246-100-055. You have a right to legal counsel. If you are unable to afford legal counsel, then counsel will be appointed for you at government expense and you should request the appointment of counsel at this time. If you cur-

rently have legal counsel, then you have an opportunity to contact that counsel for assistance.

(4) If a local health officer petitions the superior court *ex parte* for an order authorizing involuntary detention of a person or group of persons for purposes of isolation or quarantine pursuant to this section:

(a) The petition shall specify:

(i) The identity of all persons or groups to be subject to isolation or quarantine;

(ii) The premises where isolation or quarantine will take place;

(iii) The date and time at which isolation or quarantine will commence;

(iv) The suspected communicable disease or infectious agent if known;

(v) The anticipated duration of isolation and quarantine based on the suspected communicable disease or infectious agent if known;

(vi) The measures taken by the local health officer to seek voluntary compliance or the basis on which the local health officer determined that seeking voluntary compliance would create a risk of serious harm;

(vii) The medical basis on which isolation and quarantine is justified.

(b) The petition shall be accompanied by the declaration of the local health officer attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the court's consideration.

(c) Notice to the persons or groups identified in the petition shall be accomplished in accordance with the rules of civil procedure.

(d) The court shall hold a hearing on a petition filed pursuant to this section within seventy-two hours of filing, exclusive of Saturdays, Sundays, and holidays.

(e) The court shall issue the order if there is a reasonable basis to find that isolation or quarantine is necessary to prevent a serious and imminent risk to the health and safety of others.

(f) A court order authorizing isolation or quarantine as a result of an *ex parte* hearing shall:

(i) Specify a maximum duration for isolation and quarantine not to exceed ten days;

(ii) Identify the isolated or quarantined persons or groups by name or shared or similar characteristics or circumstances;

(iii) Specify factual findings warranting isolation or quarantine pursuant to this section;

(iv) Include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this section; and

(v) Be served on all affected persons or groups in accordance with the rules of civil procedure.

(5) A local health officer may petition the superior court for an order authorizing the continued isolation or quarantine of a person or group detained under subsections (3) or (4) of this section for a period up to thirty days.

(a) The petition shall specify:

(i) The identity of all persons or groups subject to isolation or quarantine;

(ii) The premises where isolation or quarantine is taking place;

(iii) The communicable disease or infectious agent if known;

(iv) The anticipated duration of isolation and quarantine based on the suspected communicable disease or infectious agent if known;

(v) The medical basis on which continued isolation and quarantine is justified.

(b) The petition shall be accompanied by the declaration of the local health officer attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the court's consideration.

(c) The petition shall be accompanied by a statement of compliance with the conditions and principles for isolation and quarantine contained in WAC 246-100-045.

(d) Notice to the persons or groups identified in the petition shall be accomplished in accordance with the rules of civil procedure.

(e) The court shall hold a hearing on a petition filed pursuant to this subsection within seventy-two hours of filing, exclusive of Saturdays, Sundays, and holidays. In extraordinary circumstances and for good cause shown, the local health officer may apply to continue the hearing date for up to ten days, which continuance the court may grant at its discretion giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the public health threat, and the availability of necessary witnesses and evidence.

(f) The court shall grant the petition if it finds that there is clear, cogent, and convincing evidence that isolation or quarantine is necessary to prevent a serious and imminent risk to the health and safety of others.

(g) A court order authorizing continued isolation or quarantine as a result of a hearing shall:

(i) Specify a maximum duration for isolation and quarantine not to exceed thirty days;

(ii) Identify the isolated or quarantined persons or groups by name or shared or similar characteristics or circumstances;

(iii) Specify factual findings warranting isolation or quarantine pursuant to this section;

(iv) Include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this section; and

(v) Be served on all affected persons or groups in accordance with the rules of civil procedure.

(6) Prior to the expiration of a court order for continued detention issued pursuant to subsection (5) of this section, the local health officer may petition the superior court to continue isolation and quarantine provided:

(a) The court finds there is a reasonable basis to require continued isolation and quarantine to prevent a serious and imminent threat to the health and safety of others.

(b) The order shall be for a period not to exceed thirty days.

(7) State statutes, rules, and state and federal emergency declarations governing procedures for detention, examination, counseling, testing, treatment, vaccination, isolation, or quarantine for specified health emergencies or specified com-

municable diseases, including, but not limited to, tuberculosis and HIV, shall supercede this section.

NEW SECTION

WAC 246-100-045 Conditions and principles for isolation and quarantine. The local health officer shall adhere to the following conditions and principles when isolating or quarantining a person or group of persons in accordance with WAC 246-100-040:

(1) Isolation and quarantine must be by the least restrictive means necessary to prevent the spread of a communicable or possibly communicable disease to others and may include, but are not limited to, confinement to private homes or other public or private premises;

(2) Isolated individuals must be confined separately from quarantined individuals;

(3) The health status of isolated and quarantined individuals must be monitored regularly to determine if they require continued isolation and quarantine;

(4) If a quarantined individual subsequently becomes infected or is reasonably believed to have become infected with a communicable or possibly communicable disease that the local health officer believes poses a significant threat to the health and safety of other quarantined individuals, he or she must promptly be placed in isolation;

(5) Isolated and quarantined individuals must be released as soon as practicable when the local health officer determines that they have been successfully decontaminated or that they pose no substantial risk of transmitting a communicable or possibly communicable disease that would constitute a serious or imminent threat to the health and safety of others;

(6) The needs of a person isolated and quarantined must be addressed to the greatest extent possible in a systematic and competent fashion, including, but not limited to, providing adequate food, clothing, shelter, means of communication with those in isolation or quarantine and outside these settings, medication, and competent medical care;

(7) Premises used for isolation and quarantine must be maintained in a safe and hygienic manner to minimize the likelihood of further transmission of infection or other harm to persons isolated and quarantined;

(8) To the extent possible, cultural and religious beliefs should be considered in addressing the needs of individuals, and establishing and maintaining isolation and quarantine premises;

(9) Isolation and quarantine shall not abridge the right of any person to rely exclusively on spiritual means alone through prayer to treat a communicable or possibly communicable disease in accordance with religious tenets and practices, nor shall anything in this chapter be deemed to prohibit a person so relying who is infected with a contagious or communicable disease from being isolated or quarantined in a private place of his or her own choice, provided, it is approved by the local health officer, and all laws, rules and regulations governing control, sanitation, isolation and quarantine are complied with. At his or her sole discretion, the local health officer may isolate infected individuals declining treatment for the duration of their communicable infection.

PROPOSED

NEW SECTION

WAC 246-100-050 Isolation and quarantine premises. (1) Entry into isolation and quarantine premises shall be restricted under the following conditions:

(a) The local health officer may authorize physicians, health care workers, or others access to individuals in isolation or quarantine pursuant to WAC 246-100-040 as necessary to meet the needs of isolated or quarantined individuals;

(b) No person, other than a person authorized by the local health officer, shall enter isolation or quarantine premises;

(c) Any person entering an isolation or quarantine facility shall be provided with infection control training and appropriate personal protective equipment;

(d) Any person entering an isolation or quarantine premises with or without authorization of the local health officer may be isolated or quarantined.

(2) Persons subject to isolation and quarantine and persons entering isolation and quarantine premises shall obey the rules established by the state board of health and the orders of the local health officer, and failure to do so shall constitute a misdemeanor consistent with the provisions of RCW 43.20.050(4) and 70.05.120.

NEW SECTION

WAC 246-100-055 Relief from isolation and quarantine. Any person or group of persons isolated or quarantined pursuant to this chapter may seek relief from the superior court.

(1) Any person or group of persons detained by order of a local health officer pursuant to WAC 246-100-040(3) may apply to the court for an order to show cause why the individual or group should not be released.

(a) The court shall rule on the application to show cause within forty-eight hours of its filing.

(b) If the court grants the application, the court shall schedule a hearing on the order to show cause as soon as practicable.

(c) The issuance of an order to show cause shall not stay or enjoin an isolation or quarantine order.

(2) An individual or group isolated or quarantined may request a hearing in the court for remedies regarding breaches to the conditions of isolation or quarantine required by WAC 246-100-045.

(3) A request for a hearing shall not stay or enjoin an isolation or quarantine order.

(4) Upon receipt of a request under this subsection alleging extraordinary circumstances justifying the immediate granting of relief, the court shall fix a date for hearing on the matters alleged as soon as practicable.

(5) Otherwise, upon receipt of a request under this section, the court shall fix a date for hearing on the matters alleged within five days from receipt of the request.

(6) In any proceedings brought for relief under this subsection, in extraordinary circumstances and for good cause shown, the local health authority may move the court to extend the time for a hearing, which extension the court in its discretion may grant giving due regard to the rights of the

affected individuals, the protection of the public's health, the severity of the emergency and the availability of necessary witnesses and evidence.

(7) Any hearings for relief under this section involving a petitioner or petitioners judged to be contagious for a communicable disease will be conducted in a manner that utilizes appropriate infection control precautions and minimizes the risk of disease transmission.

NEW SECTION

WAC 246-100-060 Right to counsel. A person or group of persons isolated or quarantined pursuant to WAC 246-100-040 has a right to be represented by counsel if they so elect. If such person or group requests counsel and cannot afford counsel, the court shall appoint counsel consistent with the provisions of chapter 10.101 RCW. The local health officer must provide adequate means of communication between such persons or groups and their counsel.

NEW SECTION

WAC 246-100-065 Consolidation. In any proceedings brought pursuant to this chapter, to promote the fair and efficient operation of justice and having given due regard to the rights of affected persons, the severity of the threat to the public's health, and the availability of necessary witnesses and evidence, the court may order the consolidation of individual claims into group claims where:

(1) The number of individuals involved or to be affected is so large as to render individual participation impractical;

(2) There are questions of law or fact common to the individual claims or rights to be determined;

(3) The group claims or rights to be determined are typical of the affected persons' claims or rights; and

(4) The entire group will be adequately represented in the consolidation.

NEW SECTION

WAC 246-100-070 Enforcement of local health officer orders. (1) An order issued by a local health officer in accordance with this chapter shall constitute the duly authorized application of lawful rules adopted by the state board of health and must be enforced by all police officers, sheriffs, constables, and all other officers and employees of any political subdivisions within the jurisdiction of the health department in accordance with RCW 43.20.050.

(2) Any person who shall violate any of the provisions of this chapter or any lawful rule adopted by the board shall be deemed guilty of a misdemeanor punishable as provided under RCW 43.20.050.

(3) Any person who shall fail or refuse to obey any lawful order issued by any local health officer shall be deemed guilty of a misdemeanor punishable as provided under RCW 70.05.120.

AMENDATORY SECTION (Amending WSR 00-23-120, filed 11/22/00, effective 12/23/00)

WAC 246-101-505 Duties of the local health officer or the local health department. Local health officers or the local health department shall:

- (1) Review and determine appropriate action for:
 - (a) Each reported case or suspected case of a notifiable condition;
 - (b) Any disease or condition considered a threat to public health; and
 - (c) Each reported outbreak or suspected outbreak of disease, requesting assistance from the department in carrying out investigations when necessary; ~~((and~~
 - ~~(d) Instituting disease prevention and infection control, isolation, detention, and quarantine measures necessary to prevent the spread of communicable disease, invoking the power of the courts to enforce these measures when necessary.))~~
- (2) Establish a system at the local health department for maintaining confidentiality of written records and written and telephoned notifiable conditions case reports;
- (3) Notify health care providers, laboratories, and health care facilities within the jurisdiction of the health department of requirements in this chapter;
- (4) Notify the department of cases of any condition notifiable to the local health department (except animal bites) upon completion of the case investigation;
- (5) Distribute appropriate notification forms to persons responsible for reporting;
 - (a) Notify the principal health care provider:
 - (a) If possible, prior to initiating a case investigation by the local health department; and
 - (b) For HIV infection, not contact the HIV-infected person directly without considering the recommendations of the principal health care provider on the necessity and best means for conducting the case investigation, unless:
 - (i) The principal health care provider cannot be identified; or
 - (ii) Reasonable efforts to reach the principal health care provider over a two-week period of time have failed;
 - (7) Allow laboratories to contact the health care provider ordering the diagnostic test before initiating patient contact if requested and the delay is unlikely to jeopardize public health;
 - (8) Conduct investigations and institute control measures ~~((consistent with those indicated in the seventeenth edition, 2000 of Control of Communicable Diseases Manual, edited by James Chin, published by the American Public Health Association (copy is available for review at the department and at each local health department), except:~~
 - ~~(a) When superseded by more up-to-date measures; or~~
 - ~~(b) When other measures are more specifically related to Washington state))~~ in accordance with chapter 246-100 WAC;
 - (9) The local health department may negotiate alternate arrangements for meeting the reporting requirements under this chapter through cooperative agreement between the local health department and any health care provider, laboratory or health care facility;

- (10) Each local health officer has the authority to:
 - (a) Carry out additional steps determined to be necessary to verify a diagnosis reported by a health care provider;
 - (b) Require any person suspected of having a reportable disease or condition to submit to examinations required to determine the presence of the disease or condition;
 - (c) Investigate any case or suspected case of a reportable disease or condition or other illness, communicable or otherwise, if deemed necessary;
 - (d) Require the notification of additional conditions of public health importance occurring within the jurisdiction of the local health officer.

WSR 02-22-108
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed November 6, 2002, 11:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-18-027 on August 23, 2002.

Title of Rule: Chapter 352-32 WAC, Public use of state park areas, this chapter defines the state Parks and Recreation Commission's standard business practices for park operation, business practices for special use areas, establishes permits and fees, sets limits on public behavior, and requirements for conducting business in the parks.

Purpose: The state Parks and Recreation Commission has undertaken a review of the administrative rules regarding public use of state park areas in order to improve the clarity of these rules, to update restrictions that prevent undesirable or disturbing behavior, to improve business practices to ensure equitable fee collection and to add fees for NSF checks. These changes help protect park resources and ensure the public has opportunities to enjoy the highest quality park visits.

Statutory Authority for Adoption: RCW 79A.05.030, 79A.05.070, and 79A.05.075.

Summary: WAC 352-32-030 Camping, is amended to better control continuous use of campsites and the number of visitors allowed in a campsite for the preservation of quality park lands and the camping experience.

WAC 352-32-045 Reservations, is amended to improve the agency's ability to collect fees associated with camping.

WAC 352-32-056 Peace and quiet, is amended to prevent disturbance of sleeping campers.

WAC 352-32-120 Firearms, is amended to enable law enforcement officers to perform their duties.

WAC 352-32-180 Sanitation, is amended to ensure proper disposal of refuse or waste from vessels.

WAC 352-32-250 Standard fee, is amended to enable the agency to prevent nonpayment of required fees.

WAC 352-32-251 and 352-32-252, passes are amended to better control inadvertent or intentional misuse of park passes.

Reasons Supporting Proposal: Park visitors will gain improved public service.

Name of Agency Personnel Responsible for Drafting and Implementation: Pam McConkey, 7219 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, (360) 902-8595; and Enforcement: Phil Shave, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, (360) 902-8606.

Name of Proponent: Washington State Parks, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 352-32-030 Camping, establishes requirements for the person who registers for multiple campsites, provides for exceptions for emergency use of water trail campsites in order to provide the greatest possible access to the public while protecting parklands and facilities.

WAC 352-32-045 Reservations, establishes the process and fees for campsite reservation. The amendments are intended to improve the agency's ability to collect fees associated with camping.

WAC 352-32-056 Peace and quiet, establishes limits on personal conduct and noise to ensure quiet. The amendments are intended to further prevent disturbance of campers and park visitors.

WAC 352-32-120 Firearms, establishes restrictions on the possession of firearms. The amendment is intended to authorize law enforcement officers to possess firearms while performing their duties.

WAC 352-32-180 Sanitation, required proper disposal of refuse and waste. The amendments are intended to ensure proper disposal of refuse or waste from vessels.

WAC 352-32-250 Standard fee, established the fees related to park visitor use. The amendments are intended to authorize a low-income fee discount, to establish an administrative fee for reissue of lost passes or permits, to streamline water trail site permits and to establish fees charged for NSF checks to prevent nonpayment of required fees.

WAC 352-32-251 and 352-32-252, passes (various), are amended to better control inadvertent or intentional misuse of park passes and to explain agency procedures for invalid passes.

Proposal Changes the Following Existing Rules: The existing rules are updated for the preservation and protection of parklands and park facilities and the quality of the camping experience by improving agency control of the unintentional or intentional behavior of park visitors.

New fees and interest payments are to be charged when persons attempt to pay the required fees with NSF checks in order to facilitate the fair and equitable collection of required fees. A new fee is established for replacing lost or stolen passes or permits issued by the agency.

Clarifications are made to existing rules that establish camping fees, describe requirements for the payment of required fees, establish the eligibility requirements for discounted fees, describe the fees for water trail campsites and establish the requirements for obtaining valid limited income senior citizens, disabled, disabled veterans, and senior citizens passes. These amendments are intended to improve the camping experience for pass holders and neighboring campers while collecting fees more equitably.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This chapter of administrative rule does not regulate or have economic impact through regulations on small business. There are no compliance costs to small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Significant legislative rule-making requirements are not imposed on the state Parks and Recreation Commission, nor has the commission voluntarily applied those requirements.

Hearing Location: The public hearing will occur during the regularly scheduled Washington State Parks and Recreation Commission meeting to be held at 200 General Administration Building, Auditorium, 210 11th Avenue, Olympia, WA 98504-1000, on December 12, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Pauli Larson by November 29, 2002, TDD (360) 664-3133 or (360) 902-8505.

Submit Written Comments to: Washington State Parks, Attention: Pam McConkey, 7219 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, fax (360) 586-5875, by November 25, 2002.

Date of Intended Adoption: December 12, 2002.

November 6, 2002

Jim French

Chief of Policy Research

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

WAC 352-32-030 Camping. (1) Camping facilities of the state parks within the Washington state parks and recreation commission system are designed and administered specifically to provide recreational opportunities for park visitors. Use of park facilities for purposes which are of a nonrecreational nature, such as long-term residency at park facilities, obstructs opportunities for recreational use, and is inconsistent with the purposes for which those facilities were designed.

No person or camping party may use any state park facility for residence purposes, as defined (WAC 352-32-010).

(2) No person shall camp in any state park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

(3) Occupants shall vacate camping facilities by removing their personal property therefrom no later than 1:00 p.m., if the applicable camping fee has not been paid or if the time limit for occupancy of the campsite has expired or the site is reserved by another party. Remaining in a campsite beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(4) Use of utility campsites by tent campers shall be subject to payment of the utility campsite fee except when otherwise specified by a ranger.

(5) A campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to

take possession of a campsite when it is being occupied by another party, or when informed by a ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park. In order to afford the public the greatest possible use of the state park system on a fair and equal basis, campsites in those parks not on the state park reservation system will be available on a first-come, first-serve basis. No person shall hold or attempt to hold campsite(s), for another camping party for present or future camping dates, except as prescribed for multiple campsites. Any site occupied by a camping party must be actively utilized for camping purposes.

(6) One person may register for one or more sites within a multiple campsite by paying the multiple campsite fee and providing the required information on the occupants of the other sites. An individual may register and hold a multiple campsite for occupancy on the same day by other camping parties. Multiple campsites in designated reservation parks are reservable under the reservation system.

(7) In order to afford the general public the greatest possible use of the state park system, on a fair and equal basis, and to prevent residential use, continuous occupancy of facilities by the same camping party shall be limited. Campers may stay ten consecutive nights in one park, after which the camping party must vacate the ~~((site))~~ park for three consecutive nights, April 1 through September 30, not to exceed thirty days in a forty-day time period. 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 in one park, after which the camping party must vacate the park for three consecutive nights, October 1 through March 31, not to exceed forty days in a sixty-day time period. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

(8) A maximum of eight people shall be permitted at a campsite overnight, unless otherwise authorized by a ranger. The number of vehicles occupying a campsite shall be limited to one car and one recreational vehicle: Provided, That one additional vehicle without built-in sleeping accommodations may occupy a designated campsite when in the judgment of a ranger the constructed facilities so warrant. The number of tents allowed at each campsite shall be limited to the number that will fit on the developed tent pad or designated area as determined by a ranger.

(9) Persons traveling by bicycles, motor bikes or other similar modes of transportation and utilizing campsites shall be limited to eight persons per site, provided no more than four motorcycles may occupy a campsite.

(10) Water trail camping sites are for the exclusive use of persons traveling by human and wind powered beachable vessels as their primary mode of transportation to the areas. Such camping areas are ~~((not))~~ subject to the campsite capacity limitations as otherwise set forth in this section. ~~((Capacities for water trail camping sites may be established))~~ Exceptions for emergencies may be approved by the ranger on an individual basis ~~((and are subject to change based upon the impacts to the area. All persons using water trail camping~~

~~sites shall have in their possession a valid annual water trail permit or have paid the required nightly fee)).~~ Water trail site fees, as published by state parks, must be paid at the time the site is occupied.

(11) Overnight stays (bivouac) on technical rock climbing routes will be allowed as outlined in the park's site specific climbing management plan. All litter and human waste must be contained and disposed of properly.

(12) Emergency camping areas may be used only when all designated campsites are full and at the park ranger's discretion. Persons using emergency areas must pay the applicable campsite fee and must vacate the site when directed by the park ranger.

(13) Designated overflow camping areas may be used only when all designated campsites in a park are full and the demand for camping in the geographic area around the park appears to exceed available facilities. Persons using overflow camping areas must pay the applicable campsite fee.

(14) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

WAC 352-32-045 Reservations for use of designated group facilities. (1) All designated group facilities shall be reservable by groups as defined in WAC 352-32-010.

(2) All designated group facilities shall have a predetermined use capacity. No group exceeding this capacity in number shall use these areas. Groups making reservations shall be charged the applicable fee for a minimum of 20 people.

(3) Use of designated group facilities may be by reservation. Requests made at the park for reservations for groups of 20 to 250 shall be made 15 days in advance and for groups in excess of 250 shall be made 30 days in advance of the proposed use date, using the group use permit. All conditions outlined on the group use permit shall be binding on the group.

(4) Submittal of the group use permit request ~~((;))~~ and payment in full of appropriate fees ~~((, which may include a nonrefundable reservation transaction fee, a first day/night use fee and a damage deposit))~~ are required for the use of these facilities. Fees must be paid by credit card, certified check or money order. Fees are published by state parks. ~~((In those cases where the fee is submitted at a later date, it must be paid by certified check, or money order.))~~ Refunds will be made only to those groups which cancel their reservations thirty or more days before the effective date of the reservations.

(5) For overnight group use, parking will be in the provided, defined areas. If additional parking is required, it may be available in the park's extra vehicle parking facility following the payment of the appropriate extra vehicle parking fee.

(6) ~~((A damage deposit may be required by the park manager as part of the reservation. In those cases where the deposit is submitted at a date later than the reservation request, it must be paid by certified check, bank money order, or postal money order. This deposit shall be held by the~~

~~Washington state parks and recreation commission to encourage the cleanliness and good order of the group facility. Deposits are published by state parks with the schedule of fees. Refund of this deposit shall be determined after an inspection of the area by a ranger and the individuals responsible for the group.))~~ The organization or delegated group leader making the reservation is responsible for any damages or extra cleaning that occurs as a result of the use of the facility(ies) beyond normal care and wear.

(7) Facility reservations for parks not on the central reservation system are made at the park and will be accepted for the calendar year, on or after the first working day in January of that calendar year. Reservations shall be made by a person of the age of majority, who must be in attendance during the group's activities. Reservations at the parks will be accepted in writing, in person, or by phone at the discretion of the park manager. In person and phone reservation requests shall only be accepted at the park during normal park operation hours. All reservation requests will be processed in order of arrival. Group facility areas not reserved are available on a first-come, first-serve basis.

(8) Any group wishing to sell or dispense alcoholic beverages must request and obtain all appropriate licenses and permits. In order to sell alcoholic beverages, the group must obtain a temporary concession permit from the headquarters office of the Washington state parks and recreation commission.

(9) It shall be within the authority of the park manager, or his representative, to rescind the rights of a reservation, and remove from the park, any or all members of the group whose behavior, at any time, is in conflict with any state laws, becomes detrimental to the health and safety of the group or other park users, or becomes so unruly as to affect the reasonable enjoyment of the park by other park users.

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

WAC 352-32-056 Peace and quiet. To insure peace and quiet for visitors:

(1) No person shall conduct themselves so that park users are disturbed in their sleeping quarters or in campgrounds or park employees in their sleeping quarters between the quiet hours of ~~((11:00))~~ 10:00 p.m. and 6:30 a.m.

(2) No person shall, at any time, use sound-emitting electronic equipment including electrical speakers, radios, phonographs, televisions, or other such equipment, at a volume which emits sound beyond the immediate individual camp or picnic site that may disturb other park users without specific permission of the ~~((area))~~ park ranger.

(3) Engine driven electric generators may be operated only between the hours of 8:00 a.m. and 9:00 p.m.

(4) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

WAC 352-32-120 Firearms and/or weapons. No person shall possess a firearm with a cartridge in any portion of

the mechanism within any upland state park area, nor shall any person discharge or propel across, in, or into any upland state park area as defined in WAC 352-32-010, a firearm, bow and arrow, spear, spear gun, harpoon, or air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property, except where the commission for good cause has authorized a special recreational activity upon finding that it is not inconsistent with state parks use. This WAC does not apply to general authority ~~((law enforcement))~~ Washington peace officers as defined in RCW 10.93.020. This WAC does not apply to other commissioned law enforcement officers who are in the performance of their official duties.

AMENDATORY SECTION (Amending Order 9, filed 11/24/70)

WAC 352-32-180 Sanitation. No person shall, in any state park area:

(1) Drain or dump refuse or waste from any trailer, camper, automobile, or other vehicle, or vessel, except in designated disposal areas or receptacles.

(2) Clean fish or other food, or wash any clothing or other article for personal or household use, or any dog or other animal, except at designated areas.

(3) Clean or wash any automobile or other vehicle except in areas specifically for that use.

(4) Pollute, or in any way contaminate by dumping or otherwise depositing therein any waste or refuse of any nature, kind, or description, including human or animal bodily waste, any stream, river, lake, or other body of water running in, through, or adjacent to, any state park area.

AMENDATORY SECTION (Amending WSR 02-19-069, filed 9/13/02, effective 10/14/02)

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))~~ up to 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;

Low-income eligibility requirements as adopted by state parks; 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. An administrative fee, as published by state parks, will be assessed for replacement of lost, damaged, or destroyed passes or permits.

(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 and providing the required information on the occupants of the other sites. 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)) fees - 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)) commission;~~

(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;

PROPOSED

(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.

(31) Checks dishonored by nonacceptance or nonpayment (NSF checks) - handling fee and interest:

(a) A handling fee may be assessed consistent with the maximum amount allowed in the office of state procurement, department of general administration's state contract and as published by state parks for checks as defined by chapter 62A.3-104 RCW, dishonored by nonacceptance or nonpayment.

(b) Interest at the maximum rate allowable may be charged on the NSF check as defined by chapter 62A.3-515 RCW, and as published by state parks for a check not paid within fifteen days after a statutory notice of dishonor is sent to maker's last known address.

AMENDATORY SECTION (Amending WSR 00-13-070, filed 6/16/00, effective 7/17/00)

WAC 352-32-251 Limited income senior citizen, disability, and disabled veteran passes. (1)(a) Persons who are senior citizens, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least ~~((one year))~~ the past twelve consecutive months shall, upon application to the commission accompanied by either a copy of a federal income tax return filed for the previous calendar year, or a senior citizen property tax exemption pursuant to RCW 84.36.381, or a notarized affidavit of income on a form provided by the commission, receive a limited income senior citizen pass at no charge, which entitles the holder's camping party to free admission to any state park (~~(administered facility))~~), free use of trailer dump stations, watercraft launch sites, and to a 50 percent reduction in any campsite fees, or moorage fees(~~(-or water trail permit fees))~~ levied by the commission. Limited income senior citizen passes shall remain valid so long as the pass holder meets eligibility requirements.

(b) Proof submitted to the commission for the return of a senior citizen pass surrendered upon request to a commission employee who has reason to believe the user does not meet the eligibility criteria shall be the same as listed in subsections (1) and (5) of this section for original pass issuance.

(2) Persons who are permanently disabled, legally blind, or profoundly deaf, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least ~~((one year))~~ the past twelve consecutive months shall, upon application to the commission, receive a five year disability pass at no charge and temporarily disabled persons who meet the eligibility requirements of RCW 79A.05.065 and have been residents of Washington state for at least ~~((one year))~~ the past twelve consecutive months shall, upon application to the commission, receive a one year disability pass at no charge which entitles the holder's camping party to free admission to any state park (~~(administered facility))~~), free use of trailer dump stations, watercraft launch sites, and to a 50

percent reduction in any campsite fees, or moorage fees~~((~~or~~ water trail permit fees))~~ levied by the commission.

(3) Persons who are veterans, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least ~~((one year))~~ the past twelve consecutive months shall, upon application to the commission, receive a lifetime disabled veteran pass at no charge ~~((which))~~. Pass holders must provide proof of continued residency as determined by the director or designee. The pass entitles the holder's camping party to free admission to any state park ((administered facility)) and to free use of any state park campsite, trailer dump station, watercraft launch site, moorage facility, ((water trail permit;)) and reservation service.

(4) Applications for limited income senior citizen, disability, and disabled veteran passes shall be made on forms prescribed by the commission.

(5) Verification of age shall be by original or copy of a birth certificate, notarized affidavit of age, witnessed statement of age, baptismal certificate, or driver's license. Verification of residency shall be by original or copy of a Washington state driver's license, voter's registration card, or senior citizen property tax exemption.

(6) For pass holders who travel by car or recreational vehicle, camping party shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping party of a pass holder at one campsite or portion of a designated group camping or emergency area, when in the judgment of a ranger, the constructed facilities so warrant, and the total number of guests of the holder do not exceed seven.

(7) For pass holders who travel by a mode of transportation other than car or recreational vehicle, camping party shall include the pass holder and up to seven guests who travel with the pass holder and use one campsite or portion of a designated group camping or emergency area.

(8) If the conditions of a pass holder change or the pass holder changes residency to a place outside Washington state during the time period when a pass is valid such that a pass holder no longer meets the eligibility requirements of RCW 79A.05.065 and WAC 352-32-251, the pass becomes invalid, and the pass holder shall return ((*) the pass to the commission or surrender the pass to a state park representative.

AMENDATORY SECTION (Amending WSR 98-04-065, filed 2/2/98, effective 3/5/98)

WAC 352-32-252 Off-season senior citizen pass—Fee. (1) Persons who are senior citizens, are at least sixty-two years of age, and have been residents of Washington state for at least ~~((one year))~~ the past twelve consecutive months shall, upon application to the commission, receive an off-season senior citizen pass which entitles the holder's camping party to camp at any camping areas made available by the commission, as well as use of agency mooring facilities, at no cost beyond the charges provided for in subsection (3) of this section, effective October 1 through March 31, and Sunday through Thursday nights in April as determined by the direc-

tor and posted. Each such pass shall be valid only during one off-season period.

(2) Applications for off-season senior citizen passes shall be made on forms prescribed by the commission and shall be accepted only after August 1 for the following off-season period.

(3) There shall be a fee for each off-season senior citizen pass. Limited income senior citizen pass holders may purchase the off-season pass at a 50 percent discount. A surcharge equal to the fee for an electrical hookup published by state parks shall be assessed for each night an off-season senior citizen pass holder uses a campsite with an electrical hookup.

(4) For pass holders who travel by car or recreational vehicle camping party shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping unit of a holder at one campsite or portion of a designated group camping or emergency area, when in the judgment of a ranger, the constructed facilities so warrant, and the total number of guests of the holder do not exceed seven.

(5) For pass holders who travel by a mode of transportation other than car or recreational vehicle, camping party shall include the pass holder and up to seven guests who travel with the holder and use one campsite or portion of a designated group camping or emergency area.

(6) If a pass holder changes residency to a place outside Washington state during the time period when a pass is valid, the pass becomes invalid and the pass holder shall return the pass to the commission or surrender the pass to a state park representative.



**WSR 02-22-006
WITHDRAWAL OF
EXPEDITED RULE MAKING
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed October 25, 2002, 10:04 a.m.]

In accordance with RCW 34.05.335(1), the Department of Labor and Industries withdraws the following proposed rule:

Title of the Rule: Safety standards for possession and handling of explosives, chapter 296-52 WAC, filed as WSR 02-15-165 on July 23, 2002.

Reason(s) for Withdrawal: The department received comments during the expedited rule-making process and is reevaluating the rule based upon the comments.

If you have any questions, please contact Tracy Spencer, Standards Manager, at (360) 902-5530.

Gail Hughes
Senior Program Manager
Standards and Information

**WSR 02-22-080
EXPEDITED RULES
DEPARTMENT OF HEALTH
(Board of Optometry)**

[Filed November 5, 2002, 8:22 a.m.]

Title of Rule: WAC 246-851-390 Practice under trade name.

Purpose: This rule was adopted to clarify the identity of the practitioner to the patient. Because other Board of Optometry rules govern the same activity in a clearer more well defined manner, this rule is redundant and should be repealed.

Statutory Authority for Adoption: RCW 18.54.070(2).

Statute Being Implemented: RCW 18.54.080(2).

Summary: Originally adopted in 1980, the intent was to restrict the use of a doctor's name as the optical business name thereby avoiding confusion as to who is performing the optical care. In May 2002, the Board of Optometry amended another board rule, to require that licensees be clearly identified to the public at or near the entrance to the licensee's office at all practice locations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, 1300 S.E. Quince Street, Olympia, WA 98504, (360) 236-4947.

Name of Proponent: Board of Optometry, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule was originally adopted in early 1980. As part of the regular review process, the board researched the history of the rule in an effort to more clearly understand its original intent. The research indicated that the original intent of this rule was to restrict the use of a doctor's name as a trade name thereby avoiding potential confusion to the patient as to

who was performing the optical care. The trade name restriction does not apply to nonprofit organizations, clinics or centers.

A Board of Optometry rule, WAC 246-851-310 Proper identification of licensees, was amended to more clearly govern the same activity as this rule, making this rule redundant.

WAC 246-851-310 Proper identification of licensees. Each person licensed under chapter 18.53 RCW must be clearly identified to the public as a doctor of optometry at all practice locations. The identification must include the name of the licensee and the term "doctor of optometry" or "independent doctor of optometry" or other similar phrase, at or near the entrance to the licensee's office.

Proposal Changes the Following Existing Rules:
Repeals WAC 246-851-390 Practice under trade name.

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 Judy Haenke, Program Manager, Department of Health, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4947 or fax (360) 586-4359, AND RECEIVED BY January 6, 2003.

October 23, 2002
Grant Chester
for Donald H. Williams
Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-851-390 Practice under trade name.

EXPEDITED



WSR 02-21-061
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Management Services Administration)

[Filed October 15, 2002, 3:48 p.m.]

Date of Adoption: October 15, 2002.

Purpose: The department is adopting revisions to chapter 388-02 WAC, DSHS hearing rules, requiring administrative law judges (ALJ) of the Office of Administrative Hearings to enter final orders for many types of DSHS cases. The rules also set forth cases where the ALJ's initial orders are subject to review by the DSHS Board of Appeals. Other changes were made to clarify language or to change procedures so that they are consistent with the revised process. The department is withdrawing the amendments to WAC 388-02-0005 as proposed in WSR 02-17-090.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-02-0535; and amending WAC 388-02-0010, 388-02-0015, 388-02-0025, 388-02-0215, 388-02-0524, 388-02-0525, 388-02-0527, 388-02-0530, 388-02-0540, 388-02-0545, 388-02-0550, 388-02-0555, 388-02-0560, 388-02-0570, 388-02-0575, 388-02-0580, 388-02-0585, 388-02-0595, 388-02-0600, 388-02-0605, 388-02-0610, 388-02-0615, 388-02-0620, 388-02-0625, 388-02-0630, 388-02-0635, 388-02-0640, 388-02-0645, and 388-02-0650.

Statutory Authority for Adoption: RCW 34.05.020.

Other Authority: Chapter 34.05 RCW, Parts IV and V, section 211, chapter 371, Laws of 2002.

Adopted under notice filed as WSR 02-17-090, 02-17-091 and 02-17-092 on August 20, 2002.

Changes Other than Editing from Proposed to Adopted Version: The following changes were made as a result of comments received:

Rules as proposed (added language underlined; deleted language struck through)	Changes in the adopted version of the rules:
<p>WAC 388-02-0005: See note in the right column.</p>	<p>All proposed amendments to WAC 388-02-0005 are withdrawn, and this rule is not included in the rules as adopted.</p>
<p>WAC 388-02-0010 What definitions apply to this chapter?</p> <p><u>"Final order" means an order that is the final DSHS decision and may not be reviewed by a reviewing officer under RCW 34.05.464.</u></p> <p><u>"Initial order" is a hearing decision made by an ALJ that may be reviewed by a DSHS reviewing officer per RCW 34.05.464.</u></p> <p><u>"Program" means a DSHS organizational unit and the services that it provides, including services provided by DSHS staff and through contracts with providers. Organizational units include, but are not limited to, administrations, divisions, and offices.</u></p> <p>"Review judge" means an attorney employed by the DSHS board of appeals (BOA) who reviews decisions made by an ALJ and makes a final agency decision. The review judge is the reviewing officer in RCW 34.05.464 is the reviewing officer in RCW 34.05.464 for cases listed in WAC 388-02-0215 (4)(a).</p> <p><u>"Reviewing officer" means an employee of DSHS who reviews initial decisions made by an ALJ and makes the final agency decision in cases set forth in WAC 388-02-0215 (4)(a) and (b).</u></p>	<p>Revised definitions as adopted or changes from the proposed rule:</p> <p><u>"Final order" means an order that is the final DSHS decision.</u></p> <p><u>"Initial order" is a hearing decision made by an ALJ that may be reviewed by a review judge pursuant to WAC 388-02-0215(4).</u></p> <p>Deleted "and offices" and added "and" after "administrations."</p> <p>Deleted the reference to subsection "(a)" in WAC 388-02-0215(4).</p> <p>Deleted the term "Reviewing officer" and its definition entirely.</p>
<p>WAC 388-02-0215(4):</p> <p><u>(4) The ALJ enters an initial order in those cases where the parties may request review of an initial order by a review judge or by a DSHS program.</u></p> <p><u>(a) Cases where the parties may request a review of an initial order by a review judge are those relating to:</u></p> <p><u>(i) Adult family home licenses under RCW 70.128.100 and 70.128.160 and WAC 388-76-705;</u></p> <p><u>(ii) Boarding home licenses under RCW 18.20.190 and WAC 388-78A-030;</u></p> <p><u>(iii) Resident protection program finding under WAC 388-97-077;</u></p> <p><u>(iv) Nursing home licenses under RCW 18.51.054, 18.51.060, 18.51.065, and 74.42.580, and chapter 388-97 WAC;</u></p> <p><u>(v) Domestic violence perpetrator treatment program certification under RCW 26.50.150 and chapter 388-60 WAC;</u></p> <p><u>(vi) Licensing or certification of child foster care homes, programs, facilities and agencies under chapter 74.15 RCW and chapter 388-148 WAC;</u></p> <p><u>(vii) Child protective services findings of abuse and neglect under RCW 26.44.125 and chapter 388-15 WAC;</u></p> <p><u>(viii) Child care licenses under chapter 74.15 RCW and WAC 388-10-090, 388-151-090 and 388-155-090;</u></p> <p><u>(ix) Chemical dependency treatment provider certification under RCW 70.96A.090(2) and 43.20A.205 and WAC 388-805-065(3) and 388-805-135;</u></p>	<p>Deleted "or by a DSHS program."</p> <p>Combined subsections (4) and (4)(a), and deleted the subsection numbering "(a)."</p> <p>Revised the numbering format of proposed subsections (i) through (xii) to lower case letters. In the adopted version, proposed subsection (4)(a):</p> <p>(i) is now subsection (4)(a); and "RCW 70.128.100 and 70.128.160, and WAC 388-76-705" is deleted and replaced with "chapter 388-76 WAC."</p> <p>(ii) is now subsection (4)(b); and "RCW 18.20.190 and WAC 388-78A-030 is deleted and replaced with "chapter 388-78A WAC."</p> <p>(iii) is now subsection (4)(c).</p> <p>(iv) is now subsection (4)(d); and "RCW 18.51.054, 18.51.065 and 74.42.580, and chapter 388-97 WAC" is deleted and replaced with "WAC 388-97-550 through 388-97-695."</p> <p>(v) is now subsection (4)(k); and "RCW 26.50.150 and" is deleted.</p> <p>(vi) is now subsection (4)(l); and "chapter 388-148 WAC" is replaced with "chapters 388-148 WAC and 388-160 WAC."</p> <p>(vii) is now subsection (4)(m).</p>

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	<p>(viii) is now subsection (4)(o); and "WAC 388-150-090, 388-151-090 and 388-155-090" is replaced with "chapters 388-150, 388-151, and 388-155 WAC."</p> <p>(ix) is now subsection (4)(u), and "RCW 70.96A.090(2) and 43.20A.205 and WAC 388-805-065(3) and 388-805-135" is deleted and replaced with "chapter 388-805 WAC."</p> <p>(x) is now subsection (4)(v), and ", for which a hearing has been held" is added after "Community residential services and support certification."</p> <p>(xi) is now subsection (4)(z).</p> <p>(xii) is now subsection (4) (aa), and "(3)" is deleted after "WAC 388-865-0480."</p> <p>The following new subsections are added to WAC 388-02-0215(4) as adopted:</p> <p>(e) Self-directed care under RCW 74.39A.050(9) and WAC 388-71-0150 and 388-71-0155;</p> <p>(f) Termination of provider for placing clients in imminent jeopardy under RCW 74.39A.095(7) and WAC 388-71-0551;</p> <p>(g) Termination of provider due to inadequate performance or inability to deliver quality care under RCW 74.39A.095(7) and WAC 388-71-0540 and 388-71-0551;</p> <p>(h) Denial of contract to provider due to inability of provider to appropriately meet the care needs of clients under RCW 74.39A.095(8) and WAC 388-71-0546;</p> <p>(i) Denial or termination of contract to a provider due to a disqualifying crime or lack of character, competence, or suitability to maintain the health, safety, and well-being of clients under RCW 43.20A.710 and WAC 388-71-0540;</p> <p>(j) Social service eligibility under WAC 388-71-0400 through 388-71-0480, 388-71-202 and 388-71-203;</p> <p>(n) Adoption support under WAC 388-27-0120 through 388-27-0390, for which a hearing has been held under WAC 388-27-0365;</p> <p>(p) Background check of protective payees under WAC 388-460-0025, for which a hearing has been held under WAC 388-460-0070;</p> <p>(q) Background checks of child care providers and other persons under WAC 388-290-0143, for which a hearing has been held under WAC 388-290-0260 as part of the working connections child care program;</p> <p>(r) Background checks of persons acting in the place of a parent under WAC 388-454-0006, for which a hearing has been held under WAC 388-472-0005 (1)(j);</p> <p>(s) Claims of good cause for not cooperating with the division of child support under WAC 388-422-0020;</p> <p>(t) Parent address disclosure under WAC 388-14A-2114 through 388-14A-2140;</p> <p>(w) Denial or termination of eligibility for services under WAC 388-825-100, for which a hearing has been held under WAC 388-825-120(a);</p> <p>(x) Development or modification of an individual service plan under WAC 388-825-050, for which a hearing has been held under WAC 388-825-120(b);</p> <p>(y) Authorization, denial, reduction, or termination of services under WAC 388-825-100, for which a hearing has been held under WAC 388-820-120(c);</p> <p>(bb) Medical, dental, or transportation services, for which a hearing has been held under WAC 388-526-2610;</p> <p>(cc) Medical provider overpayments, for which a hearing has been held under WAC 388-502-0230(5) or 388-502-0240(17).</p>
<p>WAC 388-02-0215: <u>(b) Cases where the parties may request review of an initial order by a DSHS program are those where the review by a DSHS program is provided by statute or by program specific rule.</u> <u>(5) The ALJ makes the final decision and enters the final order in all cases except those cases set forth in subsection (4)(a) and (b) of this section.</u> <u>(6) A review judge reviewing officer has the same authority as an ALJ when presiding at a hearing.</u></p>	<p>Proposed subsection (4)(b) is deleted entirely.</p> <p>In subsection (5), deleted references to subsections "(a) and (b)."</p> <p>In subsection (6), restored the deleted phrase "review judge" and deleted "reviewing officer."</p>
<p>New WAC 388-02-0524: ...as set forth in WAC 388-02-0215 (4)(a) and (b).</p>	<p>Deleted "(a) and (b)" from the WAC citation.</p>

<p>WAC 388-02-0525: ... if a review request is dismissed, the initial order is final twenty-one calendar days after...</p>	<p>Restored the word "calendar" deleted from the proposed rule.</p>
<p>New WAC 388-02-0527: In cases not covered by WAC 388-02-0215 (4)(a) and (b)...</p>	<p>Deleted "(a) and (b)" from the WAC citation.</p>
<p>WAC 388-02-0530: Subsection (2): ...an initial order for a case listed in WAC 388-02-0215 (4)(a)... Subsection (3): If a party disagrees with an initial order for a case covered by WAC 388-02-0215 (4)(b) and wants it changed, the party must request review by the DSHS program as provided by DSHS program rules in other chapters of Title 388 WAC. Subsection (5): ... You may also petition for judicial review of the final order as stated in WAC 388-02-0640 to 388-02-0650...</p>	<p>Deleted "(a)" from the WAC citation. Proposed subsection (3) is deleted entirely and all of the following subsections are renumbered accordingly. Deleted "to" and replaced with "through" to read "WAC 388-02-0640 through WAC 388-02-0650."</p>
<p>WAC 388-02-0555: Subsection (3): ...initial order for a case listed in WAC 388-02-0215 (4)(a)... Subsection (5): If the ALJ denies a request for a corrected initial order for a case covered by WAC 388-02-0215 (4)(b) and the party still wants it changed, the party must request review by the DSHS program as provided by DSHS program rules in other chapters of Title 388 WAC.</p>	<p>Deleted "(a)" from the WAC citation. Subsection (5) was deleted entirely and the following subsection (6) is renumbered as (5).</p>
<p>WAC 388-02-0560: Subsection (2): ...for a case listed in WAC 388-02-0215 (4)(a)...</p>	<p>Deleted "(a)" from the WAC citation.</p>
<p>WAC 388-02-0570: Subsection (1): ...for a case listed in WAC 388-02-0215 (4)(a)...</p>	<p>Deleted "(a)" from the WAC citation.</p>
<p>WAC 388-02-0580 What is the deadline for requesting review of cases listed in WAC 388-02-0215 (4)(a)?</p>	<p>Deleted "(a)" in the caption.</p>
<p>WAC 388-02-0585 Where does a party send a request to review request a case listed in WAC 388-02-0215 (4)(a)? Subsection (1): ...to review a case listed in WAC 388-02-0215 (4)(a)...</p>	<p>Deleted "(a)" in the caption. Deleted "(a)" from the WAC citation.</p>
<p>WAC 388-02-0600: Subsection (1): A review judge may only review the cases listed in WAC 388-02-0215 (4)(a). Subsection (1): A review judge has the same decision-making authority as an ALJ in the following such cases... Deleted subsections (1)(a), (b), and (c); (2)(a) through (e). Proposed subsection (2): (3) Review judges have the authority to enter final orders for the cases listed in WAC 388-02-0215 (4)(a). New subsection (3): (3) Review judges may remand cases listed in WAC 388-02-0215 (4)(a) to the ALJ for further action.</p>	<p>Deleted "(a)" from the WAC citation. Restored "the following" and deleted "such." Restored subsections (1)(a), (b) and (c), and (2) (a) through (e) that were deleted in the proposed rules. Deleted "(a)" from the citation. Deleted "(a)" from the WAC citation.</p>
<p>WAC 388-02-0635: Subsection (1): After OAH or BOA receives a reconsideration request, a an ALJ or review judge has twenty calendar days to send a reconsideration decision unless OAH or BOA send notice allowing the review judge more time.</p>	<p>Deleted "the review judge" after "send notice allowing."</p>
<p>WAC 388-02-0645: Subsection (1): You must file your petition for judicial review with the superior court within thirty calendar days after BOA OAH or DSHS mails its final decision order.</p>	<p>Deleted "DSHS" and replaced with "BOA."</p>

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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 29, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making:

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 29, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

October 15, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0010 What definitions apply to this chapter? The following definitions apply to this chapter:

"Administrative law judge (ALJ)" means an impartial decision-maker who is an attorney and presides at an administrative hearing. The office of administrative hearings

(OAH), which is a state agency, employs the ALJs. ALJs are not DSHS employees or DSHS representatives.

"BOA" means the DSHS board of appeals.

"Business days" means all days except Saturdays, Sundays and legal holidays.

"Calendar days" means all days including Saturdays, Sundays and legal holidays.

"Deliver" means giving a document to someone in person.

"Documents" means papers, letters, writings, or other printed or written items.

"DSHS" means the department of social and health services.

"DSHS representative" means an employee of DSHS, a DSHS contractor, or an assistant attorney general authorized to represent DSHS in an administrative hearing. DSHS representatives include, but are not limited to, claims officers and fair hearing coordinators.

"Final order" means an order that is the final DSHS decision.

"Hearing" means a proceeding before OAH that gives a party an opportunity to be heard in disputes about DSHS programs. For purposes of this chapter, hearings include administrative hearings, adjudicative proceedings, and any other similar term referenced under chapter 34.05 RCW, the Administrative Procedure Act, Title 388 of the Washington Administrative Code, chapter 10-08 WAC, or other law.

"Initial order" is a hearing decision made by an ALJ that may be reviewed by a review judge pursuant to WAC 388-02-0215(4).

"Mail" means placing the document in the mail with the proper postage.

"OAH" means the office of administrative hearings, a separate state agency from DSHS.

"Party" means a person or entity:

- (1) Named in a DSHS action;
- (2) To whom a DSHS action is directed; or
- (3) Allowed to participate in a hearing to protect an interest as authorized by law or rule.
- (4) DSHS is also a party.

"Prehearing conference" means a proceeding scheduled and conducted by an ALJ in preparation for a hearing.

"Prehearing meeting" means an informal voluntary meeting that may be held before any prehearing conference or hearing.

"Program" means a DSHS organizational unit and the services that it provides, including services provided by DSHS staff and through contracts with providers. Organizational units include, but are not limited to, administrations and divisions.

"Record" means the official documentation of the hearing process. The record includes tape recordings or transcripts, admitted exhibits, decisions, briefs, notices, orders, and other filed documents.

"Review" means the act of reviewing initial orders and making the final agency decision as provided by RCW 34.05.464.

"Review judge" means an attorney employed by the DSHS board of appeals (BOA) who (~~reviews decisions made by an ALJ and makes a final agency decision. The review judge is the reviewing officer in RCW 34.05.464~~) is the reviewing officer in RCW 34.05.464 for cases listed in WAC 388-02-0215(4).

"Rule" means a state regulation. Rules are found in the Washington Administrative Code (WAC).

"Stay" means an order temporarily halting the DSHS decision or action.

"You" means any individual or entity that has a right to be involved with the DSHS hearing process, which includes a party or a party's representative. "You" does not include DSHS or its representative.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0015 How do the terms in the Administrative Procedure Act (APA) compare to this chapter? To improve clarity and understanding, the rules in this chapter may use different words than the APA or the model rules. Following is a list of terms used in those laws and the terms as used in these rules:

Chapter 34.05 RCW Chapter (10-08) 10-08 WAC	Chapter 388-02 WAC
Adjudicative proceeding	Different terms are used to refer to different stages of the hearing process, and may include prehearing meeting, prehearing conference, hearing, review, reconsideration and the entire hearing process
Agency	DSHS
Application for adjudicative proceeding	Request a hearing
Enter (Initial order)	Make, send (Hearing decision or order)
Presiding officer	ALJ or review judge
Reviewing officer	Review judge

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0025 Where is the office of administrative hearings located? (1)(a) The office of administrative hearings (OAH) headquarters location is:

Office of Administrative Hearings
919 Lakeridge Way SW
P.O. Box 42488
Olympia WA 98504-2488
(360) 664-8717
(360) 664-8721 (FAX)

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(b) The headquarters office is open from 8:00 am to 5:00 p.m. Mondays through Friday, except legal holidays.

(2) OAH field offices are at the following locations:

Olympia

Office of Administrative Hearings ((-SHS))

2420 Bristol Court SW, 3rd Floor

PO Box 42489

Olympia, WA 98504-2489

(360) 753-2531

1-800-583-8271

FAX: (360) 586-6563

Seattle

Office of Administrative Hearings ((-SHS))

1904 3rd Ave., Suite 722

Seattle, WA 98101-1100

(206) 464-6322

1-800-583-8270

FAX: (206) 587-5136

Everett

Office of Administrative Hearings ((-SHS))

2722 Colby, Suite 610

Everett, WA 98201-3571

(425) 339-1921

1-800-583-8261

FAX: (425) 339-3907

Vancouver

Office of Administrative Hearings ((-SHS))

800 Franklin Street, 1st Floor

Vancouver, WA 98660

(360) 690-7189

1-800-243-3451

FAX: (360) 696-6255

Spokane

Office of Administrative Hearings ((-SHS))

~~((136 S. Arthur St.))~~ 221 N. Wall Street, Suite 540

Spokane, WA ~~((99202-2254))~~ 99201-0826

~~(509) 456-3975~~

1-800-366-0955

FAX: (509) ~~((533-2473))~~ 456-3975

Yakima

Office of Administrative Hearings ((-SHS))

32 N 3rd Street, Suite 320

Yakima, WA 98901-2730

(509) 575-2147

1-800-843-3491

FAX (509) 454-7281

(3) You should contact the Olympia field office under subsection (2), if you do not know the correct field office.

(4) You can obtain further hearing information at the OAH website: www.oah.wa.gov

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0215 What is the authority of the ALJ?

(1) ~~((An))~~ The ALJ must hear and decide the issues de novo (anew) based on what is presented during the hearing.

(2) As needed, ~~((an))~~ the ALJ may:

(a) Determine the order for presenting evidence;

(b) Issue subpoenas or orders directing witnesses to appear or bring documents;

(c) Rule on objections, motions, and other procedural matters;

(d) Rule on an offer of proof made to admit evidence;

(e) Admit relevant evidence;

(f) Impartially question witnesses to develop the record;

(g) Call additional witnesses and request exhibits to complete the record;

(h) Give the parties an opportunity to cross-examine witnesses or present more evidence against the witnesses or exhibits;

(i) Keep order during the hearing;

(j) Allow or require oral or written argument and set the deadlines for the parties to submit argument or evidence;

(k) Permit others to attend, photograph or electronically record hearings, but may place conditions to preserve confidentiality or prevent disruption;

(l) Allow a party to waive rights given by chapters 34.05 RCW or 388-02 WAC, unless another law prevents it;

(m) Decide whether a party has a right to a hearing;

(n) Issue protective orders;

(o) Consider granting a stay if authorized by law or DSHS rule; and

(p) Take any other action necessary and authorized under these or other rules.

(3) ~~((An))~~ The ALJ administers oaths or affirmations and takes testimony.

(4) The ALJ enters an initial order in those cases where the parties may request review of an initial order by a review judge. Cases where the parties may request review of an initial order by a review judge are those relating to:

(a) Adult family home licenses under chapter 388-76 WAC;

(b) Boarding home licenses under chapter 388-78A WAC;

(c) Resident protection program findings under WAC 388-97-077;

(d) Nursing home licenses under WAC 388-97-550 through 388-97-695;

(e) Self-directed care under RCW 74.39A.050(9) and WAC 388-71-0150 and 388-71-0155;

(f) Termination of provider for placing clients in imminent jeopardy under RCW 74.39A.095(7) and WAC 388-71-0551;

(g) Termination of provider due to inadequate performance or inability to deliver quality care under RCW 74.39A.095(7) and WAC 388-71-0540 and 388-71-0551;

(h) Denial of contract to provider due to inability of provider to appropriately meet the care needs of clients under RCW 74.39A.095(8) and WAC 388-71-0546;

(i) Denial or termination of a contract to a provider due to a disqualifying crime or lack of character, competence, or suitability to maintain the health, safety, and well-being of clients under RCW 43.20A.710 and WAC 388-71-0540;

(j) Social service eligibility under WAC 388-71-0400 through 388-71-0480, 388-71-0202, and 388-71-0203;

(k) Domestic violence perpetrator treatment program certification under chapter 388-60 WAC;

(l) Licensing or certification of child foster care homes, programs, facilities, and agencies under chapter 74.15 RCW and chapters 388-148 and 388-160 WAC;

(m) Child protective services findings of abuse and neglect under RCW 26.44.125 and chapter 388-15 WAC;

(n) Adoption support under WAC 388-27-0120 through 388-27-0390, for which a hearing has been held under WAC 388-27-0365;

(o) Child day care licenses under chapter 74.15 RCW and chapters 388-150, 388-151, and 388-155 WAC;

(p) Background checks of protective payees under WAC 388-460-0025, for which a hearing has been held under WAC 388-460-0070;

(q) Background checks of child care providers and other persons under WAC 388-290-0143, for which a hearing has been held under WAC 388-290-0260 as part of the working connections child care program;

(r) Background checks of persons acting in the place of a parent under WAC 388-454-0006, for which a hearing has been held under WAC 388-472-0005 (1)(j);

(s) Claims of good cause for not cooperating with the division of child support under WAC 388-422-0020;

(t) Parent address disclosure under WAC 388-14A-2114 through 388-14A-2140;

(u) Chemical dependency treatment provider certification under chapter 388-805 WAC;

(v) Community residential services and support certification, for which a hearing has been held under WAC 388-820-920;

(w) Denial or termination of eligibility for services under WAC 388-825-100, for which a hearing has been held under WAC 388-825-120(a);

(x) Development or modification of an individual service plan under WAC 388-825-050, for which a hearing has been held under WAC 388-825-120(b);

(y) Authorization, denial, reduction, or termination of services under WAC 388-825-100, for which a hearing has been held under WAC 388-825-120(c);

(z) Licensed community facilities under RCW 74.15.210 and WAC 388-730-0090;

(aa) Community mental health and involuntary treatment program licenses under WAC 388-865-0480;

(bb) Medical, dental, or transportation services, for which a hearing has been held under WAC 388-526-2610;

(cc) Medical provider overpayments, for which a hearing has been held under WAC 388-502-0230(5) or 388-502-0240(17).

(5) The ALJ makes the final decision and enters the final order in all cases except those cases set forth in subsection (4) of this section.

(6) A review judge has the same authority as an ALJ when presiding at a hearing.

NEW SECTION

WAC 388-02-0524 In what cases does the ALJ enter the hearing decision as an initial order? The ALJ must enter the hearing decision as an initial order in cases set forth in WAC 388-02-0215(4).

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0525 When ~~((does a decision))~~ do initial orders become final? ~~((1) In most cases,))~~ If no one requests review ~~((, the hearing decision is final twenty-one calendar days after it is mailed.~~

~~(2) In food stamp cases involving a claim of an intentional program violation, the ALJ decision is preliminary and the review judge sends a final decision whether or not a party requests review.~~

~~(3) If a review request is dismissed, the hearing decision becomes)) of the initial order or if a review request is dismissed, the initial order is final twenty-one calendar days after ~~((mailing the hearing decision))~~ it is mailed.~~

NEW SECTION

WAC 388-02-0527 In what cases does the ALJ enter the hearing decision as a final order? In cases not covered by WAC 388-02-0215(4), the ALJ must enter the hearing decision as a final order.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0530 What if a party disagrees with the ALJ's decision? (1) If a party disagrees with ~~((a decision))~~ an ALJ's initial or final order because of a clerical error, the party may ask for a corrected decision from the ALJ as provided in WAC 388-02-0540 through 388-02-0555.

(2) If a party disagrees with ~~((the hearing decision))~~ an initial order for a case listed in WAC 388-02-0215(4) and wants it changed, the party must request review by BOA as provided in WAC 388-02-0560 through 388-02-0595.

~~((3))~~ If a party wants to stay the DSHS action until review of the initial order is completed, the party must request a stay from a review judge.

(3) Final orders may not be reviewed by BOA.

(4) If a party disagrees with an ALJ's final order, the party may request reconsideration as provided in WAC 388-02-0605 through 388-02-0635. You may also petition for judicial review of the final order as stated in WAC 388-02-0640 through 388-02-0650. You do not need to file a request for reconsideration of the final order before petitioning for judicial review. DSHS may not request judicial review.

CLERICAL ERRORS IN ALJ DECISIONS

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0540 How are clerical errors in ALJ decisions corrected? (1) A clerical error is a mistake that does not change the intent of the decision.

(2) The ALJ corrects clerical errors in ~~((the))~~ hearing decisions by issuing a second decision referred to as a corrected decision or corrected order. Corrections may be made to initial orders and final orders.

(3) Some examples of clerical error are:

- (a) Missing or incorrect words or numbers;
- (b) Dates inconsistent with the decision or evidence in the record such as using May 3, 1989, instead of May 3, 1998; or
- (c) Math errors when adding the total of an overpayment or a child support debt.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0545 How does a party ask for a corrected ALJ decision? (1) A party may ask for a corrected ALJ decision by calling or writing the OAH office that held ~~((your))~~ the hearing.

(2) When asking for a corrected decision, please identify the clerical error you found.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0550 How much time do the parties have to ask for a corrected ALJ decision? The parties must ask OAH for a corrected decision on or before the tenth calendar day after the ~~((hearing decision))~~ order was mailed.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0555 What happens when a party requests a corrected ALJ decision? (1) When a party requests a corrected ~~((decision))~~ initial or final order, the ALJ must either:

- (a) Send all parties a corrected ~~((decision))~~ order; or
- (b) Deny the request within three business days of receiving it.

(2) If the ALJ corrects ~~((the hearing decision))~~ an initial order and a party does not request review, the corrected ~~((decision))~~ initial order becomes final twenty-one calendar days after the original ~~((hearing decision))~~ initial order was mailed.

(3) If the ALJ denies a request for a corrected ~~((decision))~~ initial order for a case listed in WAC 388-02-0215(4) and the party still wants the hearing decision changed, the party must request review from ~~((the board of appeals))~~ BOA.

(4) Requesting a corrected ~~((decision))~~ initial order for a case listed in WAC 388-02-0215(4) does not automatically extend the deadline to request review of the initial order by BOA. A party may ask for more time to request review when needed.

(5) If the ALJ denies a request for a corrected final order and you still want the hearing decision changed, you must request judicial review.

REQUESTS FOR BOA REVIEW OF INITIAL ORDERS FOR CASES LISTED IN WAC 388-02-0215(4)

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0560 What is review? (1) Review occurs when a party disagrees or wants a change in ~~((the hearing decision))~~ an initial order, other than correcting a clerical error.

(2) A party must request review of an initial order for a case listed in WAC 388-02-0215(4) from the BOA.

(3) The review judge considers the request, the ~~((hearing decision))~~ initial order, and record, before deciding if the ~~((decision))~~ initial order may be changed.

(4) Review does not include another hearing by the BOA.

(5) BOA may not review final orders.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0570 Who may request review? (1) Any party may request BOA to review ~~((a hearing decision))~~ an initial order for a case listed in WAC 388-02-0215(4).

(2) If more than one party requests review, each request must meet the deadlines in WAC 388-02-0580.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0575 What must a party include in the review request? A party must make the review request in writing and clearly identify the:

- (1) Parts of the ~~((hearing decision))~~ initial order with which the party disagrees; and
- (2) Evidence supporting the party's position.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0580 What is the deadline for requesting review of cases listed in WAC 388-02-0215(4)? (1) BOA must receive the written review request on or before the twenty-first calendar day after the ~~((hearing decision))~~ initial order was mailed.

- (2) A review judge may extend the deadline if a party:
 - (a) Asks for more time before the deadline expires; and
 - (b) Gives a good reason for more time.
- (3) A review judge may accept a review request after the twenty-one calendar day deadline only if:

- (a) The BOA receives the review request on or before the thirtieth calendar day after the deadline; and
- (b) A party shows good reason for missing the deadline.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0585 **Where does a party send a request to review ~~((request))~~ a case listed in WAC 388-02-0215(4)?** (1) A party must send a ~~((review))~~ request to review a case listed in WAC 388-02-0215(4) to BOA at the address given in WAC 388-02-0030. A party should also send a copy of the review request to the other parties.

(2) After receiving a party's review request, BOA sends a copy to the other parties, OAH, and representatives giving them time to respond.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0595 **What happens after the response deadline?** (1) After the response deadline, the record on review is closed unless there is a good reason to keep it open.

(2) A review judge is assigned to the review after the record is closed. To find out which judge is assigned, call BOA.

(3) After the record is closed, the assigned review judge:

(a) Reviews the case; and

(b) ~~((Sends a review decision))~~ Enters a final order that ~~((either))~~ affirms, changes, dismisses or reverses the ~~((hearing decision))~~ initial order; or

(c) Remands (returns) the case to OAH for further action.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0600 **What is the authority of the review judge?** (1) A review judge may only review the cases listed in WAC 388-02-0215(4). A review judge has the same decision-making authority as an ALJ in the following cases, but must consider the ALJ's opportunity to observe the witnesses:

(a) Licensing, certification and related civil fines;

(b) Rate-making proceedings; and

(c) Parent address disclosure.

(2) In all other cases, a review judge may only change the hearing decision if:

(a) There are irregularities, including misconduct of a party or misconduct of the ALJ or abuse of discretion by the ALJ, that affected the fairness of the hearing;

(b) The findings of fact are not supported by substantial evidence based on the entire record;

(c) The decision includes errors of law;

(d) The decision needs to be clarified before the parties can implement it; or

(e) Findings of fact must be added because the ALJ failed to make an essential factual finding. The additional findings must be supported by substantial evidence in view of the entire record and must be consistent with the ALJ's findings that are supported by substantial evidence based on the entire record.

(3) Review judges have the authority to enter final orders for the cases listed in WAC 388-02-0215(4).

(4) Review judges may remand cases listed in WAC 388-02-0215(4) to the ALJ for further action.

REQUESTS FOR RECONSIDERATION OF ~~((A-REVIEW DECISION))~~ FINAL ORDERS ENTERED BY OAH AND BOA

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0605 **What if a party does not agree with a ~~((review decision))~~ final order entered by OAH or BOA?** (1) If a party does not agree with the ~~((review decision))~~ final order and wants it ~~((changed))~~ reconsidered, the party must ~~((either))~~:

(a) Ask the ALJ to reconsider the decision, if the final order was entered by an ALJ; or

(b) Ask the review judge to reconsider the decision ~~((or Appeal the review decision to superior court which is judicial review according to WAC 388-02-0640)), if the final order was entered by a review judge.~~

(2) ~~((RCW 34.05.510 to 34.05.598 governs how to appeal a review decision to superior court.~~

~~((3))~~ The ~~((review decision))~~ final order or the reconsideration decision is the final agency decision. If ~~((a party disagrees-))~~ you disagree with that decision, ~~((the party))~~ you must petition for judicial review to change it.

~~((4))~~ The party (3) You may ask the court to stay or stop the DSHS action after filing the petition for judicial review.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0610 **What is reconsideration?** (1) Reconsideration is:

(a) Asking ~~((the review judge))~~ an ALJ to reconsider ~~((the review decision))~~ a final order entered by the ALJ because the party believes the ALJ made a mistake; and

(b) Asking a review judge to reconsider a final order entered by a review judge because the party believes the review judge made a mistake.

(2) If ~~((the))~~ a party asks ~~((the review judge to reconsider the review decision))~~ for reconsideration of the final order, the reconsideration process must be completed before you ~~((go to court))~~ request judicial review. However, you do not need to request reconsideration of a final order before you request judicial review.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0615 **What must a party include in the reconsideration request?** The party must make the request in writing and clearly state why the party wants the ~~((review judge to reconsider the review decision))~~ final order reconsidered.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0620 What is the deadline for requesting reconsideration? (1) ~~((The BOA))~~ If OAH entered the final order, OAH must receive a written reconsideration request on or before the tenth calendar day after the ~~((review decision))~~ final order was mailed.

(2) If BOA entered the final order, BOA must receive a written reconsideration request on or before the tenth calendar day after the final order was mailed.

(3) If a reconsideration request is received after the deadline, the final order will not be reconsidered and the deadline to ask for superior court review continues to run. ~~((The review judge will not reconsider the review decision.~~

~~(3) A review judge may extend the deadline))~~

(4) OAH or BOA may extend its deadline if a party:

- (a) Asks for more time before the deadline expires; and
- (b) Gives a good reason for the extension.

~~((4))~~ (5) If a party does not request reconsideration or ask for an extension within the deadline, the ~~((review judge cannot reconsider the review decision))~~ final order may not be reconsidered and it becomes the final agency decision.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0625 Where does a party send a reconsideration request? (1) A party must send a written reconsideration request to ~~((BOA at the address in WAC 388-02-0030))~~ OAH, if OAH entered the final order, or to BOA, if BOA entered the final order.

(2) After receiving a reconsideration request, OAH or BOA sends a copy to the other parties and representatives giving them time to respond.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0630 How does a party respond to a reconsideration request? (1) A party does not have to respond to a request. A response is optional.

(2) If a party responds, that party must send a response to OAH, if OAH entered the final order, or to BOA, if BOA entered the final order, by or before the seventh business day after the date OAH or BOA mailed the request to the party.

(3) A party must send a copy of the response to any other party or representative.

(4) If a party needs more time to respond, ~~((the review judge))~~ OAH or BOA may extend ~~((the))~~ its deadline if the party gives a good reason ~~((in))~~ within the deadline in subsection (2) of this section.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0635 What happens after a party requests reconsideration? (1) After OAH or BOA receives a reconsideration request, ~~((a))~~ an ALJ or review judge has twenty calendar days to send a reconsideration decision

unless OAH or BOA sends notice allowing ~~((the review judge))~~ more time.

(2) After OAH or BOA receives a reconsideration request, the ALJ or review judge must either:

- (a) Write a reconsideration decision; or
- (b) Send all parties an order denying the request.

(3) If the ALJ or review judge does not send an order or notice granting more time within twenty days of receipt of the reconsideration request, the request is denied.

REQUESTS FOR JUDICIAL REVIEW OF FINAL ORDERS

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0640 What is judicial review? (1) Judicial review is the process of appealing a final ~~((hearing decision))~~ order to a court.

(2) You may appeal a ~~((review decision))~~ final order by filing a written petition for judicial review that meets the requirements of RCW 34.05.546. DSHS may not request judicial review.

(3) You must consult RCW 34.05.510 to 34.05.598 for further details of the judicial review process.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0645 When must you ask for judicial review? (1) You must file your petition for judicial review with the superior court within thirty calendar days after ~~((BOA))~~ OAH or BOA mails its final ~~((decision))~~ order.

(2) Generally, you may file a petition for judicial review only after you have completed the administrative hearing process. However, you do not need to file a request for reconsideration of a final order before requesting judicial review.

AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0650 How do you serve your petition for judicial review? (1) You must file and serve the petition for judicial review of a ~~((review decision))~~ final order within thirty days after the date it was mailed. You must file your petition for judicial review with the court. You must serve copies of your petition on DSHS, the office of the attorney general, and all other parties.

(2) To serve DSHS, you must deliver a copy of the petition to the secretary of DSHS or to BOA. You may hand deliver the petition or send it by mail that gives proof of receipt. The physical location of the secretary is:

DSHS Office of the Secretary
OB-2, 4th Floor
Mail Stop 45010
14th and Jefferson
Olympia, WA 98504-5010

The mailing address of the secretary is:

DSHS Office of the Secretary
P.O. Box 45010
Olympia, WA 98504-5010

The physical and mailing addresses for BOA are in WAC 388-02-0030.

(3) To serve the office of the attorney general and other parties, you may send a copy of the petition for judicial review by regular mail. You may send a petition to the address for the attorney of record to serve a party. You may serve the office of the attorney general by hand delivery to:

Office of the Attorney General
670 Woodland Square Loop S.E.
Lacey, WA 98503

The mailing address of the attorney general is:
Office of the Attorney General
P.O. Box 40124
Olympia WA 98504-0124

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: December 1, 2002.

October 16, 2002

Les Ornelas

Air Pollution Control Officer

REGULATION 1 OF THE YRCAA

Amendment 1, Adopted - October 9, 2002

Recommend Approval Les Ornelas October 9, 2002

Les Ornelas, Air Pollution Control Officer Date

**Repealed and amended as defined below this 9th day of
October 2002 by the Board of Directors, Yakima
Regional Clean Air Authority
Yakima, Washington**

Thomas W. Gasseling
Chairperson

James M. Lewis
Member

Ronald F. Gamache
Member

John Puccinelli
Member

Judy Boekholder
Member

REPEALED

The following sections of Regulation 1 adopted March 8, 2000 are repealed:

Section	Section Title
2.04	Public Participation
3.01	Emission Standards
3.11	Monitoring, Recordkeeping, and Reporting
4.02	New Source Review

The following appendices of Regulation 1 adopted March 8, 2000 are repealed:

Appendix	Appendix Title
D	Measurable Emissions Standards for Various Sources
K	New Source Review Application Information

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-02-0535 Who may ask for a change in a decision?

**WSR 02-21-082
PERMANENT RULES
YAKIMA REGIONAL
CLEAN AIR AUTHORITY**

[Filed October 18, 2002, 9:29 a.m., effective December 1, 2002]

Date of Adoption: October 9, 2002.

Purpose: Amendment 1 conforms Regulation 1 to chapter 173-400 WAC by repealing inconsistent sections and definitions. It is also part of a Department of Ecology state and local rule making to submit all new source review rules to the state implementation plan (SIP) for federal enforceability by the U.S. Environmental Protection Agency.

Citation of Existing Rules Affected by this Order: Repealing Sections 2.04, 3.01, 3.11, and 4.02, and Appendices D and K, Regulation 1 of the YRCAA; and amending Appendix A, Regulation 1 of the YRCAA.

Statutory Authority for Adoption: FCAA of 1990, Section 110.

Adopted under notice filed as WSR 02-17-80 [02-17-080] on August 19, 2002.

Changes Other than Editing from Proposed to Adopted Version: Signature page - added "Recommend Approval" signature and "Date." Adoption history table - added adopted October 9, 2002, and effective date December 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 1, Repealed 6; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 6.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

PERMANENT

AMENDED

Appendix A, Definitions, adopted March 8, 2000 is amended.

ADOPTION HISTORY
REGULATION 1 OF THE YAKIMA REGIONAL CLEAN AIR AUTHORITY

Amend. No.	Dates		Action	Sections/ Appendix	Comments
	Adopted	Effective			
N/A	March 8, 2000	May 1, 2000	Adoption of Regulation 1	All	Initial local adoption.
Amend. - 1	October 9, 2002	December 1, 2002	Repeal sections and appendices in full.	2.04	Replaced by WAC 173-400-171 for all public participation except for air operating permits. Public participation for air operating permits is replaced by WAC 173-401, Part IX.
				3.01	Replaced by Chap. 173-400 WAC & RCW 70.94.640 & 645.
				3.11	Replaced by Chap. 173-400 WAC.
				4.02	Replaced by Chap. 173-400 WAC.
				app. D	Replaced by Chap. 173-400 WAC and 40 CFR Parts 51, 60, 61, & 63.
				app. K	Replaced by WAC 173-400-110 and WAC 173-460-150 & 160.
Amend. - 1	October 9, 2002	December 1, 2002	Removes definitions included in chap. 173-400 WAC, and makes minor edits.	app. A.	Replaced by definitions in WAC 173-400-030, 112, & 113

PERMANENT

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APPENDIX A

Definitions of Words and Phrases

This appendix contains a list of definitions for words and phrases used in more than one section of the regulation. Defined words or phrases are identified with "(App. A)" in the text. The source of the definition is identified in *italics*. The definitions for terms not found in this appendix are in chap. 173-400 WAC.

Adequate Source of Heat (*WAC 173-433-030(1)*) - The ability to maintain 70°F (*App. B*) at a point three feet above the floor in all normally inhabited areas of the dwelling.

Agricultural Burning (*WAC 173-430-030(1)*) - The burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.

Agricultural Operation (*WAC 173-430-030(2)*) - A farmer who can substantiate that the operation is commercial agriculture by showing the most recent year's IRS (*App. B*) schedule F form or proof that the land is designated in a classification for agricultural use. It also includes burning conducted by irrigation district or drainage district personnel as part of water system management.

Ag Task Force (*WAC 173-430-030(3)*) - The state agricultural burning practices and research task force.

Air Pollution Episode - A period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in chap. 173-435 WAC.

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PERMANENT

Authority - The Yakima Regional Clean Air Authority.

Best Management Practice (BMP) (WAC 173-430-030(4)) - The criteria established by the state ag task force.

Board - The Board of Directors of the Yakima Regional Clean Air Authority

Burn Bans - Periods when ecology or the authority determine air contaminant levels are approaching or have reached a level which is harmful to public health or safety. Outdoor burning, agricultural burning, and burning with wood or coal heaters are severely curtailed during these periods.

Ceremonial Fires - Fires necessary for Native American ceremonies (i.e. conducted by and for Native Americans) if part of a religious ritual.

Construction/Demolition Debris - All material resulting from the construction, renovation, or demolition of buildings, roads, and other man-made structures.

Control Apparatus - Any device which prevents or controls the emission of any air contaminant

Corrective Action Order - An order issued by the authority for the purpose of causing a person to be in compliance with cited authority, state, or federal laws and regulations. The order will specify actions to be taken within a specific time.

Daylight Hours - 30 minutes before and 30 minutes after the published sunrise and sunset times in a newspaper of general circulation in the area.

De Minimis - The minimum threshold levels that exempts sources or source categories from complying with specific requirements.

DEQ Phase 2 Woodstove (WAC 173-433-150 (1)(c)) - A woodstove meeting the "Oregon Department of Environmental Quality Phase 2" emissions standards contained in Subsections (2) and (3) of Section 340-21-115, and certified in accordance with "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984.

Eight Hours (WAC 173-435-020(5)) - Any consecutive eight hours starting at any clock hour.

EPA Certified Woodstove (WAC 173-433-030(2)) - A woodstove that meets the emission performance standards when tested by an accredited independent laboratory and labeled according to procedures specified by the EPA (App. B) under 40 CFR Part 60, Subpart AAA (App. B) - Standards of Performance for Residential Wood Heaters as amended through July 1, 1990.

EPA Exempted Device - A device that is not required to be tested under 40 CFR Part 60, Subpart AAA.

Equipment - Any stationary or portable device or any part thereof capable of causing the emission of any air contaminant into the ambient air.

Farmer (WAC 173-430-030(7)) - Any person engaged in the business of growing or producing for sale upon their own lands, or upon the land in which they have a present right of possession, any agricultural product. Farmer does not mean persons using such products as ingredients in a manufacturing process, or persons growing or producing such products primarily for their own consumption.

Fire Department - Fire control agency such as city fire departments, local fire districts or the DNR (App. B).

Fire Fighting Training Fires - Fires for the instruction in methods of fire fighting, including but not limited to training to fight structural fires, aircraft crash rescue fires, and forest fires.

Fireplace (RCW 70.94.453(3)) - Any permanently installed masonry fireplace; or any factory-built metal solid fuel burning device designed to be used with an open combustion chamber and without features to control the air to fuel ratio.

Firewood - Bare untreated wood used as fuel in a wood heater, solid fuel burning device, ceremonial fire, or a recreational fire.

First Stage of Impaired Air Quality - Can be declared by the authority when PM₁₀ is at an ambient level of 60 µg/m³ (App. B) of air measured on a 24 hour average, or when CO (App. B) is at an ambient level of eight ppm of contaminant of air by volume measured on an eight-hour average.

Furnace (40 CFR 60.531) - A solid fuel burning appliance that is designed to be located outside of ordinary living areas and that warms spaces other than the space where the appliance is located, by the distribution of air heated in the appliance through ducts. The appliance must be tested and listed as a furnace under accepted American or Canadian safety testing codes unless exempted from this provision by the EPA. A manufacturer may request an exemption in writing from the EPA by stating why the testing and listing requirement is not practicable and demonstrating that his appliance is otherwise a furnace.

Garbage - Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking or serving of food.

Hazardous Air Pollutant - Any air pollutant listed in accordance with section 112(b), FCAA (App. B).

Home Barbecues - A small wood, charcoal, LP (App. B) gas, or natural gas fire for the purpose of cooking.

Hour (WAC 173-435-020(4)) - A 60 minute period, beginning and ending on a clock hour.

Impaired Air Quality - A first or second stage impaired air quality condition declared by ecology or the authority in accordance with WAC 173-433-140.

Land Clearing Burning - Outdoor burning of trees, stumps, shrubbery, or other natural vegetation from land clearing projects (i.e. projects that clear the land surface so it can be developed, used for a different purpose, or left unused).

Maximum Available Control Technology (MACT) - A standard developed for the control of hazardous air pollutant emissions from specific source categories regulated under 40 CFR Part 63. The full definitions for MACT for existing sources, MACT for new sources, and MACT floor are in 40 CFR 63.51.

Minor Source - Any stationary source which is not a major stationary source (*App. A*).

Natural Vegetation - Unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood.

New Wood Stove (RCW 70.94.453(4)) - A wood stove or wood heater that is sold at retail, bargained, exchanged, or given away for the first time by the manufacturer, the manufacturer's dealer or agency, or a retailer; and has not been so used to have become what is commonly known as "second hand" within the ordinary meaning of that term.

Nuisance - An emission of smoke or any other air pollutant that unreasonably interferes with the use or enjoyment of the property upon which it is deposited.

Order - An order issued by ecology or the authority under chap. 70.94 RCW (*App. B*), including, but not limited to RCW 70.94.332, RCW 70.94.152, RCW 70.94.153, and RCW 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.

Other Outdoor Burning - Any type of outdoor burning not specified in WAC 173-425-020 including, but not limited to, any outdoor burning necessary to protect public health and safety.

Outdoor Burning WAC 173-425-030(16)) - The combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion. For the purposes of this regulation, "outdoor burning" includes all types of outdoor burning except agricultural burning and silvicultural burning.

Pellet Stove (WAC 173-433-030(6)) - A pellet stove with an air-to-fuel ratio \geq (*App. B*) 35.0 when tested by an accredited laboratory in accordance with methods and procedures specified by the EPA in 40 CFR Part 60 Appendix A, Reference Method 28A - Measurement of Air to Fuel Ratio and Minimum Achievable Burn Rates for Wood-fired Appliances as amended through July 1, 1990.

Rare and Endangered Plant Regeneration Fires (WAC 173-425-030(19)) - Fires necessary to promote the regeneration of rare and endangered plants found within natural area preserves as identified in chap. 79.70 RCW.

Reasonable Alternative - A method for disposing of organic refuse (such as natural vegetation) that is available, reasonably economical, and less harmful to the environment than burning.

Recreational Fire - Cooking fires, campfires and bonfires using charcoal or firewood that occur in designated areas or on private property for cooking, pleasure, or ceremonial purposes. Fires used for debris disposal are not considered recreational fires.

Regulation - Any regulation and subsequently adopted amendments of the Regulation 1 of Yakima Regional Clean Air Authority.

Residential Burning - The outdoor burning of leaves, clippings, prunings, and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee.

Seasoned Wood (WAC 173-433-030(8)) - Wood of any species that has been sufficiently dried so as to contain $\leq 20\%$ or less moisture by weight.

Second Stage of Impaired Air Quality - Can be declared by the authority when PM_{10} is at an ambient level of $105 \mu g/m^3$ (*App. B*) of air measured on a 24 hour average.

Silvicultural Burning - Outdoor burning relating to the following activities for the protection of life or property and/or the public health, safety, and welfare:

1. Abating a forest fire hazard;
2. Prevention of a forest fire hazard;
3. Instruction of public officials in methods of forest fire fighting;
4. Any silvicultural operation to improve the forest lands of the state; and
5. Silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.

Solid Fuel Burning Device (WAC 173-433-030(9)) - A device that burns wood, coal, or other nongaseous or nonliquid fuels, which includes any device burning any solid fuel except those prohibited by WAC 173-433-120. This also includes any devices used for aesthetic or space-heating purposes in a private residence or commercial establishment which has a heat input less than one million Btu per hour. In this regulation the phrase "wood or coal heater" is intended to have the same meaning as solid fuel burning device.

Storm and Flood Debris Burning - Outdoor burning of natural vegetation from storms or floods that have occurred in the previous two years and resulted in an emergency being declared or proclaimed in the area by the city, county, or state government.

Threshold Level - The level that delineates whether or not a source must comply with specific requirements.

Treated Wood (WAC 173-433-030(10)) - Any species of wood that has been chemically impregnated, painted, or similarly modified to prevent weathering and deterioration.

Twenty-four (24) Hours WAC 173-435-020(8) - Any consecutive 24 hours starting at any clock hour.

Tumbleweed Burning - Outdoor burning to dispose of dry plants (typically Russian thistle and tumbleweed mustard plants), that have been broken off, and rolled about, by the wind.

Uncertified Wood Stove (WAC 173-433-030(2)) - A woodstove that does not meet emission performance standards when tested by an accredited independent laboratory or is not labeled according to procedures specified by EPA in 40 CFR Part 60, Subpart AAA, Standards of Performance for Residential Wood Heaters as amended through July 1, 1990.

Urban Growth Area - Land generally including and associated with an incorporated city which is designated by the county for urban growth under RCW 36.70A.030.

Weed Abatement Fire - Outdoor burning to dispose of weeds that is not regulated under chap. 173-430 WAC, which applies to agricultural burning.

Wood Heater - Has the same meaning as "solid fuel burning device."

Woodsmoke Control Zone - An area where the use of wood heaters and outdoor and agricultural burning is further restricted to reduce the impact of air pollution during an impaired air quality or air pollution episode. The legal land description is located in app. H (pg. H-1), and it is shown on the map in app. I (pg. I-2).

Wood Stove (WAC 173-433-030(11)) - An enclosed solid fuel burning device capable of and intended for residential space heating and domestic water heating that meets the following criteria contained in 40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters as amended through July 1, 1990:

1. An air-to-fuel ratio in the combustion chamber averaging less than 35.0, as determined by EPA Reference Method 28A;

2. A useable firebox volume of less than 20 cubic feet;

3. A minimum burn rate less than 11 lbs./hr. (5 kg/hr) as determined by EPA Reference Method 28;

4. A maximum weight of 1764 lbs. (800 kg), excluding fixtures and devices that are normally sold separately, such as flue pipe, chimney, and masonry components not integral to the appliance.

A wood stove is a type of wood heater in this regulation. The term "wood stove" does not include wood cook stoves.

Yakima CO Nonattainment Area - The legal description is located in app. H (pg. H-4), and it is shown on the map in app. I (pg. I-4).

Yakima PM₁₀ Nonattainment Area - The legal description is located in app. H (pg. H-4), and it is shown on the map in app. I (pg. I-5).

Yakima Urban Area - The legal land description is located in app. H (pg. H-1), and it is shown on the map in app. I (pg. I-3).

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.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Yakima Regional Clean Air Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 02-21-098
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
[Filed October 21, 2002, 4:50 p.m.]

Date of Adoption: October 21, 2002.

Purpose: To (1) amend and move remaining home and community services rules in chapter 388-15 WAC into chapter 388-71 WAC; (2) clarify that the requirement of an in-home assessment applies to all recipients of services through the COPEs (community options program entry system), MPC (Medicaid personal care), and chore programs; (3) update WAC and RCW cross references in other HCS rules; and (4) repeal rules in chapters 388-15 and 388-110 WAC that are now obsolete or redundant. The following new rules are being adopted by this order: WAC 388-71-0194 Home and community services—Nursing services, 388-71-0202 Long-term care services—Definitions, 388-71-0203 Long-term care services—Assessment of task self-performance and determination of required assistance, and 388-71-0205 Long-term care services—Service plan.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-15-194, 388-15-202, 388-15-203, 388-15-204, 388-15-205, 388-110-210, 388-110-230 and 388-110-250; and amending WAC 388-71-0410, 388-71-0430, 388-71-0435, 388-71-0445, 388-71-0450, 388-71-0500, 388-71-0515, 388-71-0600, 388-76-540, and 388-110-020.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Other Authority: RCW 74.39A.090.

Adopted under notice filed as WSR 02-16-080 on August 6, 2002.

Changes Other than Editing from Proposed to Adopted Version: None, editorial changes only.

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 8.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 10, Repealed 8.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 4, Amended 10, Repealed 8.

Effective Date of Rule: Thirty-one days after filing.

October 18, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-71 WAC

~~((SOCIAL SERVICES FOR ADULTS))~~ HOME AND COMMUNITY SERVICES AND PROGRAMS

NEW SECTION

WAC 388-71-0194 Home and community services—Nursing services. (1) A registered nurse will review the plan of care for all Medicaid personal care clients.

(2) Upon department or designee referral, a registered nurse will consult about or visit a community options program entry system client or a Medicaid personal care client to perform a nursing service which may include the following activities:

- (a) Nursing assessment/reassessment;
- (b) Instruction to care providers and clients;
- (c) Care coordination;
- (d) Evaluation.

(3) The frequency and scope of the nursing service will be based on individual client need and will be provided as outlined in a nursing service design developed in coordination with each area agency on aging. Each design will include critical indicators of the need for the nursing service and must be approved by the following divisions as appropriate: aging and adult services administration, developmental disabilities, children's administration and mental health.

(4) This nursing service will not be provided if activities duplicate services that the client is receiving from some other resource. Coordination and/or referrals to appropriate health care providers will occur as necessary.

(5) The registered nurse providing this service will not perform skilled treatment except in the event of an emergency. The need for any skilled medical or nursing treatments will be referred to a health care provider, a home health agency or a contracted delegating nurse.

(6) The registered nurse must document the result of the nursing service provided on a department-approved form. The registered nurse provides a copy to the staff who has case management responsibility.

NEW SECTION

WAC 388-71-0202 Long-term care services—Definitions. The department shall use the definition in this section for long-term care services.

"Long-term care services" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services.

"Aged person" means a person sixty-five years of age or older.

"Agency provider" means a licensed home care agency or a licensed home health agency having a contract to provide long-term care personal care services to a client in the client's own home.

"Application" means a written request for medical assistance or long-term care services submitted to the department by the applicant, the applicant's authorized representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant. The applicant shall submit the request on a form prescribed by the department.

"Assessment" or **"reassessment"** means an inventory and evaluation of abilities and needs based on an in-person interview in the client's own home or other place of residence.

"Attendant care" means the chore personal care service provided to a grandfathered client needing full-time care due to the client's need for:

- (1) Assistance with personal care; or
- (2) Protective supervision due to confusion, forgetfulness, or lack of judgment. Protective supervision does not include responsibilities a legal guardian should assume such as management of property and financial affairs.

"Authorization" means an official approval of a departmental action, for example, a determination of client eligibility for service or payment for a client's long-term care services.

"Available resources" is a term to describe a chore personal care client's assets accessible for use and conversion into money or its equivalent without significant depreciation in the property value.

"Blind person" means a person determined blind as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

"Categorically needy" means the financial status of a person as defined under WAC 388-503-0310.

"Client" means an applicant for service or a person currently receiving services.

"Community residence" means:

- (1) The client's **"own home"** as defined in this section;
- (2) Licensed adult family home under department contract;
- (3) Licensed boarding home under department contract;
- (4) Licensed children's foster home;
- (5) Licensed group care facility, as described in chapter 388-148 WAC; or
- (6) Shared living arrangement as defined in this section.

"Community spouse" means a person as described under WAC 388-513-1365 (1)(b).

"Companionship" means the activity of a person in a client's own home to prevent the client's loneliness or to accompany the client outside the home for other than personal care services.

"Contracted program" means services provided by a licensed and contracted home care agency or home health agency.

"**COPEs**" means community options program entry system.

"**Department**" means the state department of social and health services.

"**Direct personal care services**" means verbal or physical assistance with tasks involving direct client care which are directly related to the client's handicapping condition. Such assistance is limited to allowable help with the tasks of ambulation, bathing, body care, dressing, eating, personal hygiene, positioning, self-medication, toileting, transfer, as defined in "**personal care services**" below.

"**Disabled**" means a person determined disabled as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

"**Disabling condition**" means a condition which prevents a person from self-performance of personal care tasks without assistance.

"**Estate recovery**" means the department's activity in recouping funds after the client's death which were expended for long-term care services provided to the client during the client's lifetime per WAC 388-527-2742.

"**Grandfathered client**" means a chore personal care services client approved for either:

- (1) Attendant care services provided under the chore personal care program when these services began before April 1, 1988; and
- (2) Family care services provided under the chore personal care program when these services began before December 14, 1987; and
- (3) The client was receiving the same services as of June 30, 1989.

"**Home health agency**" means a licensed:

- (1) Agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence and reimbursed through the use of the client's medical identification card; or
- (2) Home health agency, certified or not certified under Medicare, contracted and authorized to provide:
 - (a) Private duty nursing; or
 - (b) Skilled nursing services under an approved Medicaid waiver program.

"**Household assistance**" means assistance with incidental household tasks provided as an integral, but subordinate part of the personal care furnished directly to a client by and through the long-term care programs as described in this chapter. Household assistance is considered an integral part of personal care when such assistance is directly related to the client's medical or mental health condition, is reflected in the client's service plan, and is provided only when a client is assessed as needing personal care assistance with one or more direct personal care tasks. Household assistance tasks include travel to medical services, essential shopping, meal preparation, laundry, housework, and wood supply.

"**Income**" means "**income**" as defined under WAC 388-500-0005.

"**Individual provider**" means a person employed by a community options program entry system (COPEs) or Medicaid personal care client when the person:

- (1) Meets or exceeds the qualifications as defined under WAC 388-71-0500 through 388-71-0580;
- (2) Has signed an agreement to provide personal care services to a client; and
- (3) Has been authorized payment for the services provided in accordance with the client's service plan.

"**Individual provider program (IPP)**" means a method of chore personal care service delivery where the client employs and supervises the chore personal care service provider.

"**Institution**" means an establishment which furnishes food, shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor. "**Institution**" includes medical facilities, nursing facilities, and institutions for the mentally retarded, but does not include correctional institutions.

"**Institutional eligible client**" means a person whose eligibility is determined under WAC 388-513-1315. "**Institutionalized client**" means the same as defined in WAC 388-513-1365(f).

"**Institutional spouse**" means a person described under WAC 388-513-1365 (1)(e).

"**Medicaid**" means the federal aid Title XIX program under which medical care is provided to:

- (1) Categorically needy as defined under WAC 388-503-0310; and
- (2) Medically needy as defined under WAC 388-503-0320.

"**Medical assistance**" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined under WAC 388-503-0310 and 388-503-1105.

"**Medical institution**" means an institution defined under WAC 388-500-0005.

"**Medically necessary**" and "**medical necessity**" mean the same as defined under WAC 388-500-0005.

"**Medically oriented tasks**" means direct personal care services and household assistance provided as an integral but subordinate part of the personal care and supervision furnished directly to a client.

"**Mental health professional**" means a person defined under WAC 388-865-0150.

"**Own home**" means the client's present or intended place of residence:

- (1) In a building the client rents and the rental is not contingent upon the purchase of personal care services as defined in this section; or
- (2) In a building the client owns; or
- (3) In a relative's established residence; or
- (4) In the home of another where rent is not charged and residence is not contingent upon the purchase of personal care services as defined in this section.

"**Personal care aide**" means a person meeting the department's qualification and training requirements and providing direct Medicaid personal care services to a client. The

personal care aide may be an employee of a contracted agency provider or may be an individual provider employed by the Medicaid personal care client.

"Personal care services" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks and household tasks, as listed in (1) through (17) of this subsection. Such services may be provided for clients who are functionally unable to perform all or part of such tasks or who are incapable of performing the tasks without specific instructions. Personal care services do not include assistance with tasks performed by a licensed health professional.

(1) **"Ambulation"** means assisting the client to move around. Ambulation includes supervising the client when walking alone or with the help of a mechanical device such as a walker if guided, assisting with difficult parts of walking such as climbing stairs, supervising the client if client is able to propel a wheelchair if guided, pushing of the wheelchair, and providing constant or standby physical assistance to the client if totally unable to walk alone or with a mechanical device.

(2) **"Bathing"** means assisting a client to wash. Bathing includes supervising the client able to bathe when guided, assisting the client with difficult tasks such as getting in or out of the tub or washing back, and completely bathing the client if totally unable to wash self.

(3) **"Body care"** means assisting the client with exercises, skin care including the application of nonprescribed ointments or lotions, changing dry bandages or dressings when professional judgment is not required and pedicure to trim toenails and apply lotion to feet. In adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services, dressing changes using clean technique and topical ointments must be delegated by a registered nurse in accordance with chapter 246-840 WAC. **"Body care"** excludes:

(a) Foot care for clients who are diabetic or have poor circulation; or

(b) Changing bandages or dressings when sterile procedures are required.

(4) **"Dressing"** means assistance with dressing and undressing. Dressing includes supervising and guiding client when client is dressing and undressing, assisting with difficult tasks such as tying shoes and buttoning, and completely dressing or undressing client when unable to participate in dressing or undressing self.

(5) **"Eating"** means assistance with eating. Eating includes supervising client when able to feed self if guided, assisting with difficult tasks such as cutting food or buttering bread, and feeding the client when unable to feed self.

(6) **"Essential shopping"** means assistance with shopping to meet the client's health care or nutritional needs. Limited to brief, occasional trips in the local area to shop for food, medical necessities, and household items required specifically for the health, maintenance, and well-being of the client. Essential shopping includes assisting when the client can participate in shopping and doing the shopping when the client is unable to participate.

(7) **"Housework"** means performing or helping the client perform those periodic tasks required to maintain the client in a safe and healthy environment. Activities performed include such things as cleaning the kitchen and bathroom, sweeping, vacuuming, mopping, cleaning the oven, and defrosting the freezer, shoveling snow. Washing inside windows and walls is allowed, but is limited to twice a year. Assistance with housework is limited to those areas of the home which are actually used by the client. This task is not a maid service and does not include yard care.

(8) **"Laundry"** means washing, drying, ironing, and mending clothes and linens used by the client or helping the client perform these tasks.

(9) **"Meal preparation"** means assistance with preparing meals. Meal preparation includes planning meals including special diets, assisting clients able to participate in meal preparation, preparing meals for clients unable to participate, and cleaning up after meals. This task may not be authorized to just plan meals or clean up after meals. The client must need assistance with actual meal preparation.

(10) **"Personal hygiene"** means assistance with care of hair, teeth, dentures, shaving, filing of nails, and other basic personal hygiene and grooming needs. Personal hygiene includes supervising the client when performing the tasks, assisting the client to care for the client's own appearance, and performing grooming tasks for the client when the client is unable to care for own appearance.

(11) **"Positioning"** means assisting the client to assume a desired position, assistance in turning and positioning to prevent secondary disabilities, such as contractures and balance deficits or exercises to maintain the highest level of functioning which has already been attained and/or to prevent the decline in physical functional level. (Range of motion ordered as part of a physical therapy treatment is not included.)

(12) **"Self-medication"** means assisting the client to self-administer medications prescribed by attending physician. Self-medication includes reminding the client of when it is time to take prescribed medication, handing the medication container to the client, and opening a container.

(13) **"Supervision"** means being available to:

(a) Help the client with personal care tasks that cannot be scheduled, such as toileting, ambulation, transfer, positioning, some medication assistance; and

(b) Provide protective supervision to a client who cannot be left alone because of impaired judgment.

(14) **"Toileting"** means assistance with bladder or bowel functions. Toileting includes guidance when the client is able to care for own toileting needs, helping client to and from the bathroom, assisting with bedpan routines, using incontinent briefs on client, and lifting client on and off the toilet. Toileting may include performing routine perineal care, colostomy care, or catheter care for the client when client is able to supervise the activities. In adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services colostomy care and catheterization using clean technique must be delegated by a registered nurse in accordance with chapter 246-840 WAC.

(15) **"Transfer"** means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising the client when able to transfer if guided, providing steadying, and helping the client when client assists in own transfer. Lifting the client when client is unable to assist in their own transfer requires specialized training.

(16) **"Travel to medical services"** means accompanying or transporting the client to a physician's office or clinic in the local area to obtain medical diagnosis or treatment.

(17) **"Wood supply"** means splitting, stacking, or carrying wood for the client when the client uses wood as the sole source of fuel for heating and/or cooking. This task is limited to splitting, stacking, or carrying wood the client has at own home. The department shall not allow payment for a provider to use a chain saw or to fell trees.

"Physician" means a doctor of medicine, osteopathy, or podiatry, as defined under WAC 388-500-0005.

"Plan of care" means a **"service plan"** as described under WAC 388-71-205.

"Property owned" means any real and personal property and other assets over which the client has any legal title or interest.

"Provider" or **"provider of service"** means an institution, agency, or person:

- (1) Having a signed department agreement to furnish long-term care client services; and
- (2) Qualified and eligible to receive department payment.

"Relative" means:

- (1) For chore personal care service, a client's spouse, father, mother, son, or daughter;
- (2) For Medicaid personal care service:
 - (a) **"Legally responsible relative"** means a spouse caring for a spouse or a biological, adoptive, or stepparent caring for a minor child.
 - (b) **"Nonresponsible relative"** means a parent caring for an adult child and an adult child caring for a parent.

"Service plan" means a plan for long-term care service delivery as described under WAC 388-71-205.

"Shared living arrangement" for purposes of Medicaid personal care means an arrangement where:

- (1) A nonresponsible relative as defined in **"relative"** above is the personal care provider and resides in the same residence with common facilities, such as living, cooking, and eating areas; or
- (2) A minor child age seventeen or younger lives in the home of a legally responsible relative as defined in **"relative"** above.

"SSI-related" means a person who is aged, blind, or disabled.

"Supervision" means a person available to a long-term care client as defined under **"personal care services."**

"Supplemental Security Income (SSI)" means the federal program as described under WAC 388-500-0005.

"Title XIX" is the portion of the federal Social Security Act which authorizes federal funding for medical assistance

programs, e.g., nursing facility care, COPES, and Medicaid personal care home and community-based services.

"Transfer of resources" means the same as defined under WAC 388-513-1365 (1)(g).

"Unscheduled tasks" means ambulation, toileting, transfer, positioning, and unscheduled medication assistance as described in this chapter.

NEW SECTION

WAC 388-71-0203 Long-term care services—Assessment of task self-performance and determination of required assistance. (1) Purpose. The assessor as identified in subsection (2)(a) of this section shall:

(a) Identify client strengths to maximize current strengths and promote client independence;

(b) Evaluate physical health, functional and cognitive abilities, social resources and emotional and social functioning for service planning for long-term care;

(c) Identify client values and preferences for effective service planning based on the person's values and lifestyles; and

(d) Determine client's need for informal support, community support and services, and department paid services.

(2) Assessment responsibility.

(a) Department staff or designee while assessing need for case management shall perform the assessment.

(b) Except for adult protective service, the assessors shall perform a separate assessment for each client.

(c) The assessors shall document the assessment on a prescribed form.

(d) The assessors shall perform the assessment based on an in-person interview with the client in the client's home. A case manager may request the assessment be conducted in private.

(e) When performing the assessment, the assessors shall take into account the client's:

(i) Risk of and eligibility for nursing facility placement;

(ii) Health status, psychological/social/cognitive functioning, income and resources, and functional abilities;

(iii) Living situation; and

(iv) Availability of alternative resources providing needed assistance, including family, neighbors, friends, community programs, and volunteers.

(3) The adult client's functional ability to self-perform each personal care task and household task shall be determined using the following definitions of the assistance required:

(a) Ambulation:

(i) Independent. The client is mobile, with or without an assistive device, both inside and outside the household without the assistance of another person.

(ii) Minimal. The client is mobile inside without assistance but needs the assistance of another person outside; or the client needs occasional assistance of another person inside, and usually needs assistance of another person outside.

(iii) Substantial. The client is only mobile with regular assistance of another person both inside and outside.

(iv) Total. The client is not mobile.

(b) Bathing:

(i) Independent. The client can bathe self.

(ii) Minimal. The client requires oversight help or reminding only. The client can bathe without assistance or supervision, but must be reminded some of the time; or the client cannot get into the tub alone and physical help is limited to stand-by assist only.

(iii) Substantial. The client requires physical help in a large part of the bathing activity, for example, to lather, wash, and/or rinse own body or hair.

(iv) Total. The client is dependent on others to provide a complete bath.

(c) Body care:

(i) Independent. The client can apply ointment, lotion, change bandages or dressings, and perform exercises without assistance.

(ii) Minimal. The client requires oversight help or reminding only, or requires occasional assistance.

(iii) Substantial. The client requires limited physical help to apply ointment, lotion, or to perform dry bandage or dressing change.

(iv) Total. The client is dependent on others to perform all required body care.

(d) Dressing:

(i) Independent. The client can dress and undress without assistance or supervision.

(ii) Minimal. The client can dress and undress, but may need to be reminded or supervised to do so on some days; the client can assist dressing and undressing, but frequently or most of the time needs some physical assistance.

(iii) Substantial. The client always needs assistance to do parts of dressing and undressing.

(iv) Total. The client is dependent on others to do all dressing and undressing.

(e) Eating:

(i) Independent. The client can feed self, chew and swallow solid foods without difficulty, or can feed self by stomach tube or catheter.

(ii) Minimal. The client:

(A) Can feed self, chew and swallow foods, but needs reminding to maintain adequate intake;

(B) May need food cut up;

(C) Can feed self only if food is brought to the client.

(iii) Substantial. The client:

(A) Can feed self but needs standby assistance for occasional gagging, choking, or swallowing difficulty; or

(B) Needs reminders/assistance with adaptive feeding equipment; or

(C) Must be fed some or all food by mouth by another person.

(iv) Total. The client must be totally fed by another person and/or frequently gags or chokes due to difficulty in swallowing; or the client must be fed by another person by stomach tube or by venous access.

(f) Essential shopping:

(i) Independent. The client can drive and is licensed or the client is capable of using public transportation.

(ii) Minimal. The client can use available transportation and does not need assistance with shopping, but needs

instructions or physical assistance to get to or from transportation vehicle.

(iii) Substantial. The client is dependent on being accompanied or helped by others to access community shops and needs assistance with shopping.

(iv) Total. The client is totally dependent on others to do essential shopping.

(g) Housework:

(i) Independent. The client can perform essential housework.

(ii) Minimal. The client needs assistance or needs cuing or supervision in self-performance of essential housework one or two times per month in client use areas.

(iii) Substantial. The client needs weekly assistance of another with essential housework in client use areas.

(iv) Total. The client is dependent on others to do all housework in client use areas.

(h) Laundry:

(i) Independent. The client is capable of using available laundry facilities.

(ii) Minimal. The client is physically capable of using laundry facilities, but requires cuing and/or supervision.

(iii) Substantial. The client is not able to use laundry facilities without physical assistance.

(iv) Total. The client is dependent upon others to do all laundry.

(i) Meal preparation:

(i) Independent. The client can prepare and cook required meals.

(ii) Minimal. The client requires some instruction or physical assistance to prepare meals.

(iii) Substantial. The client can participate but needs substantial assistance to prepare meals.

(iv) Total. The client cannot prepare or participate in preparation of meals.

(j) Personal hygiene:

(i) Independent. The client can manage personal hygiene and grooming tasks on a regular basis.

(ii) Minimal. The client can manage their personal hygiene and grooming but must be reminded or supervised at least some of the time; the client regularly requires some limited assistance with both personal hygiene and grooming.

(iii) Substantial. The client regularly requires assistance with personal hygiene and grooming and cooperates in the process.

(iv) Total. The client is dependent on others to provide all personal hygiene and grooming.

(k) Positioning:

(i) Independent. The client can move to and from a lying position, position their body in bed, and get into and out of bed and chairs.

(ii) Minimal. The client can move to and from a lying position, turn from side to side, and position their body while in bed and chairs but requires assistance some of the time.

(iii) Substantial. The client needs occasional assistance to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(iv) Total. The client needs assistance most or all of the time to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

- (l) Self-medication:
- (i) Independent. The client can take own medications or does not take medication.
- (ii) Minimal. The client is physically able to take medications but requires another person to:
 - (A) Remind, monitor, or observe the taking of medications less than daily; or
 - (B) Open a container, lay out, or organize medications less than daily.
- (iii) Substantial. The client can physically take medications, but requires another person to either remind, monitor, or observe the taking of medications daily; or the client can physically take medications if another person daily opens containers, lays out, organizes medications.
- (iv) Total. The client cannot physically take medications and requires another person to assist and administer all medications.
- (m) Toileting:
 - (i) Independent. The client can use the toilet without physical assistance or supervision; or the client can manage own closed drainage system if the system has a catheter or sheath; or the client uses and manages protective aids. The client may need grab bars or raised toilet seat.
 - (ii) Minimal. The client needs stand-by assistance for safety or encouragement. The client may need minimal physical assistance with parts of the task, such as clothing adjustment, washing hands, wiping, and cleansing. The client may need a protective garment and may or may not be aware of this need.
 - (iii) Substantial. The client cannot get to the toilet without assistance; or the client needs substantial physical assistance with part of the task; or the client needs someone else to manage care of a closed drainage system if it has a catheter or sheath. The client may or may not be aware of own needs.
 - (iv) Total. The client is physically unable to use toilet. Requires continual observation and total cleansing. The client may require protective garments or padding or linen changes. The client may or may not be aware of own needs.
- (n) Transfer:
 - (i) Independent. The client can transfer without physical assistance.
 - (ii) Minimal. The client transfers without assistance most of the time, but needs assistance on occasion.
 - (iii) Substantial. The client can assist with own transfers, but frequently or most of the time needs assistance.
 - (iv) Total. The client transfers must be done by someone else.
- (o) Travel to medical services:
 - (i) Independent. The client can drive and is licensed; or is capable of using available public transportation.
 - (ii) Minimal. The client cannot drive or can drive but should not; or public transportation is not available.
 - (iii) Substantial. The client requires physical assistance or supervision to both get into and out of a vehicle, but can use the transportation without assistance during the trip.
 - (iv) Total. The client is totally dependent on being accompanied or helped by others during the trip.
- (p) Wood supply:

(i) Independent. The client does not rely on wood as the sole fuel source or is capable of splitting, stacking, or carrying wood for heating or cooking.

(ii) Minimal. The client can carry wood but needs occasional assistance with splitting or stacking wood.

(iii) Substantial. The client is not able to carry, split, or stack wood, but is able to use the wood supply once it is inside the residence.

(iv) Total. The client is dependent on another person to establish and maintain heat for cooking or residential heating.

(4) Scoring of functional abilities and supports.

(a) For each direct personal care service and household assistance task listed on the assessment form, the assessor shall determine:

(i) The client's ability to perform each activity;

(ii) Assistance available to the client through alternative resources, including families, friends, neighbors, community programs, and unpaid caregivers; and

(iii) Assistance needed from department programs after alternative resources have been taken into account.

(b) The assessor shall award points for each task based on the level of unmet need. The number of points allowable for each task are listed below under columns identified as 0 = none, M = minimal, S = substantial, and T = total:

TASK	0	M	S	T
Eating				
Breakfast	0	4	7	10
Light meal	0	4	7	10
Main meal	0	5	10	15
Toileting	0	5	10	15
Ambulation	0	4	7	10
Transfer	0	1	3	5
Positioning	0	1	3	5
Body care	0	5	10	15
Personal hygiene	0	1	3	5
Dressing	0	4	7	10
Bathing	0	4	7	10
Self-medication	0	2	4	6
Travel to medical services	0	1	2	3
Essential shopping	0	5	10	15
With client				
or				
For client	0	1	3	5
Meal preparation	0	4	7	10
Breakfast				
Light meal	0	4	7	10
Main meal	0	5	10	15
Laundry	0	1	2	3
Facilities in home or				
Facilities out of home	0	3	5	7
Housework	0	1	2	3
Wood supply		3	5	7

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(c) The assessor shall add together the points awarded for each task to obtain the total score for the applicant or client.

(5) Hour computation. The assessor shall:

(a) Convert the total score into maximum hours per month which may be authorized using the scoring conversion chart.

Scoring Conversion Chart

MAXIMUM		MAXIMUM		MAXIMUM	
Score	Hours	Score	Hours	Score	Hours
1 - 4	5	60 - 64	44	120 - 124	83
5 - 9	8	65 - 69	47	125 - 129	87
10 - 14	11	70 - 74	51	130 - 134	90
15 - 19	14	75 - 79	54	135 - 139	93
20 - 24	18	80 - 84	57	140 - 144	97
25 - 29	21	85 - 89	60	145 - 149	100
30 - 34	24	90 - 94	64	150 - 154	103
35 - 39	28	95 - 99	67	155 - 159	106
40 - 44	31	100 - 104	70	160 - 164	110
45 - 49	34	105 - 109	74	165 - 169	113
50 - 54	37	110 - 114	77	170 and	
55 - 59	41	115 - 119	80	Above	116

(b) Recognize conversion hours show client need, and may not reflect department-paid hours as determined by program standards.

(6) The assessor shall determine the client's additional hours of supervision needed:

(a) Due to impaired judgment; and

(b) For standby assistance necessary for unscheduled tasks defined under WAC 388-71-202; and

(c) Recognize supervision hours show client need, and may not reflect department paid hours as determined by program standards.

(7) Department staff or the department's designee shall authorize services to correspond with the client's assessed need according to eligibility criteria for aging and adult services administration programs or the eligibility criteria for the division authorizing the service. The department or the department's designee shall notify the client of the right to contest a denial or reduction of services.

(8) Department staff or the department designee shall be responsible for representing the department at any hearing involving the assessment or decisions made relating to such assessment.

NEW SECTION

WAC 388-71-0205 Long-term care services—Service plan. (1) The department or its designee shall develop a service plan with the client which identifies ways to meet the client's needs with the most appropriate services, both formal and informal.

(2) Staff who develop the service plan shall document the:

(a) Client's specific problems and needs;

- (b) Plan for meeting each need;
- (c) Responsible parties for carrying out each part of the plan;
- (d) Anticipated outcomes;
- (e) Dates and changes to the plan;
- (f) Dates of referral, service initiation, follow-up reviews; and
- (g) Agreement to the service plan by the client or the client's representative.

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

WAC 388-71-0410 What services may I receive under HCP? You may receive the following HCP services:

(1) Assistance with personal care tasks and household tasks in your own home, as defined in ((388-15-202(38))) **WAC 388-71-202**; and

(2) Assistance with personal care tasks and household tasks in a residential setting, as described in WAC 388-71-0600. Note: Household tasks are included as part of the board and room rate. You may receive, under MPC:

(a) Up to thirty hours of personal care services in an adult residential care facility; or

(b) Up to sixty hours of personal care services in an adult family home.

AMENDATORY SECTION (Amending WSR 00-13-077, filed 6/19/00, effective 7/20/00)

WAC 388-71-0430 Am I eligible for one of the HCP programs? You are eligible to receive HCP services if you meet the functional and financial eligibility requirements in WAC 388-71-0435 for COPEs, WAC 388-71-0440 for MPC, or WAC 388-71-0445 for Chore. Functional eligibility for all three programs is determined through an assessment as provided under WAC 388-71-203. Your eligibility begins upon the date of the department's service authorization.

AMENDATORY SECTION (Amending WSR 00-13-077, filed 6/19/00, effective 7/20/00)

WAC 388-71-0435 Am I eligible for COPEs-funded services? You are eligible for COPEs-funded services if you meet all of the following criteria. The department or its designee must assess your needs and determine that:

(1) You are age:

(a) Eighteen or older and blind or disabled, as defined in WAC 388-511-1105; or

(b) Sixty-five or older.

(2) You meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-515-1505, Community options program entry system (COPEs).

(3) You:

(a) Are not eligible for Medicaid personal care services; or

(b) Are eligible for Medicaid personal care services, but the department determines that the amount, duration, or

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scope of your needs is beyond what Medicaid personal care can provide.

(4) Your comprehensive assessment shows you need the level of care provided in a nursing facility (or will likely need the level of care within thirty days unless COPEs services are provided) which means one of the following applies. You:

(a) Require care provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis;

(b) Have an unmet need requiring substantial or total assistance with at least two or more of the following activities of daily living (ADLS) as defined in WAC ((388-15-202 and 388-15-203)) 388-71-202 and 388-71-203:

- (i) Eating,
- (ii) Toileting,
- (iii) Ambulation,
- (iv) Transfer,
- (v) Positioning,
- (vi) Bathing, and
- (vii) Self-medication.

(c) Have an unmet need requiring minimal, substantial or total assistance in three or more of the ADLS listed in subsection (4)(b)(i) through (vii) of this section; or

(d) Have:

(i) A cognitive impairment and require supervision due to one or more of the following: disorientation, memory impairment, impaired judgment, or wandering; and

(ii) An unmet need requiring substantial or total assistance with one or more of the ADLS listed in subsection (4)(b)(i) through (vii) of this section.

(5) You have a completed service plan, per WAC ((388-15-205)) 388-71-205.

AMENDATORY SECTION (Amending WSR 01-02-051, filed 12/28/00, effective 1/28/01)

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

(1) Be eighteen years of age or older;

(2) Require assistance with at least one of the direct personal care tasks listed in WAC ((388-15-202(17))) 388-71-202;

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

(4) Have net household income (as described in WAC 388-450-0005, 388-450-0020, 388-450-0040, and 388-511-1130) not exceeding:

(a) The sum of the cost of your chore services, and

(b) One-hundred percent of the FPL adjusted for family size.

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

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

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

WAC 388-71-0450 How do I remain eligible for services? In order to remain eligible for services, you must have and be found still in need of HCP services through a ((~~reassessment~~)) new assessment. The reassessment must be ((~~conducted~~)):

(1) ~~Face-to-face.~~

(2) ~~In your own home. Note: A case manager may request the interview be conducted in private.~~

(3) at least annually or more often if your functional, financial, or other significant circumstances change.

AMENDATORY SECTION (Amending WSR 02-10-117, filed 4/30/02, effective 5/31/02)

WAC 388-71-0500 What is the purpose of WAC 388-71-0500 through 388-71-05952? A client/legal representative may choose an individual provider or a home care agency provider. The intent of WAC 388-71-0500 through 388-71-05952 is to describe the:

(1) Qualifications of an individual provider, as defined in WAC ((388-15-202(25) and (26))) 388-71-202;

(2) Qualifications of a home care agency provider, as defined in WAC ((388-15-202(2))) 388-71-202 and chapter 246-336 WAC;

(3) Conditions under which the department or the area agency on aging (AAA) will pay for the services of an individual provider or a home care agency provider;

(4) Training requirements for an individual provider and home care agency provider.

AMENDATORY SECTION (Amending WSR 01-11-019, filed 5/4/01, effective 6/4/01)

WAC 388-71-0515 What are the responsibilities of an individual provider or home care agency provider when employed to provide care to a client? An individual provider or home care agency provider must:

(1) Understand the client's service plan that is signed by the client or legal representative and social worker/case manager, and translated or interpreted, as necessary, for the client and the provider;

(2) Provide the services as outlined on the client's service plan, within the scope of practice in WAC ((388-15-202(38) and 388-15-203)) 388-71-202 and 388-71-203;

(3) Accommodate client's individual preferences and differences in providing care, within the scope of the service plan;

(4) Contact the client's representative and case manager when there are changes which affect the personal care and other tasks listed on the service plan;

(5) Observe the client for change(s) in health, take appropriate action, and respond to emergencies;

(6) Notify the case manager immediately when the client enters a hospital, or moves to another setting;

(7) Notify the case manager immediately if the client dies;

(8) Notify the department or AAA immediately when unable to staff/serve the client; and

(9) Notify the department/AAA when the individual provider or home care agency will no longer provide services. Notification to the client/legal guardian must:

- (a) Give at least two weeks' notice, and
- (b) Be in writing.

(10) Complete and keep accurate time sheets that are accessible to the social worker/case manager; and

- (11) Comply with all applicable laws and regulations.

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

WAC 388-71-0600 What are residential services?

The residential service program provides personal care services, as defined in WAC ((388-15-202(38))) 388-71-202, room, board, supervision, and nursing services for elderly and disabled adults. Eligible individuals may choose to receive services from any of the following licensed and contracted residential settings:

(1) **Adult family homes** with a state contract provide services for two to six unrelated adults (chapter 388-76 WAC). Services include room, board and supervision. Residents may also receive limited nursing services, under nurse delegation or if the sponsor or the manager is a nurse.

(2) **Assisted living** provides services in a licensed boarding home with a state contract (chapter 388-110 WAC, part I and II). Structural requirements include two hundred twenty square foot private room, private bathroom, and a kitchen in each unit. Resident services may include room, board, assistance with ADL and IADL, and limited nursing services. Services are authorized according to the department's comprehensive assessment and service plan.

(3) **Enhanced adult residential care** provides services in a licensed boarding home with a state contract (chapter 388-110 WAC, part I and III). Services may include a shared room, limited nursing services, assistance with ADL and IADL, limited nursing services, and supervision. Services are authorized according to the department's comprehensive assessment and service plan.

(4) **Adult residential care** provides services in a licensed boarding home with a state contract (chapter 388-110 WAC, part I and IV). Services may include supervision.

AMENDATORY SECTION (Amending WSR 98-11-095, filed 5/20/98, effective 7/1/98)

WAC 388-76-540 Definitions. "Abandonment" means action or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means a nonaccidental act of physical or mental mistreatment or injury, or sexual mistreatment, which harms a person through action or inaction by another individual.

"Adult family home" means the same as the definition in RCW 70.128.010.

"Applicant" means an individual, partnership, corporation, or other entity seeking a license to operate an adult family home.

"Capacity" means the maximum number of persons in need of personal or special care permitted in an adult family home at a given time. This number shall include related children or adults in the home who receive special care.

"Caregiver" means any person eighteen years of age or older responsible for providing direct personal care to a resident and may include but is not limited to the provider, resident manager, employee, relief caregiver, volunteer, student, entity representative, or household member.

"Case manager" means the department staff person or designee assigned to negotiate, monitor, and facilitate a service plan for residents receiving services fully or partially paid for by the department.

"Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms.

"Department" means the Washington state department of social and health services.

"Entity provider" means any corporation, partnership, association, or limited liability company that is licensed under this chapter to operate an adult family home.

"Entity representative" means the individual designated by an entity provider who is responsible for the daily operation of the adult family home.

"Exploitation" means the illegal or improper use of a frail elder or vulnerable adult or that person's income or resources, including trust funds, for another person's profit or advantage.

"Frail elder or vulnerable adult" means the same as the definition in RCW 74.34.020 or RCW 43.43.830.

"Individual provider" means an individual person or a legally married couple who is licensed to operate an adult family home.

"Inspection" means an on-site visit by department personnel to determine the adult family home's compliance with this chapter and chapter 70.128 RCW, Adult family homes.

"Multiple facility provider" means an individual or entity provider who is licensed to operate more than one adult family home.

"Neglect" means a pattern of conduct or inaction resulting in deprivation of care necessary to maintain a resident's physical or mental health.

"Nursing assistant" means the same as the definition in chapter 18.88A RCW.

"Personal care services" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks as determined by the resident's needs as defined in WAC ((388-15-202)) 388-71-202, Long-term care services—Definitions. Personal care services do not include assistance with tasks performed by a licensed health professional.

"Physical restraint" means a manual method, obstacle, or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that restricts freedom of movement or access to his or her body, is used for dis-

cipline or convenience, and not required to treat the resident's medical symptoms.

"**Provider**" means any person or entity that is licensed under this chapter to operate an adult family home.

"**Resident**" means any adult unrelated to the provider who lives in the adult family home and who is in need of care. "**Resident**" includes former residents when examining complaints about admissions, readmissions, transfers or discharges. For decision-making purposes, the term "resident" includes the resident's surrogate decision maker in accordance with state law or at the resident's request.

"**Resident manager**" means a person employed or designated by the provider to manage the adult family home.

"**Special care**" means care beyond personal care services as defined by "**personal care services**" in this section.

"**Unsupervised**" means the same as the definition in RCW 43.43.830(8).

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-020 Definitions. ((+1)) "**Adult residential care**" is a package of services, including personal care services, that the department contracts with a licensed boarding home to provide in accordance with Parts I and IV of this chapter.

((+2)) "**Aging in place**" means being in a care environment that can accommodate a resident's progressive disability or changing needs without relocating. For aging in place to occur, needed services are adjusted to meet the changing needs of the resident.

((+3)) "**Applicant**" means the individual, partnership, corporation or other entity which has applied for a contract with the department to provide assisted living services, enhanced adult residential care, or adult residential care to state funded residents in a licensed boarding home.

((+4)) "**Assisted living services**" is a package of services, including personal care and limited nursing services, that the department contracts with a licensed boarding home to provide in accordance with Parts I and II of this chapter. Assisted living services include housing for the resident in a private apartment-like unit.

((+5)) "**Boarding home**" means the same as the definition found in RCW 18.20.020(2), or a boarding home located within the boundaries of a federally recognized Indian reservation and licensed by the tribe.

((+6)) "**Caregiver**" means any person responsible for providing direct personal care services to a resident and may include but is not limited to the contractor, employee, volunteer, or student.

((+7)) "**Case manager**" means the department staff person or designee assigned to negotiate, monitor, and facilitate a service plan for residents receiving services fully or partially paid for by the department.

((+8)) "**Contractor**" means the individual, partnership, corporation, or other entity which contracts with the department to provide assisted living services, enhanced adult resi-

dential care, or adult residential care to state funded residents in a licensed boarding home.

((+9)) "**Department**" means the Washington state department of social and health services (DSHS).

((+10)) "**Dignity**" means the quality or condition of being esteemed and respected in such a way as to validate the self-worth of the resident.

((+11)) "**Enhanced adult residential care**" is a package of services, including personal care and limited nursing services, that the department contracts with a licensed boarding home to provide in accordance with Parts I and III of this chapter.

((+12)) "**Frail elder or vulnerable adult**" means the same as the definition found in RCW 74.34.020 or 43.43.830.

((+13)) "**Homelike**" means an environment having the qualities of a home, including privacy, comfortable surroundings, and the opportunity to modify one's living area to suit one's individual preferences. A homelike environment provides residents with an opportunity for self-expression, and encourages interaction with the community, family and friends.

((+14)) "**Independence**" means free from the control of others and being able to assert one's own will, personality and preferences.

((+15)) "**Individuality**" means the quality of being unique; the aggregate of qualities and characteristics that distinguishes one from others. Individuality is supported by modifying services to suit the needs or wishes of a specific individual.

((+16)) "**Limited nursing services**" means the same as the definition found in WAC 246-316-265.

((+17)) "**Personal care services**" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks as determined by the resident's needs as defined in WAC ((388-15-202(38))) 388-71-202. Personal care services do not include assistance with tasks that must be performed by a licensed health professional.

((+18)) "**Resident**" means a person residing in a boarding home for whom services are paid for, in whole or in part, by the department under a contract for assisted living services, enhanced adult residential care, or adult residential care. "**Resident**" includes former residents when examining complaints about admissions, re-admissions, transfers or discharges. For decision-making purposes, the term "**resident**" includes the resident's surrogate decision maker in accordance with state law or at the resident's request.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-110-210 Client service eligibility.
- WAC 388-110-230 Client eligibility.
- WAC 388-110-250 Client service eligibility.

PERMANENT

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-15-194	Home and community services—Nursing services.
WAC 388-15-202	Long-term care services—Definitions.
WAC 388-15-203	Long-term care services—Assessment of task self-performance and determination of required assistance.
WAC 388-15-204	Home and community services—Reassessment.
WAC 388-15-205	Long-term care services—Service plan development.

WSR 02-22-004

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed October 24, 2002, 11:08 a.m.]

Date of Adoption: October 18, 2002.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-93-241, 308-93-242, 308-93-243, and 308-93-244.

Statutory Authority for Adoption: RCW 88.02.100, 88.02.070, 88.02.120.

Adopted under notice filed as WSR 02-18-012 on August 22, 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 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 4, 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.

October 18, 2002

Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 00-22-068, filed 10/30/00, effective 11/30/00)

WAC 308-93-241 (~~Confidential~~) Undercover and (undercover) confidential vessel registration—Application procedures. (1) What are (confidential) undercover and (undercover) confidential vessel registrations (as referred to in RCW 88.02.035)? (~~Confidential~~) Undercover and (undercover) confidential registrations are non-exempt registrations assigned only to vessels owned or operated by government agencies as identified in RCW 88.02.035.

(2) (~~What~~) How are (my registration options under RCW 88.02.035) undercover and confidential vessels registered? (~~You may choose to register government owned or operated vessels in the confidential/undercover registration program~~) Government owned or operated vessels may be registered in one of the following ways:

(a) (~~Selecting the confidential vessel registration option shows the government agency's name and address on the registration certificates and other department records subject to public disclosure; or~~

(b) ~~Selecting the undercover vessel registration option shows a fictitious name and address on the registration certificates and other~~) If registered with an undercover vessel registration number, the record will show fictitious names and addresses on all department records subject to public disclosure; or

(b) If registered with a confidential vessel registration number, the record will show the government agency name and address on all department records subject to public disclosure.

(3) Is a government agency responsible for ensuring safeguards to select a fictitious name and address for undercover vessel registrations? Yes, government agency's must certify on the application that precautions ((i.e., checking phone book, Internet, etc.)) have been taken to ensure that the use of citizens' names and legitimate licensed Washington businesses ((have)) has not been used.

(4) How does a government agency apply for (confidential) an undercover or (undercover) confidential vessel registration? A government agency requesting (~~confidential/undercover~~) an undercover/confidential vessel registration must provide (~~to the department of licensing~~):

(a) A completed application form approved by the department and signed by the government agency head or designated contact person. The agency must indicate on the application form which type of registration is needed (undercover or confidential);

(b) A copy of the current certificate of ownership, registration certificate or other documents approved by the department showing the vessel is owned or operated by the government agency.

AMENDATORY SECTION (Amending WSR 00-22-068, filed 10/30/00, effective 11/30/00)

WAC 308-93-242 (~~Confidential/undercover~~) Undercover/confidential vessel ((program)) registra-

tion—Agency contact. (1) **Who may represent a government agency regarding ~~((confidential))~~ undercover or ((undercover)) confidential vessel registrations?** The government agency head ~~((must))~~ may designate a maximum of two agency employees to represent the agency regarding ~~((confidential/undercover))~~ undercover/confidential registration. The government agency head must provide name, signature, title, address, telephone number, and if applicable, fax number and e-mail address of each designee must be provided.

(2) **How often does the government agency contact information need to be updated?** The government agency contact information must be updated, in writing, ~~((annually or))~~ within thirty days of any change in the agency head or designee. ~~((The government agency is responsible for initiating the update when a change occurs.))~~

AMENDATORY SECTION (Amending WSR 00-22-068, filed 10/30/00, effective 11/30/00)

WAC 308-93-243 ~~((Confidential))~~ Undercover or ((undercover)) confidential vessel registrations—((Annual list)) Vessel inventory. (1) ~~((How does the department maintain the annual list of vessels with confidential or undercover registrations?~~

~~(a) The department provides the annual list of vessels to each government agency participating in the confidential/undercover registration program to verify the accuracy of the information by:~~

- ~~(i) Correcting any incorrect information;~~
- ~~(ii) Deleting vessels no longer in the program by clearly indicating which vessels need to be deleted;~~
- ~~(iii) Adding vessels to the list by submitting the original application (or a copy if already submitted);~~
- ~~(iv) Signing and returning the list by the date requested to verify compliance with RCW 88.02.035(3).~~

~~(b) The department updates the annual list of vessels based on information submitted by the government agencies.)~~ **How does the department maintain a current inventory listing of vessels with undercover or confidential registrations?**

~~(a) The department provides an inventory list of vessels, scheduled to be renewed within the next quarter, to each agency participating in the undercover/confidential vessel registration program. Each government agency verifies the accuracy of the information by:~~

- ~~(i) Correcting any erroneous information;~~
- ~~(ii) Deleting vessels no longer in the program by marking plainly on the list "deleted" next to the vessel that needs to be deleted;~~

~~(iii) Signing the inventory list certifying that all undercover and confidential vessels shown on the list are being utilized under RCW 88.02.035(3); and~~

~~(iv) Returning the updated inventory list to the department by the date requested.~~

~~(b) The department updates the agency inventory based on information submitted by the agencies.~~

(2) What action does the department take if ~~((annual lists are not returned))~~ a government agency fails to

return their inventory list? The department may refuse to renew a vessel(s) shown on the ~~((annual))~~ quarterly inventory list until the government agency has complied with the requirements of subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 00-22-068, filed 10/30/00, effective 11/30/00)

WAC 308-93-244 ~~((Confidential))~~ Undercover or ((undercover)) confidential vessel registrations—Cancellation. (1) **Who may cancel ~~((confidential))~~ undercover or ((undercover)) confidential vessel registrations?**

~~((The department may cancel or refuse to renew confidential or undercover registrations when the department has reasonable cause to believe the registrations are being used for purposes other than those authorized in RCW 88.02.035. A government agency may request cancellation of their confidential or undercover registrations when the vessel is no longer used for this purpose.))~~ **Undercover or confidential vessel registrations may be canceled in one of two ways:**

~~(a) The department may cancel or refuse to renew undercover or confidential vessel registrations when the department has reasonable cause to believe the vessel is being used for purposes other than those authorized in RCW 88.02.035; or~~

~~(b) A government agency may request cancellation of their undercover or confidential vessel registration when the undercover or confidential registration is no longer required.~~

(2) ~~((are confidential or undercover registrations canceled))~~ does a government agency cancel undercover or confidential vessel registration? ~~((Confidential or undercover registrations are canceled when the government agency notifies the department in writing via mail, fax, or e-mail that they are no longer required, and indicate whether the registrations:~~

~~(a) Are being returned to the department; or~~

~~(b) Have been destroyed.~~

~~The department will then delete the confidential or undercover registration record from the program and from other department records.)~~ **The government agency notifies the department in writing that the undercover or confidential vessel registration is no longer required, and indicates that the vessel registration numbers and decals have been removed from the vessel. The department of licensing then changes the record to indicate the vessel is registered to the government agency.**

(3) ~~((Can))~~ May the undercover or confidential vessel registration numbers and decals ~~((issued by the department to the confidential or undercover vessel))~~ remain on the vessel when it is removed from the program? No. The registration numbers and decals must be removed from the vessel ~~((and returned to the department or destroyed by the agency)).~~

WSR 02-22-007
PERMANENT RULES
COLUMBIA RIVER
GORGE COMMISSION

[Filed October 25, 2002, 10:05 a.m., effective December 2, 2002]

Date of Adoption: October 8, 2002.

Purpose: The amendments bring the rule into compliance with the more restrictive statutory provisions of the states of Washington or Oregon.

NOTE: THIS IS A CORRECTION TO WSR 02-21-075.

Citation of Existing Rules Affected by this Order: Amending 350-11.

Statutory Authority for Adoption: RCW 43.97.015.

Other Authority: U.S.C. 544c, ORS 197.150.

Adopted under notice filed as WSR 02-17-076 [02-17-077] on August 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 5, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 5, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: December 2, 2002.

October 23, 2002
 Robert K. McIntyre
 Rules Coordinator

AMENDATORY SECTION

350-11-003. Meetings of commission to be open to public; location of meetings

(1) All meetings of the commission shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by 350-011-0001 to 350-11-010. A member of the public shall not be required, as a condition of attending a meeting, to give his or her name other information, complete a questionnaire or fulfill any other condition precedent.

(2) No quorum of the commission shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by 350-11-001 to 350-11-010.

(3) The commission shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age or national origin is practiced. However, the fact that organizations with restricted membership hold meetings at the place shall not restrict its use by the commission if use of a place by a restricted membership organization is not the primary purpose of the place or its predominate use.

(4) Meetings of the commission shall be held within the geographic boundaries over which the commission has jurisdiction, or at the administrative headquarters of the commission or at the other nearest practical location. Training sessions may be held outside the jurisdiction so long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies shall be held within the geographical boundaries over which one of the participating public bodies has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.

(5) Notwithstanding the requirements of section (4) above, committee meetings may be held in any location where the committee deems it useful.

(6) Meetings of the commission shall be held in locations that are accessible to the disabled.

(7) Upon request of a hearing impaired person, the commission shall make a good faith effort to have an interpreter for hearing impaired persons provided at a regularly scheduled meeting. The person requesting the interpreter shall provide the commission at least 48 hours' notice of the request, shall provide the name of the requester, sign language preference and any other relevant information the commission may require. As used in this subsection, "good faith effort" includes, but is not limited to, contacting the Oregon Disabilities Commission, the Washington Aging and Adult Services Administration, or other state or local government or community service agency that maintains a list of qualified interpreters and arranging for the referral of one or more such persons to provide interpreter services.

(8) It shall be considered discrimination on the basis of disability for commission to meet in a place inaccessible to the disabled, or upon request of a hearing impaired person, to fail to make a good faith effort to have an interpreter for hearing impaired persons provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in Commission Rule 350-11-008.

(89) Voting by the commission shall take place in public and each member's vote shall be recorded as it is cast. Any vote taken in violation of this subsection shall be null and void, and shall be considered an "action" under this chapter.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-11-004. Public notice required; special notice for executive sessions, special or emergency meetings

(1) The commission shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by the commission.

(2) The Commission shall file with the Secretary of State in Oregon and the Code Reviser in Washington a schedule of the time and place of such meetings on or before January of each year for publication in the states' registers. Notice of any change from such meeting schedule shall be published in

the states' registers for distribution at least twenty days prior to the rescheduled meeting date. For the purposes of this section "regular" meetings shall mean recurring meetings held in accordance with a periodic schedule declared by statute or rule.

(34) The commission shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of the commission to consider additional subjects.

(42) If an executive session only will be held, the notice shall be given to the members of the commission, the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

(53) No special meeting shall be held without at least 24 hours' notice to the members of the commission, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice. The call and notice of the meeting shall specify the time and place of the meeting and the business to be transacted. Final disposition shall not be taken on any other matter at a special meeting of the Commission.

(6) The commission shall not adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this chapter. Any action taken at meetings failing to comply with the provisions of this subsection shall be null and void.

(74) The commission may adjourn or continue a meeting to a time and place specified in an order of adjournment or continuance. Written notice of the adjournment or continuance shall be provided in accordance with subsection (3) above. A copy of the order of adjournment or continuance shall be conspicuously posted immediately after adjournment or continuance on the door where the meeting was held.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-11-006. Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits

(1) The commission can hold executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization for the holding of such executive session. Executive session may be held:

(a) To consider the employment of a public officer, employee, staff member or individual agent. The exception contained in this paragraph does not apply to:

(A) The ~~filing~~ filling of a vacancy in an elective office;

(B) The filling of a vacancy on any public committee, commission or other advisory group;

(C) The consideration of general employment policies;

(D) The employment of the chief executive officer, other public officers, employees and staff members of any public body unless the vacancy in that office has been advertised, regularized procedures for hiring have been adopted by the public body and ~~their~~ there has been opportunity for public input into the employment of such an officer. However, the standards, criteria and policy directives to be used in hiring chief executive officers shall be adopted by the commission in meetings open to the public in which there has been opportunity for public comment.

(b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, unless such public officer, employee, staff member or individual agent requests an open hearing;

(c) To conduct deliberations with persons designated by the commission to carry on labor negotiations;

(d) To conduct deliberations with persons designated by the commission to negotiate real property transactions;

(e) To consider records that are exempt by law from public inspection;

(f) To consider preliminary negotiations involving matters of trade or commerce in which the commission is in competition with governing bodies in other states or nations;

(g) To consult with counsel concerning the legal rights and duties of the commission with regard to current litigation or litigation likely to be filed;

(h) To review and evaluate, pursuant to standards, criteria and policy directives adopted by the commission, the employment-related performance of the chief executive officer of the commission, a public officer, employee or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing. The standards, criteria and policy directives to be used in evaluating chief executive officers shall be adopted by the commission in meetings open to comment. An executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member shall not include a general evaluation of any agency goal, objective or operation of any directive to personnel concerning agency goals, objectives, operations or programs;

(i) To carry on negotiations with private persons or business regarding proposed acquisition, exchange or liquidation of public investments.

(2) Labor negotiations may be conducted in executive session if either side of the negotiators requests closed meetings. Subsequent sessions of the negotiations may continue without further public notice.

(3) Representatives of the news media shall be allowed to attend executive sessions other than those held under paragraph (c) of subsection (1) of this section relating to labor negotiations but no information that is the subject of the executive session shall be disclosed. The Commission shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

(4) No executive session may be held for the purpose of taking any final action or making any final decision.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-11-007. Meetings by Means of Telephonic or Electronic Communication.

(1) Any meetings, including an executive session, of the commission which is held through the use of telephone or other electronic communication shall be conducted in accordance with 350-11-001 to 350-11-010006.

(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the commission shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the commission is present.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-11-008. Enforcement of 350-011-0001 to 350-001-0007; effect of violation on validity of decision of the commission, liability of members

(1) Any person affected by a decision of the commission may commence a suit in the circuit court or superior court of the county in which the commission ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of 350-11-001 to 350-11-007, by members of the commission, or to determine the applicability of 350-11-001 to 350-11-007 to matters or decisions of the commission. The court may order such equitable relief as it deems appropriate in the circumstances. A decision made in violation of 350-11-001 to 350-11-007 is voidable. A decision shall not be voided if other equitable relief is available. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney's fees at trial and on appeal, by the commission.

(2) If the court makes a finding that a violation of 350-11-001 to 350-11-007 has occurred under subsection (1) of this section and that the violation is the result of wilful misconduct by any member or members of the commission, that member or members shall be jointly and severally liable to the commission for the amount paid by the commission under subsection (1) of this section.

(3) Each member of the commission who attends a meeting of the commission where action is taken in violation of any provision of this division, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars. The civil penalty shall be assessed by a judge of the circuit court or superior court and an action to enforce this penalty may be brought by any person. A viola-

tion of this chapter does not constitute a crime and assessment of the civil penalty by a judge shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.

(4) Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. If the commission prevails in an action in the courts for a violation of this chapter, it may be awarded reasonable expenses and attorney fees upon final judgment and written findings by the trial judge that the action was frivolous and advanced without reasonable cause.

(53) The provisions of this section shall be the exclusive remedy for an alleged violation of 350-11-001 to 350-11-007.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 02-22-007A PERMANENT RULES COLUMBIA RIVER GORGE COMMISSION

[Filed October 25, 2002, 10:05 a.m., effective December 2, 2002]

Date of Adoption: October 8, 2002.

Purpose: The amendments bring the rule into compliance with the more restrictive statutory provisions of the states of Washington or Oregon.

NOTE: THIS IS A CORRECTION TO WSR 02-21-073.

Citation of Existing Rules Affected by this Order:
Amending 350-12.

Statutory Authority for Adoption: RCW 43.97.015.

Other Authority: U.S.C. 544c, ORS 197.150.

Adopted under notice filed as WSR 02-17-076 [02-17-075] on August 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 1, 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 1, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 3, 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: December 2, 2002.

October 23, 2002
Robert K. McIntyre
Rules Coordinator

AMENDATORY SECTION**350-12-002. Right to inspect public records.**

Every person has a right to inspect any public record of the commission, except as otherwise expressly provided by 350-12-0068.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION**350-12-005. ~~Certified copies~~ Forms of public records, ~~fees~~.**

(1) The custodian of any public record which a person has a right to inspect shall give the person, on demand, a certified copy of it, if the record is of a nature permitting such copying, or shall furnish reasonable opportunity to inspect or copy.

(2) If a public record is maintained in a machine readable or electronic form, the custodian shall provide copies of the public record in the form requested, if available. If the public record is not available in the form requested, it shall be made available in the form in which it is maintained.

~~(2) The Commission will establish a schedule of fees to reimburse it for its actual costs in making such records available except for requests from government agencies and the media. This applies to both regular and certified copies of records.~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION**350-12-006. Fees.**

The Commission will establish a schedule of fees to reimburse it for its actual costs in making such records available except for requests from government agencies and the media, and for routine notices and agendas. This applies to both regular and certified copies of records.

NEW SECTION**350-12-007. Prompt response required**

The Commission shall respond promptly to requests for public records. Within five business days of receiving a public records request, the Commission shall respond by (1) providing the record; (2) acknowledging that the Commission has received the request and providing a reasonable estimate of the time the Commission will require to respond; or (3) denying the public record request. Additional time 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 Commission may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the Commission need not respond to the original request. Denials of requests

must be accompanied by a written statement of the specific reasons for denial.

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**350-12-0068. Public records exempt from disclosure.**

(1) The following public records are exempt from disclosure under 350-12-001 to 350-12-0068 unless the public interest requires disclosure in the particular instance:

(a) Records of the commission pertaining to litigation to which the commission is a party if the complaint has been filed, or if the complaint has not been filed, if the commission shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this paragraph shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation;

(b) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or service or to locate minerals or other substances, having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it;

(c) Investigatory information compiled for criminal law purposes, except that the record of an arrest or the report of a crime shall not be confidential unless and only so long as there is a clear need in a particular case to delay disclosure in the course of a specific investigation. Nothing in this paragraph shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purpose of this paragraph, the record of an arrest or the report of a crime includes, but is not limited to:

(A) The arrested person's name, age, residence, employment, marital status and similar biographical information;

(B) The offense with which the arrested person is charged;

(C) The conditions of release;

(D) The identity of and biographical information concerning both complaining party and victim;

(E) The identity of the investigation and arresting agency and the length of the investigation;

(F) The circumstances of arrest, including time, place, resistance in apprehending fugitives from justice;

(G) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

(d) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the examination is given and if the examination is to be used again;

(e) Information relating to the appraisal of real estate prior to its acquisition;

(f) The names and signatures of employees who sign authorization cards or petitions for the purpose of requesting representation or decertification elections;

(g) Investigatory information relating to any complaint filed relating to unlawful employment practices until such time as the complain is resolved, or a final administrative determination is made;

(h) Investigatory information relating to any complaint filed relating to unfair labor practices;

(i) Information concerning the location of archaeological sites or objects, except if the governing body of an Indian tribe requests the information and the need for the information is related to that Indian tribe's cultural or religious activities. This exemption does not include information relating to a site that is all or part of an existing, commonly known and publicized tourist activity or attraction; and

(j) A personnel discipline action, or materials or documents supporting that action.

(k) Sensitive fish, wildlife, and plant data obtained by or created by the Gorge Commission. However, sensitive fish, wildlife and plant data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive fish, wildlife, and plant data includes:

(1) The nesting sites or specific locations of endangered, threatened or sensitive species listed in the Management Plan or otherwise designated by the appropriate agencies in Oregon and Washington;

(2) Radio frequencies used in or locational data generated by telemetry studies;

(3) Other location data that could compromise the viability of a specific fish, wildlife or plant population and where one or more of the following criteria are met:

(A) The species has a known commercial or black market value

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(2) The following public records are exempt from disclosure under 350-12-001 to 350-12-006:

(a) Communications within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final agency determination of policy or action. This exemption shall not apply unless the commission shows that in the particular instance the public interest in encouraging frank communication between officials and employees of the commission clearly outweighs the public interest in disclosure;

(b) Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy;

(c) Information submitted to the commission in confidence and not otherwise required by law to be submitted,

where such information should reasonably be considered confidential, the commission has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure;

(d) Any public records or information the disclosure of which is prohibited by federal or state law or regulations;

(e) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged;

(f) Public records or information described in this section, furnished by the public body originally compiling, preparing or receiving them to any other public officer or public body in connection with performance of the duties of the recipient, if the considerations originally giving rise to the confidential or exempt nature of the public records or information remain applicable.

(3) If any public record contains material which is not exempt under subsection (1) or (2) of this section, as well as material which is exempt from disclosure, the commission shall separate the exempt and nonexempt material and make the nonexempt material available for examination.

(4) Student records required by state or federal law are exempt from disclosure.

(4) An individual may submit a written request to a public body not to disclose a specified public record indicating the home address or personal telephone number of the individual. A public body shall not disclose the specified public record if the individual demonstrates to the satisfaction of the public body that the personal safety of the individual or the personal safety of a family member residing with the individual is in danger if the home address or personal telephone number remains available for public inspection.

(a) A request described in subsection (1) of this section shall remain effective until the public body receives a written request for termination but no later than five years after the date that a public body receives the request.

(b) A public body may disclose a home address or personal telephone number of an individual exempt from disclosure under subsection (1) of this section upon court order, on request from any law enforcement agency or with the consent of the individual.

(c) A public body shall not be held liable for granting or denying an exemption from disclosure under this section or any other unauthorized release of a home address or personal telephone number granted an exemption from disclosure under this section.

(5) Notwithstanding the exemptions in 350-12-008 (1) and (2), public records that are more than 25 years old shall be available for inspection.

(6) Notwithstanding 350-12-001 through 350-12-008, the Commission shall not disclose records in violation of a user agreement or license that prohibits the Commission from disclosing such records. The Commission shall refer persons to the creator of the record if the Commission has obtained the records through agreement or license, or for which the Commission was charged a fee, other than a nominal fee for reimbursement of duplicating costs, for the record.

(7) Disclosure of information in violation of Rule 350-12-006(2) is grounds for assessment of a civil penalty pursuant to Rule 350-30 et seq.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 02-22-007B
PERMANENT RULES
COLUMBIA RIVER
GORGE COMMISSION

[Filed October 25, 2002, 10:05 a.m., effective December 2, 2002]

Date of Adoption: October 8, 2002.

Purpose: The amendments bring the rule into compliance with the more restrictive statutory provisions of the states of Washington or Oregon.

NOTE: THIS IS A CORRECTION TO WSR 02-21-075 [02-21-074].

Citation of Existing Rules Affected by this Order: Amending 350-14.

Statutory Authority for Adoption: RCW 43.97.015.

Other Authority: U.S.C. 544c, ORS 197.150.

Adopted under notice filed as WSR 02-17-076 on August 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 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 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 6, 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: December 2, 2002.

October 23, 2002

Robert K. McIntyre
Rules Coordinator

AMENDATORY SECTION

Columbia River Gorge Commission

Division Chapter 350

Chapter Division 14

**~~Conflict of Interest, Ex Parte Contact, Appearance of~~
Fairness**

Amended July 21, 1998

Amendments effective November 24, 1998

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-14-001. Definitions for 350-14-001 to 350-14-005.

As used in these rules, unless the context requires otherwise:

(1) "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, believing that the action is of help, aid, advice, or assistance to the person and with intent so to assist such person. "Assist" does not include referring another person to other persons or sources of advice and information.

(2) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain.

(3) "Business with which the person is associated" means any business of which the person or a member of the person's household is a director, officer, owner or employee, or any corporation in which the person or a member of the person's household owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year.

(4) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or a member of the person's household, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of a state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or a member of the person's household or business with which the person is associated, is a member or is engaged.

(5) "Gift" means something of economic value given to a public official or member of the official's household without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials on the same terms and conditions; and something of economic value given to a public official or member of the official's household for valuable consideration less than that required from others who are not public officials. However, "gift" does not mean:

(a) Campaign contributions.

(b) Gifts from relatives.

(c) The giving or receiving of food, lodging and travel when participating in an event which bears a relationship to the public official's office and when appearing in an official capacity.

(6) "Honoraria" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event at which the public official appears in an official capacity.

(76) "Income" means income of any nature derived from any source, including, but not limited to, any salary, wage, advance, payment, dividend, interest, rent, honoraria, return of capital, forgiveness of indebtedness, or anything of economic value.

(87) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the or vote of a person acting in the capacity of a public official.

(98) "Member of household" means the spouse of the public official and any children of either who reside with the public official.

(109) "Public official" means any person who is serving in a governmental capacity for the Columbia River Gorge Commission as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services.

(11)(a) "Transaction involving the Commission" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that a current or former public official, as defined in this division, believes, or has reason to believe:

(i) Is, or will be, the subject of Commission action; or

(ii) Is one to which the Commission is or will be a party;

or

(iii) Is one in which the Commission has a direct and substantial proprietary interest.

(b) "Transaction involving the Commission" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by an officer or employee; or a claim, case, lawsuit, or similar matter if the officer or employee did not participate in the underlying transaction involving the Commission that is the basis for the claim, case, or lawsuit.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-14-002. Application.

Nothing in these rules is intended to affect:

(1) Any other statute or rule requiring disclosure of economic interest by ~~an~~ a public official or public employee.

(2) Any statute or rule prohibiting or authorizing specific conduct on the part of any public official or public employee.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-14-003. Code of Ethics.

The following actions are prohibited regardless of whether potential conflicts of interest are announced or disclosed pursuant to 350-14-004:

(1) No public official shall use official position or office to obtain financial gain for the public official, other than official salary, honoraria or reimbursement of expenses, or for any member of the household of the public official, or for any business with which the public official or a member of the household of the public official is associated.

(2) No public official or candidate for office or a member of the household of the public official or candidate shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts from any single source who could reasonably be known to have a legislative or administrative interest in any governmental agency in which the official has any official position or over which the official exercises any authority.

(3) No public official shall solicit or receive, either directly or indirectly, and no person shall offer or give to any public official any pledge or promise of future employment, based on any understanding that such public official's vote, official action or judgment would be influenced thereby.

(4) No public official shall further the personal gain of the public official through the use of confidential information gained in the course of or by reason of the official position or activities of the public official in any way.

(5) No person shall offer during any calendar year any gifts to any public official or candidate therefore or a member of the household of the public official or candidate if the person has a legislative or administrative interest in a governmental agency in which the official has any official position or over which the official exercises any authority.

(6)(a) Except in the course of official duties or incident to official duties, a public official, as defined in this division, may not assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the Commission:

(1) In which the public official has at any time participated; or

(2) If the transaction involving the Commission is or has been under the official responsibility of the public official within a period of two years preceding such assistance.

(b) No public official may share in compensation received by another for assistance that the officer or employee is prohibited from providing under subsection (a) or (c) of this section.

(c) A business entity of which a public official is a partner, managing officer, or employee shall not assist another person in a transaction involving the Commission if the public official is prohibited from doing so by subsection (a) of this section.

(d) This chapter does not prevent a public official from assisting, in a transaction involving the Commission:

(1) The public official's parent, spouse, or child, or a child thereof for whom the public official is serving as guardian, executor, administrator, trustee, or other personal fiduciary, if the public official did not participate in the transaction; or

(2) Another employee involved in disciplinary or other personnel administration proceedings.

AMENDATORY SECTION**350-14-006. Ex Parte Contact**

~~(1) Members of the Commission shall not have ex parte contact, i.e. discussion of specific issues regarding a pending land use permit, with applicants or interested parties seeking a land use permit, or opponents to the permit, while the application or appeal thereto is pending under a land use ordinance for the Scenic Area.~~

~~(3) Members of the Commission shall place on the record of the appeal or proceedings under these rules any ex parte contact set forth in subsection (2). The Chair or presiding officer shall notify all parties to the appeal or proceeding. The Chair or presiding officer shall consider the position of the parties and, after review of the matter, make a recommendation to the Commission to ensure the appearance of fairness is maintained. The member of the Commission who was the subject of the ex parte contact may voluntarily step down from hearing the matter. The Commission may also request the member of the Commission to participate in the appeal or proceedings or the member of the Commission step down from hearing the matter.~~

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION**350-14-007. Appearance of Fairness**

~~(1) Members of the Commission shall comply with the appearance of fairness in appeals and proceedings under Rules 350-60 et seq. and Rules 350-70 et seq.~~

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 02-22-007C
PERMANENT RULES
COLUMBIA RIVER
GORGE COMMISSION**

[Filed October 25, 2002, 10:05 a.m., effective December 2, 2002]

Date of Adoption: October 8, 2002.

Purpose: The amendments bring the rule into compliance with the more restrictive statutory provisions of the states of Washington or Oregon.

NOTE: THIS IS A CORRECTION TO WSR 02-21-072.

Citation of Existing Rules Affected by this Order: Amending 350-16.

Statutory Authority for Adoption: RCW 43.97.015.

Other Authority: U.S.C. 544c, ORS 197.150.

Adopted under notice filed as WSR 02-17-076 [02-17-074] on August 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 7, 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 7, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 7, 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: December 2, 2002.

October 23, 2002

Robert K. McIntyre
Rules Coordinator

AMENDATORY SECTION**350-16-003. Description of Organization; Rules Coordinator; Service of Order; Effect of Not Putting Order in Writing.**

(1) In addition to other rulemaking requirements imposed by law, the commission shall publish a description of its organization and the methods whereby the public may obtain information or make submissions or requests.

(2) The commission shall appoint a rules coordinator and file a copy of that appointment annually with the Oregon Secretary of State and Washington Code Reviser. The rules coordinator shall:

(a) Maintain copies of all rules adopted by the agency and be able to provide information to the public about the status of those rules;

(b) Provide information to the public on all rulemaking proceedings of the agency; and

(c) Keep and make available the mailing list required by 350-16-004(7).

(32) An order shall not be effective as to a person or party unless it is served upon him either personally or by mail. This subsection is not applicable in favor of any person or party who has actual knowledge of the order.

(43) An order is not final until it is reduced to writing.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION**350-16-004. Notice Requirements for Rule Adoption; Temporary Rule Adoption, or Amendment; Substantial Compliance Required.**

(1) The commission shall prepare a semiannual agenda for rules under development. The commission shall file the agenda with the Oregon Secretary of State and Washington Code Reviser for publication in the states' registers not later than January 31st and July 31st of each year. Not later than three days after its publication in the states' registers, the commission shall send a copy of the agenda to each person who has requested receipt of a copy of the agenda.

(2) When applicable under Washington law, the commission shall prepare a statement of inquiry on the form provided by the Washington Code Reviser, that shall be: filed with the Washington Code Reviser for publication in the state's register at least thirty days before the date the agency files notice of proposed rule making, sent to any party that has requested receipt of the agency's statements of inquiry, and published on the Commission's website or other similar means of electronic communication.

(3~~+~~) Prior to the adoption, amendment or repeal of any rule, the commission shall give notice of its intended action:

(a) In the manner established by rule adopted by the commission, which provides a reasonable opportunity for interested persons to be notified of the agency's proposed action;

(b) In the Oregon bulletin and Washington register at least 21~~0~~ days prior to the commencement of any commission action; and

(c) At least 28 days before the effective date, to persons who have requested notice pursuant to subsection (9) of this section; and, No later than three days after publication in the register and bulletin, to persons who have requested notice pursuant to subsection (7) of this section.

(d) On its website or other similar means of electronic communication.

(4~~2~~)(a) The notice required by subsection (3~~+~~) of this section shall state the subject matter and purpose of the intended action in sufficient detail to inform a person that the person's interests may be affected, and the time, place and manner in which interested persons may present their views on the intended action.

(b) The commission shall include with the notice of intended action given under subsection (3~~+~~) of this section:

(A) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(B) A statement of the need for the rule and a statement of how the rule is intended to meet the need;

(C) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the commission in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection. The list may be abbreviated if necessary, and if so abbreviated there shall be identified the location of a complete list;

(D) A statement of fiscal impact identifying state agencies, units of local government and the public which may be economically affected by the adoption, amendment or repeal of the rule and an estimate of that economic impact on state agencies, units of local government and the public. In considering the economic effect of the proposed action on the public, the agency shall utilize available information to project any significant economic effect of that action on businesses which shall include a cost of compliance effect on small businesses affected.

(E) A statement of the anticipated effects of the proposed rule;

(F) A statement whether the rule is necessary as a result of federal law or a court decision;

(G) An indication of the person or persons proposing the rule;

(H) The date on which the commission intends to adopt the rule; and

(I) The commission personnel responsible for implementation and enforcement of the rule, with office location and telephone number.

(J) If an advisory committee is not appointed, or an opportunity for interested parties to participate in the rule-making process prior to publication of the proposed rule has not been provided, an explanation as to why no advisory committee or participation by interested persons was used to assist the agency in drafting the rule.

(5~~3~~) When the commission proposes to adopt, amend or repeal a rule, it shall give interested persons reasonable opportunity to submit data or views at a public hearing. The commission shall consider fully any written or oral submissions, including all submissions received by facsimile, telephonic communication, or electronic mail.

(6~~4~~) Upon request of an interested person received within 15 days after commission notice pursuant to subsection (2~~+~~) of this section, the commission shall postpone the date of its intended action no less than 21 ~~+~~0 nor more than 90 days in order to allow the requesting person an opportunity to submit data, views or arguments concerning the proposed action. Nothing in this subsection shall preclude the commission from adopting a temporary rule pursuant to subsection (7~~5~~) of this section.

(7~~5~~) Notwithstanding subsections (1) to (6~~4~~) of this section, the commission may adopt or amend a rule without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, if the commission prepares:

(a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interests of the parties concerned and the specific reasons of its findings of prejudice;

(b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(c) A statement of the need for the rule and a statement of how the rule is intended to meet the need; and

(d) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the commission in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspections.

(8~~6~~) A rule adopted or amended under subsection (7~~5~~) of this section is temporary and may be effective for a period of not longer than 120 ~~90~~ days. The adoption of a rule under this subsection does not preclude the subsequent adoption of an identical rule under subsections (1) to (6~~4~~) of this section.

(9~~7~~) Any person may request in writing that the commission mail to the person copies of its notice of intended action given pursuant to subsection (3~~+~~) of this section. Upon receipt of any request the commission shall acknowledge the request, establish a mailing list and maintain a record of all mailings made pursuant to the request. The commission may establish procedures for establishing and maintaining the mailing lists current and, by rule, establish fees necessary to defray the costs of mailings and maintenance of the lists.

(10~~8~~) This section does not apply to public contracts and purchasing.

(119) No rule is valid unless adopted in substantial compliance with the provisions of this section in effect on the date the rule is adopted.

(1249) Unless otherwise provided by statute, the adoption, amendment or repeal of a rule by an agency need not be based upon or supported by an evidentiary record.

(13) The commission may correct its failure to substantially comply with the requirements of subsections (4) and (7) of this section in adoption of a rule by an amended filing, so long as the noncompliance did not substantially prejudice the interests of persons to be affected by the rule. However, this subsection does not authorize correction of a failure to comply with subsection (3)(b)(D) of this section requiring inclusion of a fiscal impact statement with the notice required by subsection (1) of this section.

(14) When the commission establishes a deadline for comment on a proposed rule under the provisions of subsection (4) of this section, the commission may not extend that deadline for another agency or person unless the extension applies equally to all interested agencies and persons. An agency shall not consider any submission made by another agency after the final deadline has passed.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-16-006. Filing and Taking Effect of Rules; Filing of Executive Orders; Copies.

(1)(a) The commission shall file in the office of the Oregon Secretary of State and Washington Code Reviser a certified copy of each rule adopted by it.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, the commission adopting a rule incorporating published standards of reference is not required to file a copy of those standards with the Oregon Secretary of State or the Washington Code Reviser if:

(A) The standards adopted are unusually voluminous and costly to reproduce; and

(B) The rule identifies the location of the standards to be incorporated and the conditions of their availability to the public.

(2) Each rule is effective upon the expiration of 30 days after the date of filing as required by subsection (1) of this section, except that:

(a) If a later effective date is required by constitution, statute or court order, the later date is the effective date.

(b) If a different effective date is specified in the rule and the commission finds that action is necessary because of imminent peril to public health, safety or welfare, the specified date is the effective date.

(c) A temporary rule becomes effective upon filing with the Oregon Secretary of State and Washington Code Reviser, or at a designated later date, only if the statement required by 350-16-004(5) is filed with the rule. The commission shall take appropriate measures to make temporary rules known to the persons who may be affected by them.

(3) When a rule is amended or repealed by the commission, the commission shall file a certified copy of the amendment or notice of repeal with the Oregon Secretary of State and Washington Code Reviser.

(4) No rule of which a certified copy is required to be filed shall be valid or effective against any person or party until a certified copy is filed in accordance with this section. However, if the commission, in disposing of a contested case, announces in its decision the adoption of a general policy applicable to such case and subsequent cases of like nature the commission may rely upon such decision in disposition of later cases.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-16-009. Notice, Hearing and Record in Contested Cases; Informal Dispositions; Hearings Officer; Statement of Ex Parte Communications.

(1) In a contested case hearing, all parties shall be afforded an opportunity for hearing after notice of not less than 20 days, served personally or by registered or certified mail.

(2) The notice shall include:

(a) A statement of the party's right to hearing, or a statement of the time and place of the hearing;

(b) A statement of the authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular sections of the statutes and rules involved; ~~and~~

(d) A short and plain statement of the matters asserted or charged;-

(e) 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;

(f) The official file or other reference number and the name of the proceeding;

(g) The name, official title, mailing address, and telephone number of the presiding officer, if known;

(h) A statement that a party who fails to attend or participate in a hearing or other stage of an adjudicative proceeding may be held in default in accordance with this chapter; and

(i) Any other matters considered desirable by the agency.

(3) Parties may elect to be represented by counsel and to respond and present evidence and argument on all issues involved.

(4) The commission may adopt rules of procedure governing participation in contested cases by person appearing as limited parties.

(5) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default.

(6) An order adverse to a party may be issued upon default only upon prima facie case made on the record of the commission. When an order is effective only if a request for

hearing is not made by the party, the record may be made at the time of issuance of the order, and if the order is based only on material included in the application or other submissions of the party, the commission may so certify and so notify the party, and such material shall constitute the evidentiary record of the proceeding if hearing is not requested. The commission shall serve a default order upon the defaulted party or the party's attorney, if any.

(7) Within seven days after service of a default order under subsection (6) of this section, the party against whom it was entered may file a written motion requesting that the order be vacated, and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the presiding officer may adjourn the proceedings or conduct them without the participation of that party, having due regard for the interests of justice and the orderly and prompt conduct of the proceedings. At the commencement of the hearing, the officer presiding shall explain the issues involved in the hearing and the matters that the parties must either prove or disprove.

(8) Testimony shall be taken upon oath or affirmation of the witness form when received. The officer presiding at the hearing shall administer oaths or affirmatives to witnesses.

~~(9) A presiding officer who receives an ex parte communication during the pendency of a proceeding shall place on the record of the proceeding all written communications received, all written responses to the communications and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the presiding officer received an ex parte communication. The presiding officer shall advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a written rebuttal statement on the record. repetitive, see 350-16-016 below~~

(9) The officer presiding at the hearing shall insure that the record developed at the hearing shows a full and fair inquiry into the facts necessary for consideration of all issues properly before the presiding officer in the case.

(10) The record in a contested case shall include:

- (a) All pleadings, motions and intermediate rulings.
- (b) Evidence received or considered.
- (c) Stipulations.
- (d) A statement of matters officially noticed.
- (e) Questions and offers of proof, objections and rulings thereon.
- (f) A statement of any ex parte communications on a fact in issue made to the officer presiding at the hearing.
- (g) Proposed findings and exceptions.
- (h) Any proposed, intermediate or final order prepared by the commission or a hearings officer.

(11) A verbatim oral, written or mechanical record shall be made of all motions, rulings and testimony. The record need not be transcribed unless requested for purposes of rehearing or court review. The commission may charge the party requesting transcription, unless the party files an appropriate affidavit of indigency.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-16-014. Evidence in Contested Cases.

(1) Irrelevant, immaterial or unduly repetitious evidence shall be excluded but erroneous rulings on evidence shall not preclude commission action on the record unless shown to have substantially prejudiced the rights of a party. All other evidence of a type commonly relied upon by reasonably prudent persons in conduct of their serious serious affairs shall be admissible. The commission shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Any part of the evidence may be received in written form.

(2) All evidence shall be offered and made a part of the record in the case, and except for matters stipulated to an except as provided in subsection (4) of this section no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position.

(3) Every party shall have the right of cross examination of witnesses who testify and shall have the right to submit rebuttal evidence. Persons appearing in a limited party status shall participate in the manner and to the extent prescribed by rule of the commission.

(4) The commission may take notice of judicially cognizable facts, and may take official notice of general, technical or scientific facts within its specialized knowledge. Parties shall be notified at any time during the proceeding but in any event prior to the final decision of material officially noticed and the sources of the materials and they shall be afforded an opportunity to contest the facts so noticed. The commission may utilize its experience, technical competence and specialized knowledge in the evaluation of the evidence presented to it.

(5) No sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party, and as supported by, and in accordance with, reliable, probative and substantial evidence.

(6) The commission may, at its discretion, be represented at the hearings by the Attorney General of Washington or Oregon.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-16-016. Commission Statement of Ex Parte Communications; Notice.

(1) A presiding officer may not communicate, directly or indirectly, regarding any issue in the proceeding other than

communications necessary to procedural aspects of maintaining an orderly process, with any person employed by the agency without notice and opportunity for all parties to participate, except as provided in this subsection:

(a) Where the ultimate legal authority of an agency is vested in a multimember body, and where that body presides at an adjudication, members of the body may communicate with one another regarding the proceeding;

(b) Any presiding officer may receive aid from legal counsel, or from staff assistants who are subject to the presiding officer's supervision; and

(c) Presiding officers may communicate with other employees or consultants of the agency who have not participated in the proceeding in any manner, and who are not engaged in any investigative or prosecutorial functions in the same or a factually related case.

(d) This subsection does not apply to communications required for the disposition of ex parte matters specifically authorized by statute.

(2) Unless required for the disposition of ex parte matters specifically authorized by statute or unless necessary to procedural aspects of maintaining an orderly process, a presiding officer may not communicate, directly or indirectly, regarding any issue in the proceeding, with any person not employed by the agency who has a direct or indirect interest in the outcome of the proceeding, without notice and opportunity for all parties to participate.

(3) Unless necessary to procedural aspects of maintaining an orderly process, persons to whom a presiding officer may not communicate under subsections (1) and (2) of this section may not communicate with presiding officers without notice and opportunity for all parties to participate.

(4) If, before serving as presiding officer in an adjudicative proceeding, a person receives an ex parte communication of a type that could not properly be received while serving, the person, promptly after starting to serve, shall disclose the communication in the manner prescribed in subsection (5) of this section.

(5) Portions of the record pertaining to ex parte communications or rebuttal statements do not constitute evidence of any fact at issue in the matter unless a party moves the admission of any portion of the record for purposes of establishing a fact at issue and that portion is admitted pursuant to 350-16-014.

(6) Any commissioner who receives an ex parte communication during the pendency of a proceeding shall place on the record of the proceeding all written communications received, all written responses to the communications and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the commissioner received an ex parte communication. The commissioner, or the Chair or presiding officer, shall advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a written rebuttal statement on the record.

(7) The Chair or presiding officer shall consider the position of the parties and, after review of the matter, make a rec-

ommendation to the Commission to ensure fairness and the appearance of fairness is maintained. The member of the Commission who was the subject of the ex parte contact may voluntarily step down from hearing the matter. The Commission may also request the member of the Commission to participate in the appeal or proceedings or the member of the Commission step down from hearing the matter, and the Chair or presiding officer may seal the portions of the record pertaining to the communication by protective order.

(8) The agency shall, and any party may, report any violation of this section to appropriate authorities for any disciplinary proceedings provided by law.

~~Any commissioner who receives an ex parte communication during the pendency of a proceeding shall place on the record of the proceeding all written communications received, all written responses to the communications and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the commissioner received an ex parte communication. The commissioner shall advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a written rebuttal statement on the record.~~

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

350-16-017. Appearance of Fairness

Members of the Commission shall comply with Washington's appearance of fairness doctrine in appeals and proceedings under this rule and under Rules 350-60 et seq. and Rules 350-70 et seq.

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

350-16-0187. Proposed Order by Hearings Officer; Amendment by Commission; Exemptions.

(1) Except as otherwise provided in subsections (1) to (3) of this section, unless a hearings officer is authorized or required by law or commission rule to issue a final order, the hearings officer shall prepare and serve on the commission and all parties to a contested case hearing a proposed order, including recommended findings of fact and conclusions of law. The proposed order shall become final after the 30th day following the date of service of the proposed order, unless the commission within that period issues an amended order.

(2) The commission may by rule specify a period of time after which a proposed order will become final that is different from that specified in subsection (1) of this section.

(3) If the commission determines that additional time will be necessary to allow the commission adequately to

review a proposed order in a contested case, the commission may extend the time after which the proposed order will become final by a specified period of time. The commission shall notify the parties to the hearing of the period of extension.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

350-16-0198. Orders in Contested Cases.

(1) Every order adverse to a party to the proceeding shall be in writing or stated in the record and may be accompanied by an opinion.

(2) A final order shall be accompanied by findings of fact and conclusions of law, and the reasons and basis therefor, on all the material issues of fact, law, or discretion presented on the record, including the remedy or sanction. Any findings based substantially upon credibility of evidence or demeanor of witnesses shall be so identified. The findings of fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue of facts and as to each ultimate fact required to support the commission's order.

(3) The commission shall serve in writing any final order within 90 days after the hearing or after the submission of any additional memoranda, briefs or proposed findings. The commission shall notify the parties to a proceeding of a final order by delivering or mailing a copy of the order and any accompanying findings and conclusions to each party or, if applicable, the party's attorney of record.

(4) Every final order shall include a citation of the statutes under which the order may be appealed.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 02-22-027
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed October 28, 2002, 2:57 p.m., effective January 1, 2003]

Date of Adoption: October 28, 2002.

Purpose: WAC 296-24-145 General safety and health, window cleaning, repealed and reassigned to chapter 296-878 WAC.

State-initiated amendments are in response to industry requests that the department adopt permanent rules to protect workers during window-cleaning operations, and to consolidate the American National Standards Institute (ANSI) consensus standard requirements for the window cleaning industry into one rule. WAC 296-24-145 Window cleaning, was rewritten for clarity and ease of use and renumbered as chapter 296-878 WAC.

NEW SECTIONS:

WAC 296-878-100 Scope, defines the parameters of who is covered under the rule.

WAC 296-878-10005 Summary, table of contents for the rule.

WAC 296-878-110 Training, section title.

WAC 296-878-11005 Train workers to use window-cleaning equipment, workers must be trained on window cleaning equipment before they are allowed to use it on the job, including care and maintenance of equipment, window cleaners' belts, and boatswains' chairs and rope descent systems.

WAC 296-878-120 Building surfaces and fixtures, section title.

WAC 296-878-12005 Make sure building surfaces and fixtures are safe to use, employers must make sure that the building fixtures and surfaces to be used in window cleaning activities are safe.

WAC 296-878-130 Inspection procedures, section title.

WAC 296-878-13005 Inspect the area to be cleaned, building surfaces must be inspected before cleaning begins to make sure they will not damage fall-protection or cleaning equipment.

WAC 296-878-13010 Inspect window-cleaning equipment before use, window cleaning equipment must be stored correctly and inspected before each use by a competent person. No makeshift repairs are authorized and no defective equipment may be used. Padding and softeners must be secured.

WAC 296-878-140 Develop site-specific service and emergency plans, section title.

WAC 296-878-14005 Develop a site-specific service and emergency recovery plan for window-cleaning operations, a qualified person must develop a plan for each location to be cleaned identifying hazardous areas, drop zones, safety features, and emergency recovery procedures of suspended workers.

WAC 296-878-150 Equipment, section title.

WAC 296-878-15005 Select and use appropriate equipment, all equipment used in window-cleaning activities must be engineered, designed and intended for commercial applications. The equipment must not be altered unless approved by an engineer and must have manufacturer's instructions available.

WAC 296-878-15015 Select appropriate rope for suspended equipment, rope used with suspended equipment must have a rated load capacity of at least 5000 pounds.

WAC 296-878-15020 Select appropriate carabiners, carabiners must be used to connect hardware, or for attaching boatswains' chairs, descent devices, and lifelines to anchors. The carabiners must be manual or auto locking, and must have a minimum tensile load of 5000 pounds.

WAC 296-878-15025 Use fall protection equipment, fall arrest systems must be designed, used, and inspected according with the requirements in WAC 296-24-88050, Mandatory Appendix C, Part I, Personal Fall Arrest Systems. Workers suspended from boatswains' chairs or rope-descent

systems must wear fall arrest protection. Fall arrest anchorage must be separate from suspension system anchorage. Fall arrest protection must be worn before workers become suspended, and at all times while they are suspended. Boat-swains' chairs or rope descent systems must be connected at all times to the suspension line.

WAC 296-878-160 Warning signs and barricades, section title.

WAC 296-878-16005 Provide warning signs and barricades when suspended equipment is used, warning signs must be placed below suspended equipment, and barricades must block the area below or next to the work area. A competent person must decide if additional protection is necessary. Tools used while suspended must be attached to the worker, seat board, or boatswain's chair.

WAC 296-878-170 Power line clearance, section title.

WAC 296-878-17005 Maintain clearance between window cleaners and power lines, window cleaners must maintain the minimum distances from power lines as shown in Tables 2 and 3. When window cleaners must get closer than the prescribed distances from power lines, then the utility company must be notified to install protective coverings, deenergize, or relocate the power lines before the work may begin.

WAC 296-878-180 Window cleaners' belts and anchors, section title.

WAC 296-878-18005 Select appropriate window-cleaners' belts and anchors, window cleaners' belts and anchors must conform to the design, manufacture, and maintenance requirements of ANSI IWCA 1-14.1-2001 and the manufacturer's specifications.

WAC 296-878-18010 Inspect the window-cleaners' anchors you will use, areas where window cleaners' belts will be used must be inspected to make sure that anchors are safe to use, and window ledges and frames will not impair safe use of the belt. Use the belts only if the area to be cleaned is safe and anchors intended for use are safe.

WAC 296-878-18015 Use window-cleaners' belts safely, no more than one arm may extend outside the building when cleaning windows from the inside. One belt terminal must be attached to an anchor before extending more than one arm outside the building, and then the worker must pull on the terminal strap to look for signs of damage. Both belt terminals must be attached before the worker climbs out the window, and they must remain attached during the entire cleaning process. One terminal must remain attached when reentering the building.

WAC 296-878-18020 Move safely on the outside of buildings, you may move on the outside of the building only when you keep at least one belt terminal attached at all times, and the anchors are not more than forty-eight inches apart, or up to seventy-two inches apart under certain conditions.

WAC 296-878-190 Boat-swains' chairs, section title.

WAC 296-878-19005 Select appropriate boatswains' chairs, when selecting boatswains' chairs, the correct size and type of tackle must be used, rope used must have a minimum breaking strength of 5000 pounds, and the seat slings must be properly reeved.

WAC 296-878-19010 Safely use boatswains' chairs rigged with a block and tackle, the rated capacity of the boatswains' chairs must not be exceeded. The suspension rope must stay vertical between the chair and the suspension device, and a suspension height of seventy-five feet above grade must not be exceeded, unless certain provisions are met.

WAC 296-878-200 Rope-descent systems, section title.

WAC 296-878-20005 Select appropriate rope-descent systems, rope descent systems must be designed, used and maintained according to ANSI IWCA 1-14.1-2001, Window Cleaning Safety, and the manufacturer's instructions, and must be designed for window cleaning activities. If the rope descent system does not have specific use instructions for each component it may not be used. Rope descent components must be compatible and have a minimum tensile strength of 5000 pounds.

WAC 296-878-20010 Safely use rope-descent systems, workers must use extreme care when using rope descent systems around electrical service, heat sources, and turbulent areas. Workers must be positioned in a seat board that is connected with carabiners before being suspended. Workers may not reach more than six feet in any direction, and must not swing excessively or stop suddenly. The site-specific plan must address the hazards of descents over one hundred thirty feet. Workers descending more than one hundred thirty feet must be stabilized.

WAC 296-878-20015 Safely use rope-descent devices, minimum rated capacity must not be exceeded. Rope must meet the manufacturer's specifications for diameter and construction, and must be rigged through the descent device to enable a controlled rate of descent. The attachment point on the descent device must be one piece with no gates or openings. The descent device must remain stationary when positive action is taken.

WAC 296-878-210 Equipment prohibited, section title.

WAC 296-878-21005 Prohibit equipment from use, do not use portable sills, window jacks, capstan devices to suspend workers, or ropes made entirely of polypropylene for window-cleaning operations.

WAC 296-878-220 Definitions.

REPEALED SECTIONS:

WAC 296-24-145, section title.

WAC 296-24-14501 Definitions, renumbered as WAC 296-878-220.

WAC 296-24-14503 Application, renumbered and retitled as WAC 296-878-100 Scope.

WAC 296-24-14505 Protection of persons engaged at window cleaning, renumbered and retitled as WAC 296-878-12005 Make sure building surfaces and fixtures are safe to use.

WAC 296-24-14507 General, incorporated into the following new sections: WAC 296-878-11005 Train workers to use window-cleaning equipment, WAC 296-878-15005 Select and use appropriate equipment, WAC 296-878-18005 Select appropriate window-cleaners' belts and anchors, WAC

296-878-18015 Use window-cleaners' belts safely, and WAC 296-878-18020 Move safely on the outside of buildings.

WAC 296-24-14509 Belt terminals, anchors and bolts, incorporated into WAC 296-878-18005 Select appropriate window-cleaners' belts and anchors.

WAC 296-24-14511 Belts, incorporated into WAC 296-878-18005 Select appropriate window-cleaners' belts and anchors.

WAC 296-24-14513 Anchor installations, incorporated into WAC 296-878-18005 Select appropriate window-cleaners' belts and anchors.

WAC 296-24-14515 Reversible and pivot windows, not included in the new standard.

WAC 296-24-14517 Ladders, incorporated into WAC 296-878-15005 Select and use appropriate equipment, as a reference.

WAC 296-24-14519 Boatswain's chairs, renumbered and retitled as WAC 296-878-190 Boatswains' chairs.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-24-145 Window washing, 296-24-14501 Definitions, 296-24-14503 Application, 296-24-14505 Protection of persons engaged at window cleaning, 296-24-14507 General, 296-24-14509 Belt terminals, anchors and bolts, 296-24-14511 Belts, 296-24-14513 Anchor installations, 296-24-14515 Reversible and pivot windows, 296-24-14517 Ladders, and 296-24-14519 Boatswain's chairs.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Adopted under notice filed as WSR 02-13-118 on June 19, 2002.

Changes Other than Editing from Proposed to Adopted Version: **WITHDRAWN SECTIONS:**

WAC 296-878-15010 Other window-cleaning equipment.

- The wording was incorporated into a reference in WAC 296-878-15005.

WAC 296-878-22005 Do not work when winds are excessive.

- The wording was incorporated into WAC 296-878-20010(10).

CHANGES TO THE RULES:

WAC 296-878-10005 Summary.

- Corrected the title for WAC 296-878-21005 Equipment prohibited from prohibited equipment [use].
- Added WAC 296-878-220 Definitions, to the table of contents.

WAC 296-878-20010 Safely use rope-descent systems.

- Removed three illustrations.
- Incorporated the information regarding working at [in] excessive winds.

WAC 296-878-20015 Safely use rope-descent devices.

- Reworded for clarity and ease of use. Wording was added for attachment points on rope-descent devices, which must be one piece with no gates or openings.

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 33, Amended 0, Repealed 11.

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 33, Amended 0, Repealed 11.

Effective Date of Rule: January 1, 2003.

October 28, 2002

Gary Moore

Director

Chapter 296-878 WAC

SAFETY STANDARDS FOR WINDOW CLEANING

NEW SECTION

WAC 296-878-100 Scope. These rules apply to all window-cleaning activities performed on the inside or outside of a building in which the window cleaner is working from a level that is located more than forty-eight inches above grade.

NEW SECTION

WAC 296-878-10005 Summary.

Your responsibility:

Make sure workers clean windows safely, and properly use and maintain their window-cleaning equipment.

IMPORTANT:

Window-cleaning equipment includes window-cleaner's belts, boatswains' chairs, rope descent systems, ladders, supported scaffolds and the support equipment used to suspend employees cleaning windows.

You must:

Training

Train workers to use window-cleaning equipment

WAC 296-878-11005

Building surfaces and fixtures

Make sure building surfaces and fixtures are safe to use

WAC 296-878-12005

Inspection procedures

Inspect the area to be cleaned

WAC 296-878-13005

Inspect window-cleaning equipment before use

WAC 296-878-13010

Develop site-specific service and emergency plans

Develop a site-specific service and emergency recovery plan for window-cleaning operations

WAC 296-878-14005

Equipment

Select and use appropriate equipment

WAC 296-878-15005

Other window-cleaning equipment

WAC 296-878-15010

Select appropriate rope for suspended equipment

WAC 296-878-15015

Select appropriate carabiners

WAC 296-878-15020

Use fall protection equipment

WAC 296-878-15025

Warning signs and barricades

Provide warning signs and barricades when suspended equipment is used

WAC 296-878-16005

Power line clearances

Maintain clearance between window cleaners and power lines

WAC 296-878-17005

Window-cleaners' belts and anchors

Select appropriate window-cleaners' belts and anchors

WAC 296-878-18005

Inspect the anchors you plan to use for window cleaning

WAC 296-878-18010

Use window-cleaners' belts safely

WAC 296-878-18015

Move safely on the outside of buildings

WAC 296-878-18020

Boatswains' chairs

Select appropriate boatswains' chairs

WAC 296-878-19005

Safely use boatswains' chairs rigged with a block and tackle

WAC 296-878-19010

Rope descent systems

Select appropriate rope descent systems

WAC 296-878-20005

Safely use rope descent systems

WAC 296-878-20010

Safely use rope descent devices

WAC 296-878-20015

Equipment prohibited

Prohibit equipment from use

WAC 296-878-21005

Definitions

WAC 296-878-220.

NEW SECTION**WAC 296-878-110 Training.****NEW SECTION****WAC 296-878-11005 Train workers to use window-cleaning equipment.****You must:**

- Provide the following training to workers before they use window-cleaning equipment on the job:
 - Proper care and maintenance of the equipment

- Review manufacturer's instructions for proper equipment use
- Methods for inspection, assembly, and dismantling of components

- Identify anchorages

- A complete understanding of safe working conditions

- How employees will be rescued.

- Provide additional training to workers using window-cleaners' belts in all the following areas:

- How to select the proper-sized belt

- How to use anchors and terminals

- How to deal with obstructions and slippery/wet surfaces.

- Provide additional training to workers using boatswains' chairs and rope descent systems in all the following areas:

- Proper rigging practices

- Fall arrest requirements

- Proper methods of descending

- The effects of wind on window-cleaning operations when a worker is suspended

- Proper methods of hoisting for ascents.

- Document the training by recording all of the following:

- The name and signature of the trainer/educator

- The name and signature of the student

- The subjects in which the workers were trained

- The date of the training

- The location of the training.

- Note:**
- You do not need a specialized educator to provide training. You may use a qualified person to conduct the training. A qualified person is defined as a person who has:

- Extensive knowledge, training, and experience about the subject matter, work, or project

- A recognized degree, certificate, or professional standing

- Successful demonstration of problem solving skills in connection with the subject, work, or project.

NEW SECTION**WAC 296-878-120 Building surfaces and fixtures.****NEW SECTION****WAC 296-878-12005 Make sure building surfaces and fixtures are safe to use.****You must:**

- Make sure building surfaces and fixtures are safe to be used before you begin the window-cleaning operation. This includes:

- Guardrails, parapets, cornices and other building surfaces used to support suspended loads

- Permanently installed fixtures used as anchorages and tiebacks

- Window-cleaning equipment support systems permanently dedicated to the building.

NEW SECTION

WAC 296-878-130 Inspection procedures.

NEW SECTION

WAC 296-878-13005 Inspect the area to be cleaned.

You must:

- Inspect the building before cleaning to make sure there are no areas that can damage worker fall protection equipment and window-cleaning equipment. Inspect:
 - Sharp edges of parapets
 - Window frames
 - Open projected windows
 - Cornices
 - Overhangs
 - Any other areas that may abrade, sever, weaken, or damage the equipment.
- Make sure all working surfaces are safe and free from hazards such as:
 - Grease
 - Oil
 - Other slippery substances.

NEW SECTION

WAC 296-878-13010 Inspect window-cleaning equipment before use.

You must:

- (1) Store your window-cleaning equipment in a way that:
 - Is easy to get to, inspect, and safely take out for use
 - Provides protection from moisture, sunlight, or corrosion.
- (2) Make sure a competent person inspects these items before each use:
 - Window-cleaners' belts
 - Boatswains' chairs
 - All components of rope descent systems
 - Suspension devices
 - Certified roof anchorages
 - Primary support ropes or lines
 - The descent device
 - Carabiners or shackles
 - A seatboard or boatswain's chair
 - Wear points on rope descent system components exposed to constant friction.
- (3) Make sure you do not use any piece of window-cleaning equipment with defects.
 - Prohibit makeshift repairs to any piece of window-cleaning equipment
 - Label any piece of window-cleaning equipment that is defective "dangerous, do not use."
- (4) Secure any padding or softeners so they do not come loose from:
 - The surface of the building
 - The rope if not attached to the building.

NEW SECTION

WAC 296-878-140 Develop site-specific service and emergency plans.

NEW SECTION

WAC 296-878-14005 Develop a site-specific service and emergency recovery plan for window-cleaning operations.

You must:

- Make sure that a qualified person develops a written plan for each location to be cleaned that identifies:
 - Hazardous areas
 - Drop zones
 - Safety features
 - Methods for emergency recovery of workers working from suspended equipment, or other types of installations, in the event of equipment failure or any other kind of disability.
- Keep the plan at the work site during the entire cleaning operation.

- Note:** You may use an outside service for rescue and recovery (such as a fire department) if:
- The rescue personnel will be able to reach the victims without undue delay
 - They have the necessary equipment to retrieve the victims
 - They are trained and proficient in high angle rescue techniques.

NEW SECTION

WAC 296-878-150 Equipment.

NEW SECTION

WAC 296-878-15005 Select and use appropriate equipment.

You must:

- (1) Make sure that all equipment provided to workers for window-cleaning operations is engineered, designed, and intended for use in commercial applications.

- Note:** Equipment that is designed or labeled for recreational use or rescue use only is prohibited for use in window-cleaning operations.

You must:

- (2) Make sure that the window-cleaning equipment is not altered unless it is specifically approved in writing by the original manufacturer or a registered professional engineer.
- (3) Provide manufacturer's instructions to employees for all window-cleaning equipment they will use.

- Reference:** Use Table 1 for other window-cleaning equipment requirements.

Table 1

Other window-cleaning equipment

	If you use:	Then follow all requirements in:
1.	Portable ladders	WAC 296-800-290, Portable ladders
2.	Supported scaffolds	Chapter 296-24 WAC, PART J-2, Scaffolds

PERMANENT

Table 1
Other window-cleaning equipment

	If you use:	Then follow all requirements in:
3.	Suspension ropes and lifelines Powered and manual hoists Suspended scaffold equipment	Chapter 296-24 WAC, PART J-2, Scaffolds
4.	Single and multipoint adjustable suspension scaffolds	Chapter 296-24 WAC, PART J-2, Scaffolds
5.	Powered platforms	Chapter 296-24 WAC, PART J-3, Powered platforms

NEW SECTION

WAC 296-878-15015 Select appropriate rope for suspended equipment.

You must:

- Make sure all rope used for suspended equipment has a minimum breaking strength of five thousand pounds.

NEW SECTION

WAC 296-878-15020 Select appropriate carabiners.

You must:

- Use carabiners for connecting hardware or attaching boatswains' chairs, descent devices, and lifelines to anchors.
- Use carabiners with a minimum tensile load of five thousand pounds.
- Make sure carabiners are either manual or auto-locking.

Note: You may secure a rope to an anchor with a knot if normal daily use of the rope will not decrease its initial breaking strength below five thousand pounds.

NEW SECTION

WAC 296-878-15025 Use fall protection equipment.

You must:

(1) Make sure the fall arrest system meets the requirements of WAC 296-24-88050 mandatory Appendix C, Part I, Personal fall arrest systems.

- Use and inspect fall arrest equipment in accordance with the requirements of WAC 296-24-88050, mandatory Appendix C, Part I, Personal fall arrest systems.

- Make sure all workers suspended from a boatswain's chair or rope descent system use an independent fall arrest system where the fall arrest anchorage is separate from the suspension system anchorage.

- Make sure workers operating powered platforms wear and use a fall arrest system.

- Make sure workers assemble and wear their personal fall arrest equipment before they approach the point of suspension.

- Make sure workers are connected at all times to the fall arrest system while they are suspended.

(2) Make sure the boatswain's chair or rope descent system is connected at all times to the suspension line.

NEW SECTION

WAC 296-878-160 Warning signs and barricades.

NEW SECTION

WAC 296-878-16005 Provide warning signs and barricades when suspended equipment is used.

You must:

- (1) Place warning signs below suspended equipment
- (2) Block the ground area with barricades directly under or next to the work zone
- (3) Assign a competent person to decide if additional protection is necessary
- (4) Make sure all tools used by the worker are attached to the worker, seatboard, or boatswain's chair.

Reference: Rules for protecting workers from overhead hazards are listed in WAC 296-800-16055, Make sure your employees use appropriate head protection.

NEW SECTION

WAC 296-878-170 Power line clearances.

NEW SECTION

WAC 296-878-17005 Maintain clearance between window cleaners and power lines.

You must:

- Maintain clearances between window cleaners and power lines as indicated in Tables 2 and 3.

Table 2

Minimum Clearances from Power Lines - Insulated Lines

Voltage	Minimum distance	Alternatives
Less than 300 volts	3 feet (0.9 m)	
300 volts to 50 kv	10 feet (3.1 m)	
More than 50 kv	10 feet (3.1 m) plus 0.4 inches (1.0 cm) for each 1 kv over 50 kv	2 times the length of the line insulator, but never less than 10 feet (3.1 m)

Table 3

Minimum Clearances from Power Lines - Uninsulated Lines

Voltage	Minimum distance	Alternatives
Less than 50 kv	10 feet (3.1 m)	
More than 50 kv	10 feet (3.1 m) plus 0.4 inches (1.0 cm) for each 1 kv over 50 kv	2 times the length of the line insulator, but never less than 10 feet (3.1 m)

You must:

- Follow these procedures when window cleaners need to get closer to power lines than allowed in Tables 2 and 3:
 - Notify the utility company or electrical system operator of the need to work closer than the minimum clearances to power lines before starting the work
 - Begin the work only when the utility company or electrical system operator has deenergized or relocated the lines,

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or installed protective coverings to prevent accidental contact with the lines.

NEW SECTION

WAC 296-878-180 Window-cleaners' belts and anchors.

NEW SECTION

WAC 296-878-18005 Select appropriate window-cleaners' belts and anchors.

You must:

- Make sure window-cleaners' belts and anchors conform to the:
 - Design, manufacture, and maintenance requirements of ANSI/TWCA 1-14.1-2001

AND

- Manufacturer's specifications.

NEW SECTION

WAC 296-878-18010 Inspect the anchors you plan to use for window cleaning.

You must:

- Make sure you do not use anchors if they:
 - Appear to be damaged
 - Appear deteriorated
 - Appear to be worn
 - Appear to be loose
 - Appear to be unsecured to the building or window frame
 - Will not allow the belt terminal to easily slip over the anchor head.
- Use window-cleaner's belts only if:
 - The area to be cleaned is safe
 - All anchors intended for use are safe.
- Make sure window ledges and frames will not impair the safe use of the window-cleaner's belt.

Note: If unsafe anchors are found, report them to the building owner or manager and do not use them.

NEW SECTION

WAC 296-878-18015 Use window-cleaners' belts safely.

You must:

- Make sure workers do not extend more than one arm beyond the window sash when cleaning windows from inside a building.
 - Attach one belt terminal to an anchor before you put more than one arm outside the window.
 - Pull on the terminal strap and look for signs of damage to the anchor.
 - Attach both belt terminals to anchors before climbing out the window.
 - Keep all belt terminals attached during the entire cleaning operation.

- Make sure the worker keeps one terminal attached to an anchor when reentering the window and until the worker is inside.

NEW SECTION

WAC 296-878-18020 Move safely on the outside of buildings. You must:

- Make sure you travel on the outside of the building only when
 - You keep at least one window-cleaner's belt terminal attached at all times
 - The anchors are not more than forty-eight inches apart.

Note: Anchors can be up to seventy-two inches apart if

- The sill or ledge is continuous
- The sill or ledge is at least twelve inches wide
- The sill or ledge has a slope less than five degrees
- There is at least six inches of window sill in front of the mullions.

NEW SECTION

WAC 296-878-190 Boatswains' chairs.

NEW SECTION

WAC 296-878-19005 Select appropriate boatswains' chairs.

You must:

- (1) Make sure that when you use a block and tackle, it is the correct size, including:
 - Correctly-sized ball bearings or bushed blocks
 - Safety hooks
 - Eye-spliced rope
 - A minimum breaking strength of five thousand pounds.
- (2) Make sure all rope used with a boatswain's chair has a minimum breaking strength of five thousand pounds, including rope used for:
 - Suspension
 - Block and tackle
 - Seat slings.
- (3) Make sure the ropes on boatswain's chair seat slings:
 - Are reeved through the four corner holes in the seat
 - Cross each other on the underside of the seat
 - Are rigged so the chair cannot slip out of a level position.

NEW SECTION

WAC 296-878-19010 Safely use boatswains' chairs rigged with a block and tackle.

You must:

- (1) Make sure the rated capacity or the maximum intended load, whichever is less, is not exceeded.
- (2) Make sure the suspension rope stays vertical between the boatswain's chair and suspension device unless all of these requirements are met:
 - The rigging has been designed by a qualified person
 - The scaffold can be easily reached by rescuers

- The suspension rope is protected from damage when a change in direction occurs
- The scaffold will not swing and contact another surface.

(3) Make sure a suspension height of seventy-five feet above grade or building setback is not exceeded.

Exemption: Suspension height may be up to one hundred thirty feet above grade or building setback if the boatswain's chair block and tackle has all of the following:

- An automatic braking system
- A design that minimizes the amount of force required to raise or lower the suspended worker
- An automatic braking system that automatically maintains an elevation when no force is applied to the tackle
- A system that does not slip.

You must:

(4) Prohibit tying any kind of knot in a block and tackle system to maintain elevation.

(5) Make sure another worker is stationed below any boatswain's chair rigged with a block and tackle who can assist the suspended employee.

(6) Make sure workers do not attempt to increase the work area by swinging, swaying, or other maneuvers.

NEW SECTION

WAC 296-878-200 Rope descent systems.

NEW SECTION

WAC 296-878-20005 Select appropriate rope descent systems. You must:

- Make sure the rope descent system is designed, used, and maintained according to:
 - ANSI/TWCA 1-14.1-2001
 - The manufacturer's instructions.
- Make sure the rope descent system has been manufactured and is intended to be used for window cleaning.

Note: Equipment that is designed or labeled for recreational use or rescue use only is prohibited for use in window-cleaning operations.

You must:

- Make sure the rope descent system components are compatible and have a minimum tensile strength of five thousand pounds.
 - This does not apply to the seatboard.
- Make sure the rope descent system has specific use instructions for each component.

NEW SECTION

WAC 296-878-20010 Safely use rope descent systems.

You must:

- (1) Make sure workers use extreme care when using rope descent equipment around electrical service, heat sources, and turbulent areas, such as air vents.
- (2) Connect the seatboard or boatswain's chair to the descent device with a manual or auto locking carabiner.

(3) Make sure workers are positioned in the seatboard or boatswain's chair before being suspended.

(4) Make sure workers do not reach more than six feet in any direction as measured from a centerline straight down from where the suspension rope bears on the building.

(5) Make sure workers do not descend rapidly, swing excessively, or stop suddenly.

(6) Make sure that, in addition to the suspended worker, there is one other person at the jobsite who is skilled in using the rope descent system and rescue procedures.

(7) Make sure you do not exceed a three hundred-foot height of descent as measured from grade or building setback.

(8) Make sure your site-specific service plan addresses the following hazards for descents over one hundred thirty feet as measured from grade or building setback:

- Sudden weather changes, such as wind gusts, microbursts, or tunneling wind currents
- Inability of the rope descent system to function without using excessive force
- Workers suspended for long periods of time
- Rerigging and movement of main suspension and safety lines.

(9) Stabilize workers suspended from a rope descent system whenever the descent is higher than one hundred thirty feet, as measured from grade or building setback.

(10) Prohibit workers from working when wind speed makes any stabilization equipment ineffective.

Note: Provisions for stabilizing workers may include:

- Continuous stabilization, such as mullion tracks
- Intermittent stabilization, such as detent pins/buttons
- Work station stabilization, such as suction cups.

NEW SECTION

WAC 296-878-20015 Safely use rope descent devices.

(1) Make sure the rated capacity or the maximum intended load, whichever is less, is not exceeded.

(2) Make sure the descent device manufacturer's specifications for rope diameter and construction are followed.

(3) Make sure the rope is rigged through the descent device for a controlled rate of descent.

(4) Make sure the attachment point on the descent device is one piece with no gates or openings.

(5) Make sure the descent device will remain stationary when positive action is taken.

NEW SECTION

WAC 296-878-210 Equipment prohibited.

NEW SECTION

WAC 296-878-21005 Prohibit equipment from use.

You must:

- Prohibit use of the following equipment for window-cleaning operations:
 - Portable sills
 - Window jacks
 - Capstan devices to suspend workers

– Suspension or fall-arrest ropes that are made entirely of polypropylene.

NEW SECTION

WAC 296-878-220 Definitions.

Anchor, window-cleaner's belt - Fall-preventing attachment points for direct attachment of the terminal portion of a window-cleaner's belt.

Belt terminal - That part of the safety belt that is attached to the anchor during the window-cleaning operation.

Block and tackle - A lifting device consisting of one or more pulley blocks reeved with chains, wire ropes, or fibre ropes used solely for raising and lowering a load or moving a load horizontally.

Boatswain's chair - A single-point adjustable suspension scaffold consisting of a seat or sling designed to support one worker in a sitting position.

Capstan device - An upright, spool-shaped cylinder used for hoisting or lifting weights that is turned by a motor or by hand.

Carabiner - An oblong metal ring with an openable spring-hinged side, used to clip a rope to an anchoring device.

Competent person - One who is capable of identifying existing and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

Drop (drop zone) - A vertical area or work zone accessed by the worker or piece of equipment during one descent.

Drop line - A vertical line from a fixed anchorage, independent of the work surface.

Fixture - Attachments, anchors, anchorages, tie backs or support equipment permanently dedicated to a given site.

Grade - Means the ground, floor, sidewalk, roof, or any level surface that is considered a safe place to work.

Lanyard - A flexible line to secure a wearer of a safety belt or harness to a drop line, lifeline or fixed anchorage.

Mullion - A slender, vertical dividing bar between windows, panels, etc.

Primary support/suspension - A working line or approved anchorage used for attachment of a working line.

Qualified person - A person is qualified if they have one of the following:

- Extensive knowledge, training, and experience about the subject matter, work, or project
- A recognized degree, certificate, or professional standing
- Successful demonstration of problem solving skills in connection with the subject, work, or project.

Rated capacity - The combined weight of workers, tools, equipment, and other materials that the device is designed and installed to lift and support.

Rope descent system (RDS) - An assembly of components that allows the operator to control the rate of descent at any time. A rope descent system includes the following components:

- Suspension devices
- Certified roof anchorages
- Primary support ropes or lines
- The descent device
- Carabiners or shackles
- A seatboard or boatswain's chair.

Terminal strap - The strap or rope attached to the waist band on one end, and to the belt terminals on the other end.

Window cleaning - Cleaning, wiping, restoring or other methods of cleaning windows.

Working line - A rope suspended from an anchorage and used to access parts of a building.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-145	Window washing.
WAC 296-24-14501	Definitions.
WAC 296-24-14503	Application.
WAC 296-24-14505	Protection of persons engaged at window cleaning.
WAC 296-24-14507	General.
WAC 296-24-14509	Belt terminals, anchors and bolts.
WAC 296-24-14511	Belts.
WAC 296-24-14513	Anchor installations.
WAC 296-24-14515	Reversible and pivot windows.
WAC 296-24-14517	Ladders.
WAC 296-24-14519	Boatswain's chairs.

WSR 02-22-029
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 28, 2002, 3:01 p.m., effective January 1, 2003]

Date of Adoption: October 28, 2002.

Purpose: Chapter 296-27 WAC, Recordkeeping, WAC 296-27-01113 Recording criteria for cases involving occupational hearing loss, 296-27-01117 Recording criteria for cases involving work-related musculoskeletal disorders, and 296-27-01119 Forms.

On July 1, 2002, OSHA published a final rule regarding record-keeping requirements. The adopted changes include postponing the effective dates for the reporting criteria in hearing loss and changing the criteria for a recordable shift in hearing loss. The department is adopting these changes to be at-least-as-effective-as OSHA.

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Amended Sections:

WAC 296-27-01113 Recording criteria for cases involving occupational hearing loss.

- This section has been rewritten for clarity and ease of use.
- The recording requirement has been changed from a 25 dB shift in hearing to a 10 dB shift.
- The effective date for record-keeping requirements has been changed to January 1, 2004.

WAC 296-27-01117 Recording criteria for cases involving work-related musculoskeletal disorders.

- The effective date for record-keeping requirements has been changed to January 1, 2004.

WAC 296-27-01119 Forms.

- The effective date for musculoskeletal disorders not being considered privacy concern cases has been changed to January 1, 2004.

Citation of Existing Rules Affected by this Order: Amending WAC 296-27-01113 Recording criteria for cases involving occupational hearing loss, 296-27-01117 Recording criteria for cases involving work-related musculoskeletal disorders, and 296-27-01119 Forms.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Adopted under notice filed as WSR 02-17-104 on August 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 3, 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 3, Repealed 0.

Effective Date of Rule: January 1, 2003.

October 28, 2002
Gary Moore
Director

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-01113 Recording criteria for cases involving occupational hearing loss. (1) Basic requirement.

You must record a hearing loss case on the OSHA Log if an employee's hearing test (audiogram) reveals that a recordable threshold shift (RTS) in one or both ears has occurred (you must record the case on the OSHA 300 Log).

(2) Implementation.

(a) ~~((What is a recordable threshold shift? For the period January 1, 2002, through December 31, 2002, a recordable threshold shift, or RTS, is a change in hearing threshold, relative to the most recent audiogram for that employee of an average of 25 decibels (dB) or more at 2000, 3000, and 4000 hertz in one or both ears. Effective January 1, 2003, a recordable threshold shift, or RTS, is a change in hearing threshold, relative to the most recent audiogram for that employee, of an average of 10 decibels (dB) or more at 2000, 3000, and 4000 hertz in one or both ears.~~

(b) ~~How do I determine whether an RTS has occurred? If the employee has never previously experienced a recordable hearing loss, you must compare the employee's current audiogram with that employee's baseline audiogram. If the employee has previously experienced a recordable hearing loss, you must compare the employee's current audiogram with the employee's revised baseline audiogram (the audiogram reflecting the employee's previous recordable hearing loss case).~~

(e)) How do I evaluate the current audiogram to determine whether a recordable threshold shift has occurred?

(i) If the employee has never previously experienced a recorded hearing loss, you must compare the employee's current audiogram with that employee's baseline audiogram. If the employee has previously experienced a recorded hearing loss, you must compare the employee's current audiogram with the employee's revised baseline audiogram (the audiogram reflecting the employee's previously recorded hearing loss case.)

(ii) The employee has a recordable threshold shift when:

• There is a change in the hearing threshold, relative to the baseline audiogram for that employee, of an average of 10 decibels (dB) or greater at 2000, 3000, and 4000 hertz (Hz) in one or both ears.

AND

• The employee's overall hearing loss (threshold) is 25 dB or greater (averaged at 2000, 3000, and 4000 Hz) in the same ear as the change.

Note: Audiometric test results reflect the employee's overall hearing ability in comparison to audiometric zero.

(b) May I adjust the audiogram results to reflect the effects of aging on hearing? Yes, when comparing audiogram results for determination of ((an RTS)) a recordable threshold shift, you may adjust the results for the employee's age when the audiogram was taken using the following tables:

TABLE F-1 - AGE CORRECTION VALUES IN DECIBELS FOR MALES

Years	Audiometric Test Frequency (Hz)				
	1000	2000	3000	4000	6000
20 or younger	5	3	4	5	8

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21.....	5	3	4	5	8
22.....	5	3	4	5	8
23.....	5	3	4	6	9
24.....	5	3	5	6	9
25.....	5	3	5	7	10
26.....	5	4	5	7	10
27.....	5	4	6	7	11
28.....	6	4	6	8	11
29.....	6	4	6	8	12
30.....	6	4	6	9	12
31.....	6	4	7	9	13
32.....	6	5	7	10	14
33.....	6	5	7	10	14
34.....	6	5	8	11	15
35.....	7	5	8	11	15
36.....	7	5	9	12	16
37.....	7	6	9	12	17
38.....	7	6	9	13	17
39.....	7	6	10	14	18
40.....	7	6	10	14	19
41.....	7	6	10	14	20
42.....	8	7	11	16	20
43.....	8	7	12	16	21
44.....	8	7	12	17	22
45.....	8	7	13	18	23
46.....	8	8	13	19	24
47.....	8	8	14	19	24
48.....	9	8	14	20	25
49.....	9	9	15	21	26
50.....	9	9	16	22	27
51.....	9	9	16	23	28
52.....	9	10	17	24	29
53.....	9	10	18	25	30
54.....	10	10	18	26	31
55.....	10	11	19	27	32
56.....	10	11	20	28	34
57.....	10	11	21	29	35
58.....	10	12	22	31	36
59.....	11	12	22	32	37
60 or older.....	11	13	23	33	38

TABLE F-2 - AGE CORRECTION VALUES IN DECIBELS FOR FEMALES

Years	Audiometric Test Frequency (Hz)				
	1000	2000	3000	4000	6000
20 or younger.....	7	4	3	3	6
21.....	7	4	4	3	6
22.....	7	4	4	4	6
23.....	7	5	4	4	7
24.....	7	5	4	4	7

25.....	8	5	4	4	7
26.....	8	5	5	4	8
27.....	8	5	5	5	8
28.....	8	5	5	5	8
29.....	8	5	5	5	9
30.....	8	6	5	5	9
31.....	8	6	6	5	9
32.....	9	6	6	6	10
33.....	9	6	6	6	10
34.....	9	6	6	6	10
35.....	9	6	7	7	11
36.....	9	7	7	7	11
37.....	9	7	7	7	12
38.....	10	7	7	7	12
39.....	10	7	8	8	12
40.....	10	7	8	8	13
41.....	10	8	8	8	13
42.....	10	8	9	9	13
43.....	11	8	9	9	14
44.....	11	8	9	9	14
45.....	11	8	10	10	15
46.....	11	9	10	10	15
47.....	11	9	10	11	16
48.....	12	9	11	11	16
49.....	12	9	11	11	16
50.....	12	10	11	12	17
51.....	12	10	12	12	17
52.....	12	10	12	13	18
53.....	13	10	13	13	18
54.....	13	11	13	14	19
55.....	13	11	14	14	19
56.....	13	11	14	15	20
57.....	13	11	15	15	20
58.....	14	12	15	16	21
59.....	14	12	16	16	21
60 or older.....	14	12	16	17	22

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~~((e))~~ You may not use an age adjustment in determining whether the employee's hearing level is 25 dB or greater.

~~(c)~~ Do I have to record the hearing loss if I am going to retest the employee's hearing? No, if you retest the employee's hearing within thirty days of the first test, and the retest does not confirm the RTS, you are not required to record the hearing loss case on the OSHA 300 Log. If the retest confirms the RTS, you must record the hearing loss illness within seven calendar days of the retest. If subsequent audiometric testing indicates that an RTS is not persistent, you may erase or line-out the recorded entry.

~~((e))~~ (d) Are there any special rules for determining whether a hearing loss case is work-related? ~~((Yes, hearing loss is presumed to be work-related if the employee is~~

~~exposed to noise in the workplace at an 8-hour time-weighted average of 85-dBA or greater. For hearing loss cases where the employee is not exposed to this level of noise, you must use the rules in WAC 296-27-01103 to determine if the hearing loss is work-related.))~~ No. You must use the rules in WAC 296-27-01103 to determine if the hearing loss is work-related. If an event or exposure in the work environment either caused or contributed to the hearing loss, or significantly aggravated a preexisting hearing loss, you must consider the case to be work-related.

~~((f))~~ (e) If a physician or other licensed health care professional determines the hearing loss is not work-related, do I still need to record the case? No. If a physician or other licensed health care professional determines that

the hearing loss is not work-related or has not been significantly aggravated by occupational noise exposure, you are not required to consider the case work-related or to record the case on the OSHA 300 Log.

(f) Effective January 1, 2004, when you enter a recordable hearing loss case on the OSHA 300 Log, you must check the 300 Log column for hearing loss.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-01117 Recording criteria for cases involving work-related musculoskeletal disorders.

Note: This section is effective January 1, ~~((2003))~~ 2004. During the period January 1, 2002, through December 31, ~~((2002))~~ 2003, you are required to record work-related injuries and illnesses involving muscles, nerves, tendons, ligaments, joints, cartilage and spinal discs in the same manner that you would any injury or illness required by this chapter. For entry (M) on the OSHA 300 Log, you must check either the entry for "injury" or "all other illnesses."

(1) **Basic requirement.** If any of your employees experiences a recordable work-related musculoskeletal disorder (MSD), you must record it on the OSHA 300 Log by checking the "musculoskeletal disorder" column.

(2) **Implementation.**

(a) **What is a "musculoskeletal disorder" or MSD?** Musculoskeletal disorders (MSDs) are disorders of the muscles, nerves, tendons, ligaments, joints, cartilage and spinal discs. MSDs do not include disorders caused by slips, trips, falls, motor vehicle accidents, or other similar accidents. Examples of MSDs include: Carpal tunnel syndrome, Rotator cuff syndrome, De Quervain's disease, Trigger finger, Tarsal tunnel syndrome, Sciatica, Epicondylitis, Tendinitis, Raynaud's phenomenon, Carpet layer's knee, Herniated spinal disc, and Low back pain.

(b) **How do I decide which musculoskeletal disorders to record?** There are no special criteria for determining which musculoskeletal disorders to record. An MSD case is recorded using the same process you would use for any other injury or illness. If a musculoskeletal disorder is work-related, and is a new case, and meets one or more of the general recording criteria, you must record the musculoskeletal disorder. The following table will guide you to the appropriate section of the rule for guidance on recording MSD cases.

(i) **Determining if the MSD is work-related:** See WAC 296-27-01103.

(ii) **Determining if the MSD is a new case.** See WAC 296-27-01105.

(iii) **Determining if the MSD meets one or more of the general recording criteria:**

- Days away from work, see WAC 296-27-01107 (2)(c).
- Restricted work or transfer to another job. See WAC 296-27-01107 (2)(d).
- Medical treatment beyond first aid. See WAC 296-27-01107 (2)(e).

(c) **If a work-related MSD case involves only subjective symptoms like pain or tingling, do I have to record it as a musculoskeletal disorder?** The symptoms of an MSD are treated the same as symptoms for any other injury or ill-

ness. If an employee has pain, tingling, burning, numbness or any other subjective symptom of an MSD, and the symptoms are work-related, and the case is a new case that meets the recording criteria, you must record the case on the OSHA 300 Log as a musculoskeletal disorder.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-01119 Forms. (1) **Basic requirement.** You must use OSHA 300, 300-A, and 301 forms, or equivalent forms, for recordable injuries and illnesses. The OSHA 300 form is called the Log of Work-Related Injuries and Illnesses, the 300-A is the Summary of Work-Related Injuries and Illnesses, and the OSHA 301 form is called the Injury and Illness Incident Report.

(2) **Implementation.**

(a) **What do I need to do to complete the OSHA 300 Log?** You must enter information about your business at the top of the OSHA 300 Log, enter a one or two line description for each recordable injury or illness, and summarize this information on the OSHA 300-A at the end of the year.

(b) **What do I need to do to complete the OSHA 301 Incident Report?** You must complete an OSHA 301 Incident Report form, or an equivalent form, for each recordable injury or illness entered on the OSHA 300 Log.

(c) **How quickly must each injury or illness be recorded?** You must enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven calendar days of receiving information that a recordable injury or illness has occurred.

(d) **What is an equivalent form?** An equivalent form is one that has the same information, is as readable and understandable, and is completed using the same instructions as the OSHA form it replaces. Many employers use an insurance form instead of the OSHA 301 Incident Report, or supplement an insurance form by adding any additional information listed on the OSHA form.

(e) **May I keep my records on a computer?** Yes, if the computer can produce equivalent forms when they are needed, as described under WAC 296-27-02111 and 296-27-03103, you may keep your records using the computer system.

(f) **Are there situations where I do not put the employee's name on the forms for privacy reasons?** Yes, if you have a "privacy concern case," you may not enter the employee's name on the OSHA 300 Log. Instead, enter "privacy case" in the space normally used for the employee's name. This will protect the privacy of the injured or ill employee when another employee, a former employee, or an authorized employee representative is provided access to the OSHA 300 Log under WAC 296-27-02111. You must keep a separate, confidential list of the case numbers and employee names for your privacy concern cases so you can update the cases and provide the information to the government if asked to do so.

(g) **How do I determine if an injury or illness is a privacy concern case?** You must consider the following injuries or illnesses to be privacy concern cases:

- An injury or illness to an intimate body part or the reproductive system;
- An injury or illness resulting from a sexual assault;
- Mental illnesses;
- HIV infection, hepatitis, or tuberculosis;
- Needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (WAC 296-27-01109 for definitions); **and**

- Other illnesses, effective January 1, 2002, if the employee independently and voluntarily requests that his or her name not be entered on the log. Effective January 1, ((2003)) 2004, musculoskeletal disorders (MSDs) are not considered privacy concern cases.

(h) **May I classify any other types of injuries and illnesses as privacy concern cases?** No, this is a complete list of all injuries and illnesses considered privacy concern cases for the purposes of this section.

(i) **If I have removed the employee's name, but still believe that the employee may be identified from the information on the forms, is there anything else that I can do to further protect the employee's privacy?** Yes, if you have a reasonable basis to believe that information describing the privacy concern case may be personally identifiable even though the employee's name has been omitted, you may use discretion in describing the injury or illness on both the OSHA 300 and 301 forms. You must enter enough information to identify the cause of the incident and the general severity of the injury or illness, but you do not need to include details of an intimate or private nature. For example, a sexual assault case could be described as "injury from assault," or an injury to a reproductive organ could be described as "lower abdominal injury."

(j) **What must I do to protect employee privacy if I wish to provide access to the OSHA Forms 300 and 301 to persons other than government representatives, employees, former employees or authorized representatives?** If you decide to voluntarily disclose the forms to persons other than government representatives, employees, former employees or authorized representatives (as required by WAC 296-27-02111 and 296-27-03103), you must remove or hide the employees' names and other personally identifying information, except for the following cases. You may disclose the forms with personally identifying information only:

(i) To an auditor or consultant hired by the employer to evaluate the safety and health program;

(ii) To the extent necessary for processing a claim for workers' compensation or other insurance benefits; or

(iii) To a public health authority or law enforcement agency for uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required under Department of Health and Human Services Standards for Privacy of Individually Identifiable Health Information, 45 CFR 164.512.

(3) **Falsification, failure to keep records or reports.**

(a) RCW 49.17.190(2) of the act provides that "whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other

document filed or required to be maintained pursuant to this chapter shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months or by both."

(b) Failure to maintain records or file reports required by this chapter, or in the detail required by the forms and instructions issued under this chapter, may result in the issuance of citations and assessment of penalties as provided for in WAC 296-800-35002 through 296-800-35052.

WSR 02-22-044

PERMANENT RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 30, 2002, 9:56 a.m., effective December 1, 2002]

Date of Adoption: October 28, 2002.

Purpose: The Division of Employment and Assistance Programs is permanently adopting food assistance rules related to income deductions federal fiscal year 2003. These rules were implemented through an emergency adoption under WSR 02-19-043.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0185.

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

Other Authority: H.R. 2646 Farm Security and Rural Investment Act of 2002.

Adopted under notice filed as WSR 02-19-042 on September 11, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, 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.

Effective Date of Rule: December 1, 2002.

October 28, 2002

Wanda Emmick

for 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 388-450-0185 ((General information about earned))~~ Does the department count all of my income ((disregard and income deductions)) to determine my eligibility and benefits for food assistance ((programs))?
~~We subtract the following amounts ((are deducted from a household's income to compute))~~ from your assistance unit's (AU's) countable income before we determine your food assistance ((program benefits)) benefit amount:

(1) ~~((One hundred thirty four dollars per household per month))~~ A standard deduction((;)) based on the number of people in your AU under WAC 388-408-0035:

<u>Eligible and ineligible AU members</u>	<u>Standard deduction</u>
<u>1</u>	<u>\$134</u>
<u>2</u>	<u>\$134</u>
<u>3</u>	<u>\$134</u>
<u>4</u>	<u>\$134</u>
<u>5</u>	<u>\$147</u>
<u>6 or more</u>	<u>\$168</u>

(2) ~~Twenty percent of ((the household's))~~ your AU's gross earned income (earned income ((disregard)) deduction);

(3) ~~((The amount of the household's incurred or))~~ Your AU's expected monthly dependent care expense as described below:

(a) ~~The dependent care must be needed for ((an assistance unit))~~ AU member to ((seek, accept or continue employment; or)):

(i) Keep work, look for work, or accept work;

(ii) Attend training or education to prepare for employment; or

(iii) Meet employment and training requirements under chapter 388-444 WAC.

~~(b) ((The care must be needed for an assistance unit member to attend training or education in preparation for to employment;~~

~~(c) The expense must be payable to someone outside of the food assistance household; and~~

~~(d) The deduction cannot exceed)~~ We subtract allowable dependent care expenses that are payable to someone outside or your AU:

(i) Up to two hundred dollars for each dependent under age two ((years of age)); ((or)) and

(ii) Up to one hundred seventy-five dollars for each dependent age two or older.

(4) ~~((Nonreimbursable monthly))~~ Medical expenses over thirty-five dollars ((incurred or expected to be incurred)) a month owed or anticipated by an elderly or disabled household member as ((specified)) described under WAC 388-450-0200.

(5) Legally obligated current or back child support paid ((for a person who is not a member of the household)) to someone outside of your AU:

(a) For a person who is not in your AU; or

(b) For a person who is in your AU to cover a period of time when they were not living with you.

(6) A portion of your shelter costs as ((provided)) described in WAC 388-450-0190.

WSR 02-22-045
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

(Filed October 30, 2002, 9:58 a.m., effective December 1, 2002)

Date of Adoption: October 28, 2002.

Purpose: The Division of Employment and Assistance Programs is permanently adopting food assistance rules related to shelter deductions and the standard utility allowance for federal fiscal year 2003. These rules were implemented through an emergency adoption under WSR 02-19-045.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0190 and 388-450-0195.

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

Adopted under notice filed as WSR 02-19-044 on September 11, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 2, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: December 1, 2002.

October 28, 2002

Wanda Emmick

for Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-21-059, filed 10/16/01, effective 12/1/01)

WAC 388-450-0190 How does the department figure my shelter cost income deduction for food assistance? The department calculates your shelter cost income deduction as follows:

(1) First, we add up the amounts your assistance unit (AU) must pay each month for shelter. We do not count any overdue amounts, late fees, penalties or any amount you pay

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ahead of time as an allowable cost. We count the following expenses as an allowable shelter cost:

- (a) Ongoing rent, lease, and mortgage payments;
- (b) Property taxes;
- (c) Homeowner's association or condo fees;
- (d) Homeowner's insurance for the building only;
- ~~((4))~~ (e) Utility allowance your AU is eligible for under WAC 388-450-0195;

~~((e))~~ (f) Out-of-pocket repairs for the home if it was substantially damaged or destroyed due to a natural disaster such as a fire or flood;

~~((f))~~ (g) Expense of a temporarily unoccupied home because of employment, training away from the home, illness, or abandonment caused by a natural disaster or casualty loss if your:

- (i) AU intends to return to the home;
- (ii) AU has current occupants who are not claiming the shelter costs for food assistance purposes; and
- (iii) AU's home is not being leased or rented during your AU's absence.

(2) Second, we subtract all deductions your AU is eligible for under WAC 388-450-0185 (1) through (5) from your AU's gross income. The result is your AU's net income.

(3) Finally, we subtract one-half of your AU's net income from your AU's total shelter costs. The result is your excess shelter costs. Your AU's shelter cost deduction is the excess shelter costs:

(a) ~~(Up to a maximum of three hundred dollars if no one in your AU is elderly or disabled and you were found eligible for benefits prior to March 1, 2001; or~~

~~(b))~~ Up to a maximum of three hundred ~~((fifty-four))~~ sixty-seven dollars if no one in your AU is elderly or disabled and you were found eligible for benefits or were recertified for benefits either on or after March 1, 2001; or

~~((e))~~ (b) The entire amount if someone in your AU is elderly or disabled, even if the amount is over three hundred ~~((fifty-four))~~ sixty-seven dollars.

AMENDATORY SECTION (Amending WSR 01-21-059, filed 10/16/01, effective 12/1/01)

WAC 388-450-0195 Utility allowances for food assistance programs. (1) For food assistance programs, "utilities" include the following:

- (a) Heating and cooking fuel;
- (b) Cooling and electricity;
- (c) Water and sewerage;
- (d) Garbage and trash collection; and
- (e) Basic telephone service.

(2) The department uses the amounts below if you have utility costs separate from your rent or mortgage payment. We add your utility allowance to your rent or mortgage payment to determine your total shelter costs. We use total shelter costs to determine your food assistance benefits.

~~((3))~~ (a) If you have heating or cooling costs, you get a standard utility allowance (SUA) that depends on your assistance unit's size.

Assistance Unit (AU) Size	Utility Allowance
1	\$ ((249)) <u>275</u>
2	\$ ((256)) <u>283</u>
3	\$ ((264)) <u>291</u>
4	\$ ((271)) <u>300</u>
5	\$ ((279)) <u>308</u>
6 or more	\$ ((287)) <u>316</u>

~~((4))~~ (b) If your AU does not qualify For the SUA and you have utility costs other than telephone costs, you get a limited utility allowance (LUA) of ~~((one))~~ two hundred ~~((ninety-eight))~~ fifteen dollars.

~~((5))~~ (c) If your AU has only telephone costs and no other utility costs, you get a telephone utility allowance (TUA) of ~~((thirty-three))~~ thirty-five dollars.

WSR 02-22-046
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed October 30, 2002, 9:59 a.m., effective December 1, 2002]

Date of Adoption: October 28, 2002.

Purpose: The Division of Employment and Assistance Programs is permanently adopting rules that change eligibility requirements for federal food stamp benefits for certain legal immigrants. These changes are required under the Farm Security and Rural Investment Act of 2002 (Public Law 107-171, Section 4401).

Citation of Existing Rules Affected by this Order: Amending WAC 388-424-0020.

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

Other Authority: H.R. 2646 Farm Security and Rural Investment Act of 2002.

Adopted under notice filed as WSR 02-19-025 on September 9, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, 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.

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Effective Date of Rule: December 1, 2002.
 October 28, 2002
 Wanda Emmick
 for Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99 -01-058, filed 12/11/98, effective 1/11/99)

WAC 388-424-0020 How does my alien status ~~((and))~~ impact my eligibility ~~((requirements))~~ for the federal food stamp program~~((s))~~? (1) ~~((For federal food stamps, an alien))~~ If you are not a U.S. citizen, you must meet ~~((one of))~~ the following conditions ~~((in column 1 and one of the conditions in column 2-))~~ and be otherwise eligible in order to receive federal food stamp benefits:

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Column 1

- Refugee
- Asylee
- Deportation withheld
- Cuban or Haitian entrant
- Aliens lawfully admitted for permanent residence (immigrants)
- Parolee for at least one year
- Conditional Entrant
- Battered spouse, battered child, or parent or child of a battered person as defined in WAC 388-424-0005

Column 2

~~((The following noncitizens))~~ You are ~~((only))~~ eligible for seven years ~~((after admitted or))~~ from the date you entered the U.S. or from the date you were granted INS status: Refugee/Amerasian/Asylee
 Deportation withheld/Cuban or Haitian entrant
~~((The above noncitizens may be eligible even if they become immigrants within))~~ If you entered the U.S. under an INS status listed above, you are still eligible for federal food stamps eve if you change your INS status to immigrant during the seven-year period.~~((s))~~

~~((There is no time limit for the following noncitizens))~~ You may be eligible for federal benefits without a time limit if you meet any of the following conditions:

1. You are a permanent resident ~~((aliens with))~~ alien and you have worked or can get credit for forty Social Security Administration (SSA) work quarters.
2. You are a honorably discharged ~~((veterans))~~ veteran, you are in active duty military (other than training), or you are the spouse, ~~((and))~~ or unmarried dependent ~~((children))~~ child of someone who meets this requirement.
3. ~~((Lawfully))~~ You are blind or disabled and receive cash or medical benefits based on supplemental Security Income (SSI) disability or blindness criteria.
4. You were legally living in U.S. on August 22, 1996 and:
 - a. ~~((Now))~~ You are currently under age eighteen, or
 - b. ~~((Disabled or blind, or~~
 - e. ~~Sixty five or older on))~~ You were born on or before August 22, ~~((1996))~~ 1931.

(2) ~~In addition to the above noncitizens, ~~((the following, legally residing in the U.S., are))~~ you may be eligible for federal food ~~((stamps-))~~ stamp benefits if you legally live in the U.S. and are a member of one of the following groups:~~

(a) ~~Hmong or Highland Laotian tribe members ~~((and))~~ including the tribal member's spouse and dependent children when tribe ~~((rendered assistance to))~~ assisted the U.S. during the Vietnam era~~((s))~~ beginning August 5, 1964 and ending May 7, 1975;~~

(b) ~~Canadian born American Indians who are fifty percent American Indian blood~~((s))~~; and~~

(c) ~~American Indians who are noncitizens and members of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act.~~

(3) If you are a lawful permanent ~~((residents))~~ resident, you can receive credit for SSA work quarters by:

(a) ~~Earning enough money to qualify for work quarters; ~~((or))~~~~

(b) ~~Getting credit for quarters earned by a parent or step-parent while ~~((the alien is))~~ you are under eighteen; or~~

(c) ~~Getting credit for quarters earned by a spouse ~~((during their marriage if the alien remains))~~ while you are married ~~((to the spouse or the spouse is))~~ if you are still married to them or they are deceased.~~

(4) ~~((Lawful permanent residents))~~ You cannot receive credit for a SSA work quarter after January 1, 1997 if ~~((receiving))~~ you received TANF, nonemergency Medicaid, or food stamp benefits during ~~((that))~~ the quarter.

(5) If you apply for TANF, nonemergency Medicaid, or food stamp benefits during your fortieth quarter and you earned enough money to qualify for the quarter before you applied for benefits, you get credit for that quarter.

(6) You can get federal food stamp benefits for up to six months while we wait for verification of your eligibility if you or the department:

(a) Asked SSA for proof of your work quarters. SSA responded that you have less than forty quarters, and you provide proof that SSA is making an investigation to decide if they can credit you with more quarters; or

(b) Turned in a request to a federal agency for proof that you meet immigrant eligibility requirements for federal food stamp benefits. If you requested this proof, you must provide proof that the agency has accepted this request.

WSR 02-22-050
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY
 [Filed October 30, 2002, 3:25 p.m.]

Date of Adoption: October 24, 2002.

Purpose: To update the Kitsap County No-Burn Zone around the city of Poulsbo, Washington.

Citation of Existing Rules Affected by this Order: Amending Section 8.12 of Regulation I.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 02-19-106 on September 18, 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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 29, 2002

Amy L. Fowler

Air Resource Specialist

AMENDATORY SECTION

REGULATION I SECTION 8.12 DESCRIPTION OF THE KITSAP COUNTY NO-BURN AREA

(a) As provided by WAC 173-425-040(5), reasonable alternatives to burning exist in the areas described below and residential burning and land-clearing burning are prohibited in these areas.

(1) The Kingston Urban Growth Area as shown in Figure 8-1;

(2) The City of Bainbridge Island;

(3) The Silverdale, Bremerton, Port Orchard area as follows and as shown in Figure 8-2:

- Beginning at the intersection of the line dividing T25N, R2E Sections 18 and 19, and the center line of Port Orchard Bay;
- head directly west to Waaga Way;
- continue west on Waaga Way to Nels Nelson Road NW;
- head north following the Silverdale Urban Growth Area boundary to Island Lake;
- head east following the Silverdale Urban Growth Area boundary to Central Valley Road;
- follow Central Valley Road north to NE Anna Road and then west to Hillcrest Street NW;
- continue north on Central Valley Road to the intersection of T25, R1E, Sections 2 and 3, and T26N, R1E, Sections 34 and 35;
- head directly west to NW Mountain View Road;
- follow NW Mountain View Road to the point where it intersects with the Bangor Naval Reservation boundary;
- follow the Bangor Naval Reservation boundary heading south and west to the point where the Northern Pacific railroad track leaves the Bangor Naval Reservation property at its southern boundary;
- head south along the Northern Pacific railroad track to NW Westgate Road;
- follow NW Westgate Road west to Olympic View Road NW;
- head south on Olympic View Road NW to Anderson Hill Road;
- head west on Anderson Hill Road to Willamette Meridian Road NW;
- head south along the line dividing Township 25 North, Range 1 West and Township 25 North, Range 1 East to the Wesley Harris Naval Reservation;
- head east and south along the perimeter of the Wesley Harris Naval Reservation to a line bisecting T25N, R1E, Section 31;
- follow the line bisecting T25N, R1E, Section 31 east to the Northern Pacific railroad track;
- head south along the Northern Pacific Railroad track to a point where the track crosses the City of Bremerton Urban Growth Area boundary at T24N, R1E between Sections 19 and 30;
- head west along the southwestern portion of the Bremerton city limits for approximately 14 miles to a point 0.2 mile east of the intersection of T23N, R1W, Sections 2, 3, 10, and 11;
- head south to State Highway 3;
- head southwest on State Highway 3 to the Mason County line;
- head east to the line separating T23N, R1W, Sections 22 and 23;
- head north to the intersection of T23N, R1W, Sections 14, 15, 22, and 23;
- head east 1.33 miles;
- head north to State Highway 3;
- head west 0.42 mile;
- head north to the Bremerton city limits;

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- head northeast along the Bremerton city limits for approximately 3.6 miles to the intersection of T24N, R1E, Sections 31 & 32 and T23N, R1E, Sections 5 & 6;
- head east another 0.33 mile;
- head south to the intersection of Feigley Road SW and SW Old Clifton Road;
- head east along SW Old Clifton Road to the boundary of the McCormick Woods Urban Growth Area;
- include the entire Urban Growth Area of McCormick Woods;
- at the point where the northeastern boundary of McCormick Woods Urban Growth Area intersects SW Old Clifton Road, follow SW Old Clifton Road northeast to the Port Orchard city boundary;
- start by heading east and follow the Port Orchard city boundary to the point where it intersects with State Highway 16 south of Sedgwick Road;
- head southeast along State Highway 16 to Bethel Road SE;
- head north along Bethel Road SE to the Port Orchard Urban Growth Area boundary;
- start by heading east and follow the Port Orchard Urban Growth Area boundary to the intersection of Sedgwick Road and Phillips Road;
- continue east along SE Sedgwick Road to Longlake Road SE;
- head north along Longlake Road SE to the line between T24N and T23N;
- head west to the intersection of T24N, R2E Sections 31 & 32 and T23N, R2E Sections 5 & 6;
- head north to SE Mile Hill Drive;
- head east along SE Mile Hill Drive to Bullman Road SE;
- head north 0.5 mile along and past Bullman Rd SE;
- head west to SE Horstman Road and continue to Baby Doll Road SE;
- head north along Baby Doll Road SE to E Collins Road;
- head west on E Collins Road and then continue west to E Lindstrom Hill Road and then to Sinclair Inlet shoreline;
- head directly north to the center line of Port Orchard Bay;
- follow the center line of Port Orchard Bay in a northerly direction to where it intersects the line dividing T25N, R2E Sections 18 and 19; and

(4) The Poulsbo area as follows and as shown in Figure 8-3:

(A) The Poulsbo Urban Growth Area (UGA);

(B) The following areas adjacent to the Poulsbo UGA:

(i) Southeast of Poulsbo UGA and east of State Highway

305:

- from the intersection of State Highway 305 and Noll Road NE, proceed north on Noll Road to the Poulsbo UGA;
- follow the UGA west, north, and west again until it intersects State Highway 305;
- head south on State Highway 305 to the intersection of State Highway 305 and Noll Road NE.

(ii) Northeast of Poulsbo UGA:

That area between the Poulsbo UGA and a line from the northwest corner of the Poulsbo UGA nearest to the southwestern terminus of Gala Way NE, west to the Poulsbo UGA.

(iii) North of Poulsbo UGA along State Highway 307:

- from the intersection of Little Valley Road and State Highway 307, head south to the Poulsbo UGA;
- follow the UGA west and then north until it intersects State Highway 307;
- head south on State Highway 307 northeast to the intersection of State Highway 307 and Little Valley Road.

(iv) North of Poulsbo UGA and east of State Highway 3:

- from the intersection of T26N, R1E, Sections 2, 3, 10, and 11 (which is the northeast corner of the Poulsbo UGA nearest the northern terminus of Viking Avenue NE) head east 0.25 mile;
- head south 0.05 mile to the Poulsbo UGA;
- head west and then north along the Poulsbo UGA to the intersection of T26N, R1E, Sections 2, 3, 10, and 11.

(v) West of Poulsbo UGA:

- from the intersection of Rhododendron Lane NW and Finn Hill Road, head south to NW Rude Road;
- head east 0.25 mile on Rude Road;
- head south 0.25 mile;
- head east to the Poulsbo UGA;
- head north and northwest along the Poulsbo UGA to the intersection of Finn Hill Road and Rhododendron Lane.

(vi) South of Poulsbo UGA and east of State Highway 3:

- from the intersection of the Poulsbo UGA and Viking Way NW, south of NW Norfinn Lane, head south 0.10 mile on Viking Way NW;
- head east to Liberty Bay;
- follow the shore of Liberty Bay north to the Poulsbo UGA;
- follow the Poulsbo UGA west to Viking Way NW.
- (A) Beginning at the Poulsbo Joint Planning Area boundary and the west shore of Liberty Bay;
- Follow the Poulsbo Joint Planning Area boundary west and then north to State Highway 3;
- head west 0.25 mile;
- head north to NW Rude Road;
- head west 0.25 mile on NW Rude Road;
- head north to Rhododendron Lane NW;
- continue north on Rhododendron Lane NW to the northern Poulsbo Joint Planning Area boundary;
- head east to the intersection of T26N, R1E, Sections 2, 3, 10, and 11;
- head east 0.25 mile and then south to the Poulsbo city boundary;
- follow the Poulsbo city boundary to State Highway 307;
- head northeast on State Highway 307 to Big Valley Road NE;
- head south to the Poulsbo Joint Planning Area boundary;
- follow the Poulsbo Joint Planning Area boundary east to NE Gala Way;

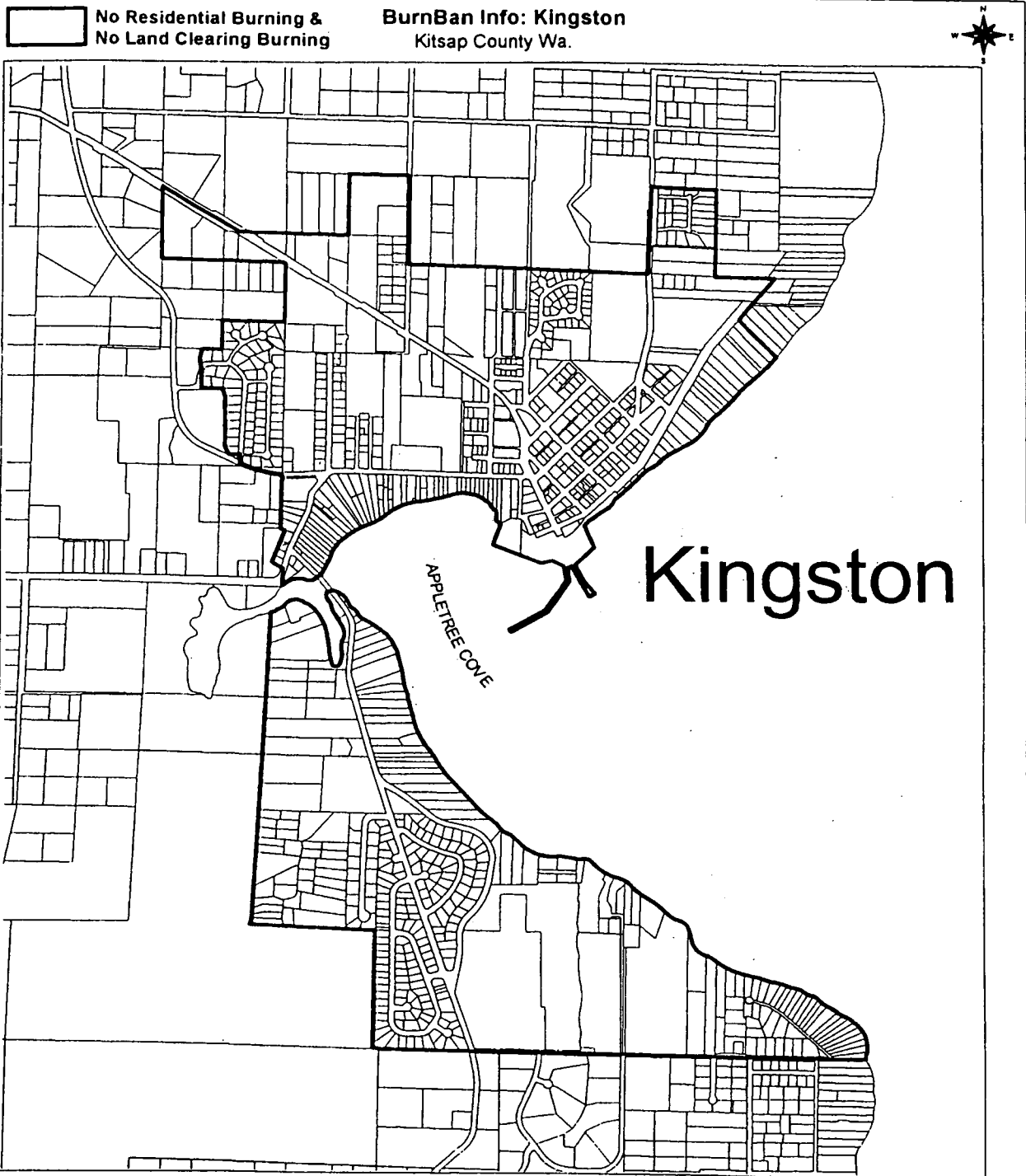
- ~~continue on NE Gala Way to NE Lincoln and then to Noll Road NE;~~
- ~~head south on Noll Road NE to Tallagson Lane NE;~~
- ~~continue south on Tallagson Lane NE and then south to NE Heron Pond Lane;~~
- ~~head west on NE Heron Pond Lane to Noll Road NE;~~
- ~~head south on Noll Rd NE to State Highway 305;~~
- ~~head northwest on State Highway 305 to the Poulsbo city limits;~~
- ~~head southwest to Liberty Bay-))~~

(b) As provided by WAC 173-425-040(5), reasonable alternatives to burning exist in the area described below and land-clearing burning is prohibited in this area.

The Port Orchard area as follows and as shown in Figure 8-2:

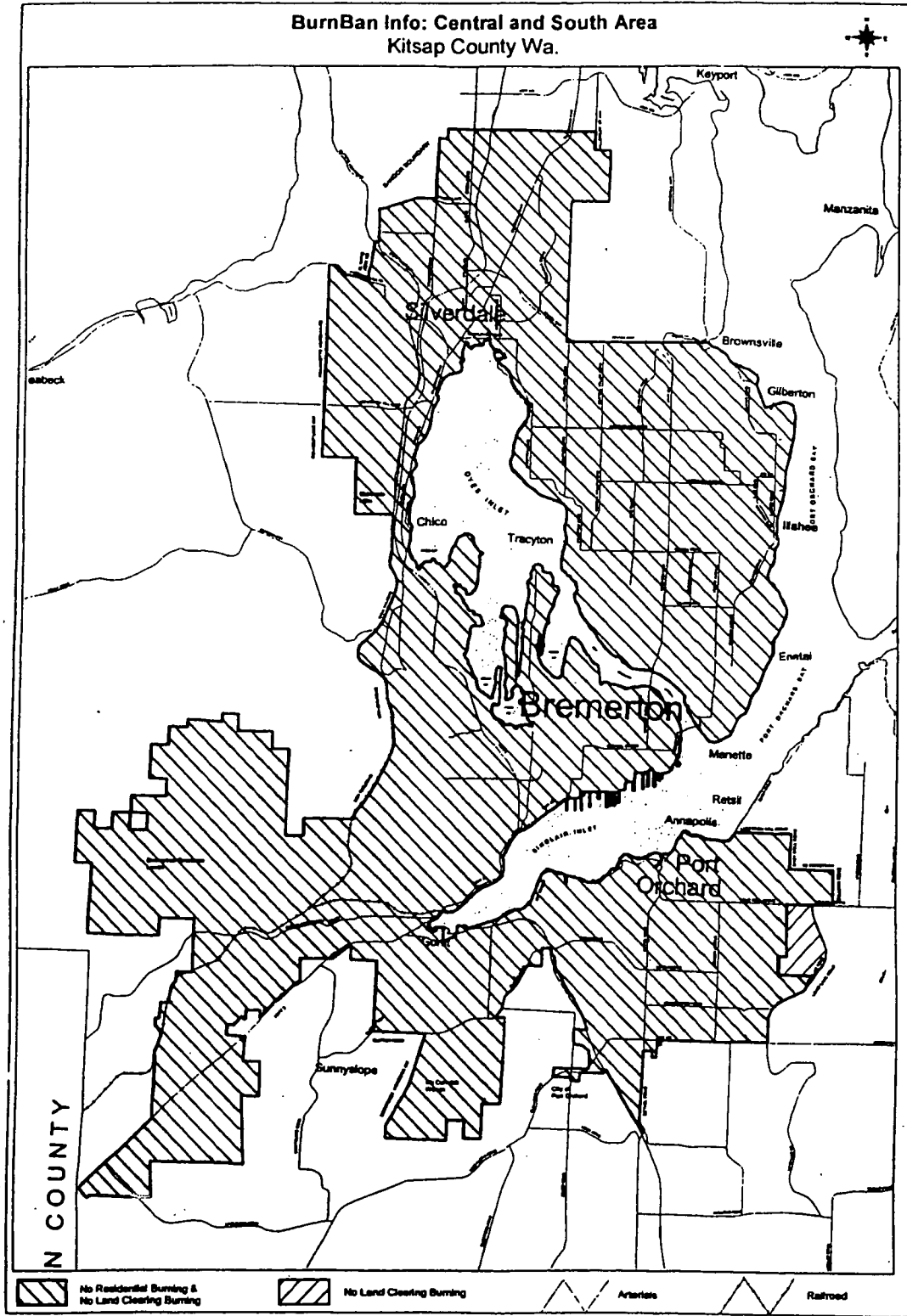
- Begin at the intersection of Baby Doll Road SE and SE Mile Hill Drive;
- head east on Mile Hill Drive to Long Lake Road SE;
- head south on Long Lake Road SE to the line between T24N and T23N;
- head west to the intersection of T24N, R2E Sections 31 & 32 and T23N, R2E Sections 5 & 6;
- head north to SE Mile Hill Drive.

Figure 8-1



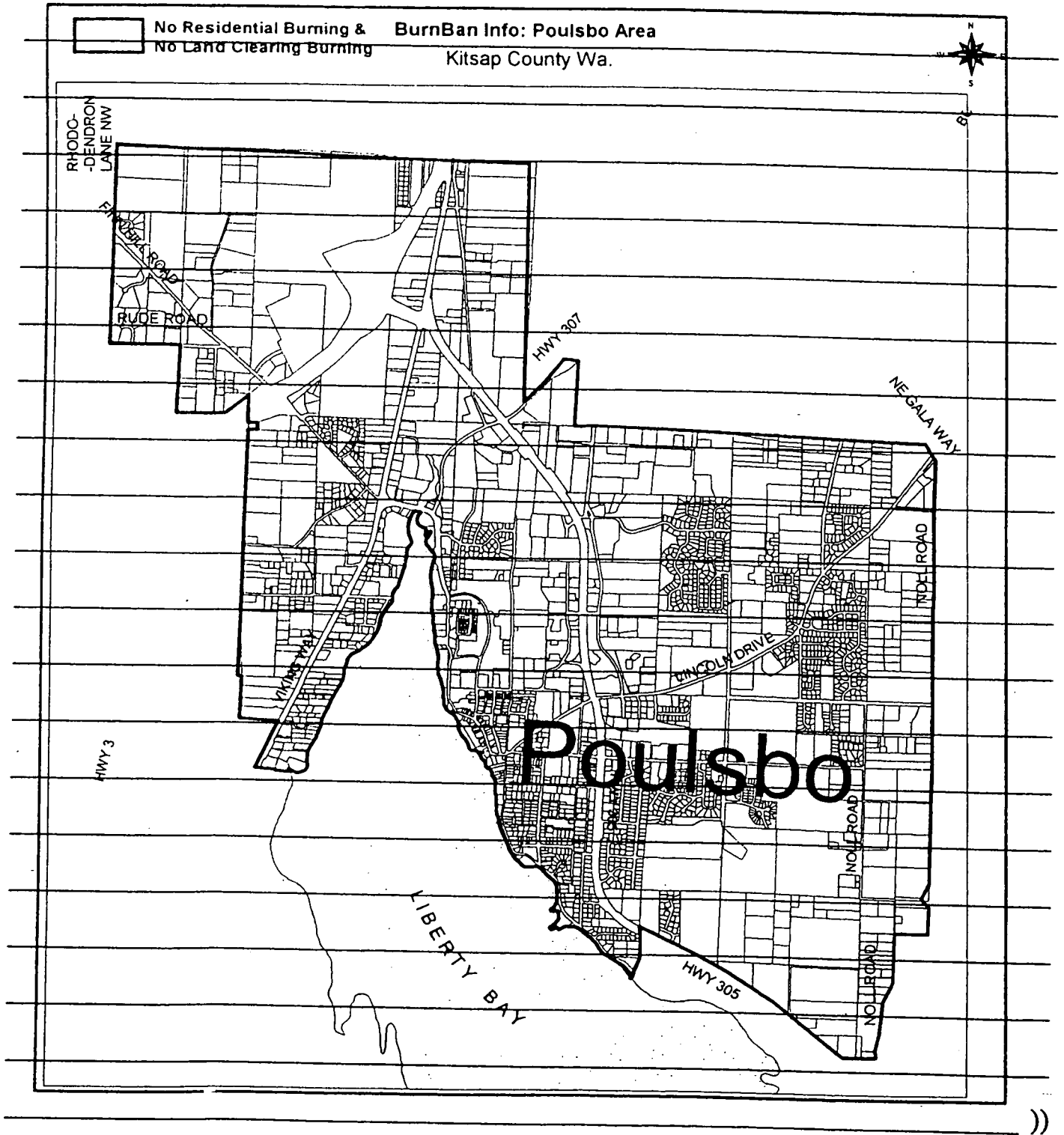
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Figure 8-2



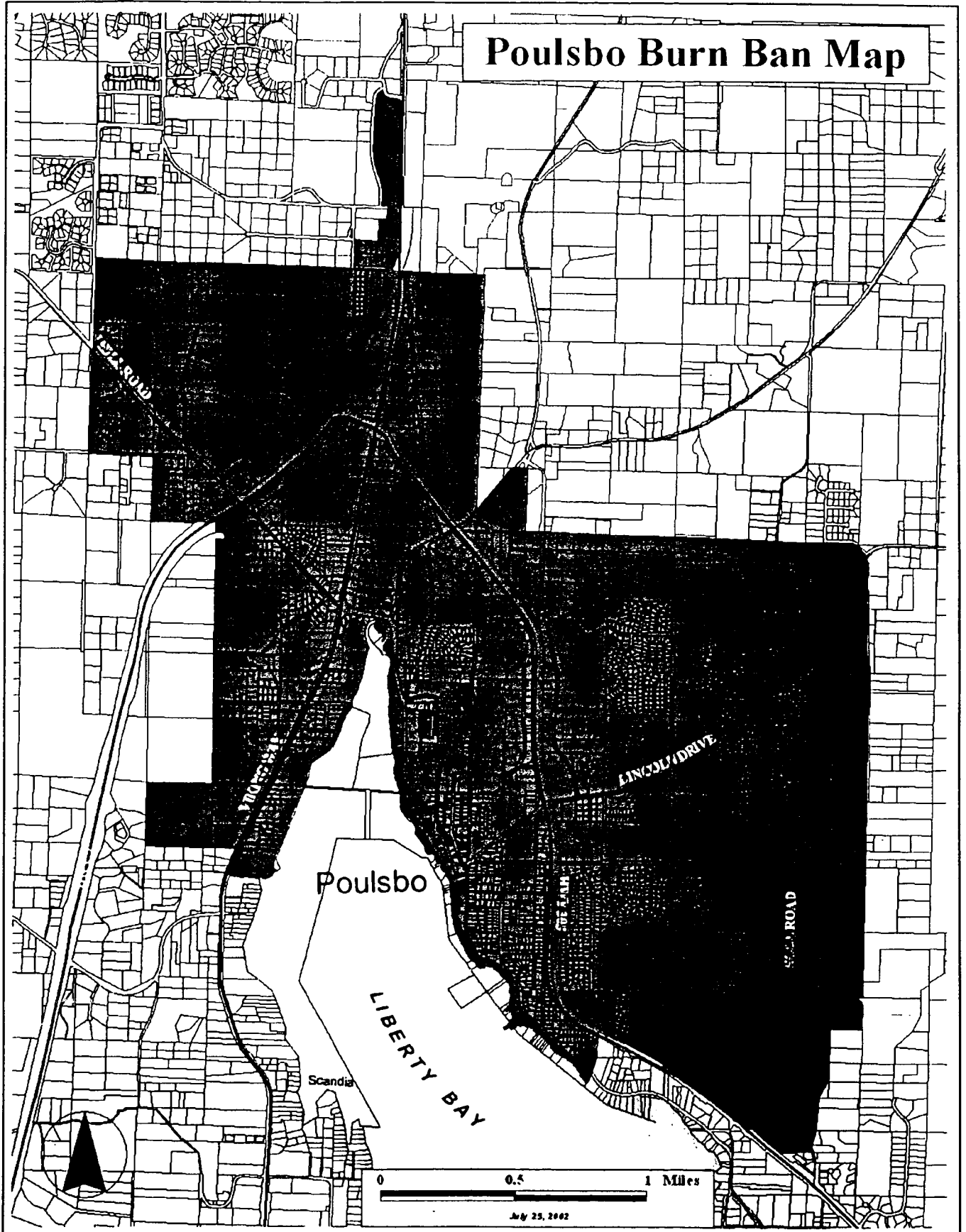
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((Figure 8-3



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Figure 8-3



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WSR 02-22-057

**PERMANENT RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Disabilities and Long-Term Care Administration)

[Filed October 31, 2002, 3:54 p.m.]

Date of Adoption: October 23, 2002.

Purpose: The rules in new chapter 388-826 WAC are adopted for the purpose of clarifying the operational guidelines for services offered in the Division of Developmental Disabilities - Voluntary placement program. Rule making and adoption comply with law and enhance operations.

Statutory Authority for Adoption: RCW 74.13.350.

Adopted under notice filed as WSR 02-16-061 on August 2, 2002.

Changes Other than Editing from Proposed to Adopted Version: Editorial changes only.

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 26, 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 26, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 23, 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 02-23 issue of the Register.

WSR 02-22-058

**PERMANENT RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Disabilities and Long-Term Care Administration)

[Filed October 31, 2002, 3:56 p.m.]

Date of Adoption: October 28, 2002.

Purpose: To implement a \$2.7 million reduction of funding for fiscal year 2003 for the assisted living facility 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.

Adopted under notice filed as WSR 02-18-099 on September 3, 2002.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-105-0005, the rates were increased by \$.09 to reflect increases made effective September 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 3, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 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: Thirty-one days after filing.

October 28, 2002

Wanda Emmick
for 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)) 46.06	\$((43.68)) 44.79	\$((43.68)) 44.79
Level 2	\$((47.84)) 49.28	\$((50.05)) 51.52	\$((55.42)) 56.97
Level 3	\$((55.40)) 57.07	\$((57.80)) 59.51	\$((63.96)) 65.76
Level 4	\$((66.66)) 68.15	\$((70.52)) 72.07	\$((76.67)) 78.31

PERMANENT

*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	\$ 54.84	\$ 56.35	\$ 61.03
Level 2	\$ 61.14	\$ 62.92	\$ 68.52
Level 3	\$ 67.54	\$ 69.90	\$ 76.46

*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.

NEW SECTION

WAC 388-105-0040 What are the daily capital add-on rates for assisted living facilities (ALF) and the ALF 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	\$ 59.52	\$ 60.74	\$ 65.87
Level 2	\$ 65.82	\$ 67.31	\$ 73.36
Level 3	\$ 72.22	\$ 74.29	\$ 81.30

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima Counties.

WSR 02-22-059
PERMANENT RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF
 [Filed November 1, 2002, 11:37 a.m.]

Date of Adoption: October 2, 2002.

Purpose: To implement ESSB 6558, chapter 209, Laws of 2002, changes to governance.

Citation of Existing Rules Affected by this Order: Amending WAC 148-100-001.

Statutory Authority for Adoption: RCW 72.42.041.

Adopted under notice filed as WSR 02-17-002 on August 8, 2002.

Changes Other than Editing from Proposed to Adopted Version: WAC 148-100-010: Recurring date of regular meetings will be first Wednesday of each month.

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 7, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

PERMANENT

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 17, 2002

Pat Clothier

Chair

AMENDATORY SECTION (Amending WSR 90-16-012, filed 7/19/90, effective 8/19/90)

WAC 148-100-001 Description of organization. (1)

The Washington state school for the deaf is a state agency established and organized under the authority of chapter 72.40 RCW. ~~((The primary purpose of the school is to educate and train hearing impaired children.))~~ The school provides special education and related services to deaf and hearing impaired students pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. secs. 1400 et seq.; and as administered and generally supervised by the superintendent of public instruction under chapter 28A.155 RCW.

(2) ~~The school operates under the direction and control of the superintendent((-) and the board of trustees ((serves as an advisory board to the superintendent and to the legislature and performs various other functions as provided in chapter 72.42 RCW. The school provides consolidated services for the use of the Washington state school for the deaf and the Washington state school for the blind under an interagency agreement. A description of the administrative organization of the school is available at the administrative office of the school)). The school is governed by a nine-member board of trustees, appointed by the governor, which is responsible for performing needed oversight services to the governor and legislature in the development of programs for the hearing impaired and in the operation of the school. The superintendent is the principal administrative officer of the school and shall be responsible for supervision and management of the school and its programs as well as other duties which are prescribed by section 3, chapter 209, Laws of 2002.~~

(3) The administrative office of the school is located at 611 Grand Blvd., Vancouver, Washington 98661. Any person may obtain additional information and make submissions and requests at the administrative office. Additional information concerning organization and educational programs may also be obtained from the school's webpage at <http://www.wsd.wa.gov>.

BYLAWS

NEW SECTION

WAC 148-100-010 Time and place of board meetings. The board of trustees shall hold regular meetings on the first Wednesday of each month pursuant to a schedule established yearly by the board and such special meetings as may be requested by the chair of the board or by a majority of the members of the board and announced in accordance with RCW 42.30.080. A regular meeting may be canceled by action of the board or the board chair.

Meetings of the board shall be at the Washington School for the Deaf, 611 Grand Blvd., Vancouver, Washington 98661, or at such other location as the board may determine.

All regular and special meetings are open to the general public; however, the chair may call an executive session when permitted by law at which members of the general public shall not be present unless invited.

No official business may be conducted by the board of trustees except during a regular or special meeting. No individual member of the board may act on behalf of the board unless specifically instructed by action of the board.

NEW SECTION

WAC 148-100-020 Meetings—Board agenda—Communication. (1) Anyone, other than a board member or a representative of the superintendent's office wishing an item placed on the agenda of a board meeting, must have a written request to the board secretary, superintendent's office, no later than twelve o'clock noon twelve business days before the next scheduled meeting of the board. The secretary will relate the request to the chair of the board as soon as feasible. The chair will determine whether the item is to be placed on the agenda. The chair or designee will notify the individual initiating the request as to whether or not the item will be placed on the agenda.

(2) All materials to be considered by the board must be submitted in sufficient quantities to provide each member of the board and the secretary with appropriate copies. To allow the board to have the benefit of background information and research, the superintendent shall be given an opportunity, whenever possible, to review and evaluate all materials prepared for consideration by the board prior to submission to the board. The superintendent shall also have the opportunity to make recommendations prior to a decision by the board on the matter.

(3) Proposed new policies and/or changes in policy will be presented first to the board of trustees as a report. Board action will usually be taken at a subsequent meeting. If expedient action on the matter would clearly be beneficial to the school, the board may consider taking action at the time the policy is first presented to the board.

(4)(a) Each regular meeting of the board shall provide members of the public an opportunity to address the board on any item of business. Groups and individuals are to submit their statements in writing to the board secretary, superintendent's office, whenever possible no less than two weeks prior to the time of the meeting. The board encourages groups to designate a spokesperson to address the board on their behalf.

(b) The chair of the board reserves the right to determine time limits on statements and presentations.

(c) The intent of the board shall be to provide equal time for opposing presentations. The chair also maintains the right to regulate the subject matter of that which may be presented or discussed at the open meeting including, but not limited to, matters which are the subject of current or pending grievances or adjudicative or disciplinary proceedings. Matters for consideration, discussion, and/or debate will be limited to the extent allowed by the Open Public Meetings Act, chapter 42.30 RCW.

NEW SECTION

WAC 148-100-030 Officers of the board. (1) At the first regular meeting of the board each fiscal year, the board shall elect from its membership, a chair and vice-chair to serve for the ensuing year. In addition, the superintendent of the Washington school for the deaf shall serve as secretary to the board of trustees. The secretary may, at his or her discretion, appoint the executive assistant to the superintendent to act as recording secretary for all regular and special meetings of the board.

(2) The chair shall preside at each regular or special meeting of the board, sign all legal and official documents recording action of the board, and review the agenda prepared for each meeting of the board. The chair shall, while presiding at official meetings, have full right of discussion and vote.

(3) The vice-chair shall act as chair of the board in the absence of the chair.

(4) In case of the absence of the chair and vice-chair from any meeting of the board of trustees or in case of the inability of both of the two to act, the board of trustees shall elect for the meeting a chair pro tempore, and may authorize such chair pro tempore to perform the duties and acts authorized or required by said chair or vice-chair to be performed, as long as the inability of these said officers to act may continue.

(5) The secretary of the board shall, in addition to any duties imposed by law or the governor, keep the official seal of the board, maintain all records of meetings and other official action of the board.

(6) The secretary shall also be responsible for board correspondence, compiling the agenda of meetings, and distributing the minutes of the meetings and related reports.

(7) The secretary, or his or her designee, must attend all regular and special meetings of the board, and official minutes must be kept of all such meetings except in executive sessions.

NEW SECTION

WAC 148-100-040 Records of board action. All business transacted in official board meeting shall be recorded in minutes and filed for reference. Records are kept in the office of the secretary of the board.

NEW SECTION

WAC 148-100-050 Revision of bylaws. (1) The board of trustees may adopt bylaws to govern its operations. A record of these bylaws shall be maintained in the office of the president.

(2) Bylaws of the board may be revised by majority vote of the board, provided such changes are proposed at least one meeting prior to the meeting at which the vote is taken. Bylaws may be revised by unanimous vote of the board at the same meeting at which the revision is originally proposed.

RULES COORDINATORNEW SECTION

WAC 148-100-200 Rules coordinator. The rules coordinator for the Washington school for the deaf as designated by the board of trustees is:

Superintendent
Washington School for the Deaf
611 Grand Blvd.
Vancouver, Washington 98661

WSR 02-22-065**PERMANENT RULES****SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed November 1, 2002, 4:10 p.m.]

Date of Adoption: October 9, 2002.

Purpose: These rules revise the state funding formula for averaging the mix factor (education and experience) of certificated instructional staff in the 2002-03 school year and thereafter.

Citation of Existing Rules Affected by this Order: Amending WAC 392-121-205, 392-121-206, 392-121-215, 392-121-220, 392-121-245, 392-121-255, 392-121-257, 392-121-259, 392-121-262, and 392-121-270 - 392-121-400.

Statutory Authority for Adoption: RCW 28A.150.-290(1).

Other Authority: Section 503 (1)(b) of the 2002 supplemental budget.

Adopted under notice filed as WSR 02-18-041 on August 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 2, Amended 15, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 15, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 15, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 30, 2002

Dr. Terry Bergeson
Superintendent of
Public Instruction

PERMANENT

AMENDATORY SECTION (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

WAC 392-121-205 Definition—District certificated instructional employee. As used in this chapter, "district certificated instructional employee" means any district certificated employee (~~((except one))~~) who is employed (~~((solely))~~) in whole or part as one or more of the following:

(1) ~~((Chief executive officer, chief administrative officer, or confidential employee within the meaning of RCW 41.59.020(4);~~

~~(2) Principal, assistant principal, and any person hired in any manner to fill a position designated as, or which is in fact, that of principal or assistant principal;~~

~~(3) Other district administrator, which means an employee, including an administrative assistant, director, or coordinator of a district-wide program, who directs staff members and/or manages a function, a program, or a support service in a school district; and~~

~~(4) Other school administrator, which means an employee including an administrative assistant, administrative intern, or supervisor of a school program, who directs staff members or manages a function, a program, or a support service in a school.)~~ An elementary, secondary or other teacher who instructs pupils in classes or courses;

(2) An educational staff associate who assists, evaluates, counsels, or instructs students in a manner consistent with the employee's educational staff associate certificate; or

(3) Other certificated staff assigned to the 300 or 400 series duty codes as defined in the S-275 personnel reporting instructions.

AMENDATORY SECTION (Amending Order 99-01, filed 3/25/99, effective 4/25/99)

WAC 392-121-206 Definition—Contractor certificated instructional employee. As used in this chapter, "contractor certificated instructional employee" means a contractor certificated employee who:

(1) Is employed by a contractor, pursuant to WAC (~~((392-121-288))~~) 392-121-188, to serve students claimed for basic education funding by a school district; and

(2) Is employed as one or both of the following:

(a) An elementary, secondary or other teacher who instructs pupils in classes or courses; or

(b) An educational staff associate who assists, evaluates, counsels, or instructs students in a manner consistent with the employee's educational staff associate certificate.

NEW SECTION

WAC 392-121-212 Definition—Full-time equivalent (FTE) certificated instructional staff. As used in this chapter, "full-time equivalent (FTE) certificated instructional staff" means the number of staff units determined as follows:

(1) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services as a certificated instructional employee for not less than 180 full work days shall be counted as one FTE.

(2) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for 180 partial days as a certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to three decimal places obtained by dividing that part of the day worked by the full day as determined by the district.

(3) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 full work days as a certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to three decimal places obtained by dividing the number of work days contracted for by 180: Provided, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used as the divisor.

(4) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 partial days as a certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to three decimal places obtained by dividing the part of the day worked by the full day as determined by the district and then multiplying the result by the ratio of work days contracted for by 180: Provided, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used in place of 180 in the ratio.

(5) No employee shall be counted as more than one full-time equivalent certificated staff unit.

(6) The length of a full work day as used in this section shall be determined by the district.

(7) As used in this section, contracts to provide services as a certificated instructional employee shall exclude supplemental contract services as defined under RCW 28A.400.200(4).

AMENDATORY SECTION (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

WAC 392-121-215 Definition—Full-time equivalent (FTE) basic education certificated instructional staff. As used in this chapter, "full-time equivalent (FTE) basic education certificated instructional staff" means the number of staff units determined as follows:

(1) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services as a basic education certificated instructional employee for not less than 180 full work days shall be counted as one FTE.

(2) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for 180 partial days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient to ~~((the nearest thousandth))~~ three decimal places obtained by dividing that part of the day worked by the full day as determined by the district.

(3) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 full work days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to ~~((the nearest thou-~~

~~and~~ ~~th~~) three decimal places obtained by dividing the number of work days contracted for by 180: Provided, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used as the divisor.

(4) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 partial days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient ~~((to the nearest thousandth))~~ rounded to three decimal places obtained by dividing the part of the day worked by the full day as determined by the district and then multiplying the result by the ratio of work days contracted for to 180: Provided, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used in place of 180 in the ratio.

(5) No employee shall be counted as more than one full-time equivalent basic education certificated staff unit.

(6) The length of a full work day as used in this section shall be determined by the district.

(7) As used in this section, contracts to provide services as a basic education certificated instructional employee shall exclude supplemental contract services as defined under RCW 28A.400.200(4).

NEW SECTION

WAC 392-121-217 Definition—Institutional education certificated instructional employee—Full-time equivalent institutional education certificated instructional staff. As used in this chapter, "institutional education certificated instructional employee" and "full-time equivalent institution education certificated instructional staff" means a certificated instructional employee and full-time equivalent of certificated instructional employees assigned to the following programs:

(1) 26 Special Education—Institutions—State;

(2) 56 State Institutions, Centers and Homes—Delinquent.

AMENDATORY SECTION (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

WAC 392-121-220 Definition—S-275 reporting process. As used in this chapter, "S-275 reporting process" means the electronic personnel reporting process which is defined annually by the superintendent of public instruction.

~~((1) For the 1994-95 school year, this reporting process shall include only certificated individuals employed by the district as of October 1 of the school year.~~

~~(2) For the 1995-96 school year and thereafter))~~ This reporting process shall include individuals who are known as of October 1 to be:

~~((a))~~ (1) District employees with a contract for certificated employment to provide services during the period September 1 through August 31;

~~((b))~~ (2) Classified employees, employed by the district to provide services during the period September 1 through August 31; and

~~((c) Agency))~~ (3) Contractor certificated instructional employees, contracted to provide services during the period September 1 through August 31.

AMENDATORY SECTION (Amending Order 97-07, filed 11/5/97, effective 12/6/97)

WAC 392-121-245 Definition—Certificated years of experience. Regardless of the experience factors used by a school district for the purposes of its salary schedule(s), as used in this chapter, the term "certificated years of experience" means the number of years of accumulated full-time and part-time professional education employment prior to the current reporting school year in the state of Washington, out-of-state, and a foreign country. School districts shall report all certificated years of experience including those beyond the experience limit of the school district's salary schedule.

(1) Professional education employment shall be limited to the following:

(a) Employment in public or private preschools or elementary and secondary schools in positions which require certification where:

(i) Schools include the Centrum education program, the Pacific Science Center education program, and educational centers authorized under chapter 28A.205 RCW;

(ii) Certification means the concurrent public professional education licensing requirements established in the state, province, country, or other governmental unit in which employment occurred and which, for the state of Washington, refers to the certificates authorized by WAC 180-79A-140 and temporary permits authorized by WAC 180-79A-128;

(b) Employment in public or private vocational-technical schools, technical colleges, community/junior colleges, colleges, and universities in positions comparable to those which require certification in Washington school districts;

(c) Employment in a governmental educational agency with regional administrative responsibilities for preschool, elementary, and/or secondary education including but not limited to an educational service district, office of the superintendent of public instruction, or United States department of education in any professional position including but not limited to C.P.A., architect, business manager, or physician;

(d) Experience in the following areas:

(i) Military, Peace Corps, or Vista service which interrupted professional education employment included in (a), (b), or (c) of this subsection; and

(ii) Sabbatical leave.

(e) For nondegreed vocational instructors, up to a maximum of six years of management experience as defined in WAC 180-77-003 acquired after the instructor meets the minimum vocational certification requirements established in WAC 180-77-041 (1)(a). If a degree is obtained while employed in the state of Washington as a nondegreed vocational instructor, the eligible years of management experience pursuant to this subsection reported on Report S-275

prior to the awarding of the degree shall continue to be reported but shall not increase.

(2) Years of full-time and part-time professional education employment prior to the current reporting school year are accumulated as follows:

(a) For each professional education employment which is not employment as a casual substitute pursuant to subsection (1)(a) of this section;

(i) Determine the total number of hours per year for an employee working full-time with each employer;

(ii) Determine the number of hours per year with each employer excluding unpaid leave;

(iii) Calculate the quotient of the hours determined in (a)(ii) of this subsection divided by the hours in (a)(i) of this subsection rounded to two decimal((s)) places for each year.

(b) For professional education employment as a casual substitute pursuant to subsection (1)(a) of this section:

(i) Determine the total number of full-time equivalent substitute days per year;

(ii) Calculate the quotient of full-time equivalent days determined in (b)(i) of this subsection divided by 180 rounded to two decimal((s)) places for each year.

(c) No more than 1.0 year may be accumulated in any traditional nine-month academic year or any twelve-month period.

(i) Accumulate, for each year, professional education employment calculated in (a)(iii) and (b)(ii) of this subsection.

(ii) Determine the smaller of the result in (c)(i) of this subsection or 1.00 for each year.

(d) Determine certificated years of experience as the accumulation of all years of professional education employment calculated in (c)(ii) of this subsection and report such years (~~to the nearest tenth~~) rounded to one decimal place.

AMENDATORY SECTION (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

WAC 392-121-255 Definition—Academic credits. As used in this chapter, "academic credits" means credits determined as follows:

(1) Credits are earned after the awarding or conferring of the employee's first bachelor's degree;

(2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter;

(3) Credits are earned from a regionally accredited institution of higher education: Provided, That credits, determined eligible pursuant to subsections (1), (2), (4) and (6) of this section, earned from any other accredited community college, college, or university and reported on Form S-275 on or before December 31, 1992, shall continue to be reported;

(4) Credits are transferrable or applicable to a bachelor's or more advanced degree program: Provided, That for educational courses which are the same or identical no more credits for that educational course than are transferrable or applicable to a bachelor's or more advanced degree program at that institution shall be counted;

(5) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262;

(6) Credits are not counted as in-service credits pursuant to WAC 392-121-257 or nondegree credits pursuant to WAC 392-121-259;

(7) The number of credits equals the number of quarter hours, units or semester hours each converted to quarter hours earned pursuant to this section; and

(8) Accumulate credits (~~to the nearest tenth~~) rounded to one decimal place.

AMENDATORY SECTION (Amending Order 97-07, filed 11/5/97, effective 12/6/97)

WAC 392-121-257 Definition—In-service credits. As used in this chapter, "in-service credits" means credits determined as follows:

(1) Credits are earned:

(a) After August 31, 1987; and

(b) After the awarding or conferring of the employee's first bachelor's degree.

(2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter.

(3) Credits are earned in either:

(a) A locally approved in-service training program which means a program approved by a school district board of directors, and meeting standards adopted by the state board of education pursuant to the standards in WAC 180-85-200 and the development of which has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040; or

(b) A state approved continuing education program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the state board of education pursuant to chapter 180-85 WAC.

(4) Credits are not earned for the purpose of satisfying the requirements of the employee's next highest degree.

(5) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.

(6) Credits are not counted as academic credits pursuant to WAC 392-121-255 or nondegree credits pursuant to WAC 392-121-259.

(7) Ten locally approved in-service or state approved continuing education credit hours defined in WAC 180-85-030 equal one in-service credit.

(8) Each forty hours of participation in an approved internship with a business, industry, or government agency pursuant to chapter 180-83 WAC equals one in-service credit.

(a) No more than two in-service credits may be earned as a result of an internship during any calendar-year period.

(b) Each individual is limited to a maximum of fifteen in-service credits earned from internships.

(9) Accumulate credits (~~to the nearest tenth~~) rounded to one decimal place.

AMENDATORY SECTION (Amending Order 97-07, filed 11/5/97, effective 12/6/97)

WAC 392-121-259 Definition—Nondegree credits. As used in this chapter, "nondegree credits" means credits recognized for nondegreed (~~(basic education)~~) certificated instructional employees as follows:

(1) Zero credits shall be recognized for persons holding a valid certificate other than a certificate included in subsection (2) or (3) of this section.

(2) Thirty credits shall be recognized for persons holding a valid continuing or standard school nurse certificate.

(3) Persons holding valid vocational certificates as provided for in chapter 180-77 WAC shall accumulate recognized credits as follows:

(a) One credit for each ~~((ten clock hours of vocational educator training meeting the requirements of WAC 180-77-003(2), (9), or (12)))~~ one hundred clock hours of occupational experience as defined in WAC 180-77-003(7) such that each calendar year is limited to a maximum of twenty credits. Clock hours of occupational experience used in determining nondegree credits must be earned after meeting the minimum vocational certification requirements as established in WAC 180-77-041(1)(a).

(b) One credit for each ~~((one hundred clock hours of occupational experience as defined in WAC 180-77-003(7) such that each calendar year is limited to a maximum of twenty credits.~~

(c) ~~Clock hours used in determining credits in (a) and (b) of this subsection must be earned after meeting the minimum vocational certification requirements as established in WAC 180-77-041(1))~~ ten clock hours of vocational educator training meeting the requirements of WAC 180-77-003(2), (9), or (12). Clock hours of vocational educator training used in determining nondegree credits must be earned after meeting the minimum vocational certification requirements as established in WAC 180-77-041(1)(b) and (c).

(4) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.

(5) Accumulate credits ~~((to the nearest tenth))~~ rounded to one decimal place.

AMENDATORY SECTION (Amending Order 97-07, filed 11/5/97, effective 12/6/97)

WAC 392-121-262 Definition—Additional criteria for all credits. Credits earned after September 1, 1995, must satisfy the following criteria in addition to those found in WAC 392-121-255, 392-121-257, and 392-121-259:

(1) At the time credits are recognized by the school district the content of the course must meet at least one of the following:

(a) It is consistent with a school-based plan for mastery of student learning goals as referenced in RCW ~~((28A.320-205))~~ 28A.655.110, the annual school performance report, for the school in which the individual is assigned;

(b) It pertains to the individual's current assignment or expected assignment for the following school year;

(c) It is necessary for obtaining endorsement as prescribed by the state board of education;

(d) It is specifically required for obtaining advanced levels of certification; or

(e) It is included in a college or university degree program that pertains to the individual's current assignment or potential future assignment as a certificated instructional staff;

(2) Credits which have been determined to meet one or more of the criteria in subsection (1) of this section shall continue to be recognized in subsequent school years and by subsequent school district employers; and

(3) Credits not recognized in a school year may be recognized in a subsequent school year if there is a change in the qualifying criteria such as a change in state board of education rules, a change in the district's strategic plan, a change in the school-based plan for the school in which the individual is assigned, a change in the individual's assignment, or a change in the individual's employer.

AMENDATORY SECTION (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

WAC 392-121-270 Placement of ~~((basic education))~~ certificated instructional employees on LEAP salary allocation documents. Each ~~((basic education))~~ certificated instructional employee shall be placed on LEAP salary allocation documents based on the employee's ~~((certificated years of experience,))~~ highest degree level, ~~((and))~~ total eligible credits, and certificated years of experience each defined in this chapter provided that:

(1) If an employee holds more than one degree of the same level, additional credits shall be counted after the first degree.

(2) An employee whose highest degree is a bachelor's degree, whose total eligible credits are ninety or greater, and whose total eligible credits earned prior to January 1, 1992, were less than one hundred thirty-five shall be placed on the BA + 90 column.

(3) An employee whose highest degree level is nondegreed shall be placed on the BA columns except that such persons holding valid vocational certificates with one hundred thirty-five or more eligible credits shall be placed on the MA + 0 column.

(4) A vocational instructor who obtains a bachelor's degree while employed in the state of Washington as a non-degreed vocational instructor and for whom one hundred thirty-five or more eligible credits determined pursuant to WAC 392-121-259 were reported on Report S-275 prior to the awarding of that bachelor's degree shall continue to be placed on the MA+ 0 column and shall not advance to any other column unless a master's degree is obtained.

(5) For placement on LEAP salary allocation documents, total eligible credits and certificated years of experience ~~((and total eligible credits))~~ shall be rounded to the nearest whole number. One-half credit or year ~~((or credit))~~ shall be rounded to the next highest credit or year ~~((or credit))~~.

AMENDATORY SECTION (Amending Order 97-07, filed 11/5/97, effective 12/6/97)

WAC 392-121-280 Placement on LEAP salary allocation documents—Documentation required. School districts shall have documentation on file and available for review which substantiates each ((~~basic education~~)) certificated instructional employee's placement on LEAP salary allocation documents. The minimum requirements are as follows:

(1) Districts shall document the date of awarding or conferring of the highest degree including the date upon which the degree was awarded or conferred as recorded on the diploma or transcript from the registrar of the regionally accredited institution of higher education.

(a) If the highest degree is a master's degree, the district shall also document the date of awarding or conferring of the first bachelor's degree.

(b) If the degree was awarded by an institution which does not confer degrees after each term, and all degree requirements were completed at a time other than the date recorded on the diploma or transcript, a written statement from the registrar of the institution verifying a prior completion date shall be adequate documentation.

(c) If the degree program was completed in a country other than the United States documentation must include a written statement of degree equivalency for the appropriate degree from a foreign credentials' evaluation agency approved by the office of superintendent of public instruction.

(2) Districts shall document academic credits by having on file a transcript from the registrar of the regionally accredited institution of higher education granting the credits. For purposes of this subsection:

(a) An academic credit is deemed "earned" at the end of the term for which it appears on the transcript: Provided, That a written statement from the registrar of the institution verifying a prior earned date may establish the date a credit was earned;

(b) Washington state community college credits numbered one hundred and above are deemed transferable for purposes of WAC 392-121-255(4) subject to the limitations of that same subsection;

(c) Credits are not deemed "earned" at an institution of higher education which transfers-in credits. Such credits must be documented using a transcript from the initial granting institution and are subject to all the limitations of WAC 392-121-255; and

(d) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(3) Districts shall document in-service credits;

(a) By having on file a document meeting standards established in WAC 180-85-107; and

(b) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of

the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(4) Districts shall document nondegree credits.

(a) For vocational educator training credits pursuant to WAC 392-121-259(3) districts shall have on file a document meeting standards established in WAC 180-85-107 and evidence that the training was authorized pursuant to WAC 180-77-003 (2), (9), or (12).

(b) For credits calculated from converted occupational experience pursuant to WAC 392-121-259(3) districts shall have on file documents which provide:

(i) Evidence that the occupational experience meets the requirements of WAC 180-77-003(7);

(ii) Evidence of the individual's actual number of hours of employment for each year including dates of employment; and

(iii) The district calculation of converted credits pursuant to WAC 392-121-259(3).

(c) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(5) Districts shall document certificated years of experience as follows:

(a) For certificated years of experience obtained and reported on Report S-275 prior to the 1994-95 school year districts shall have on file documents that provide evidence of employment including dates of employment.

(b) For certificated years of experience reported on Report S-275 for the first time after the 1993-94 school year districts shall have on file:

(i) The total number of hours per year for an employee working full-time with each employer;

(ii) The number of hours per year and dates of employment with each employer excluding unpaid leave: Provided, That documentation of hours in excess of one full-time certificated year of experience in any twelve-month period is not required;

(iii) The quotient of the hours determined in (b)(ii) of this subsection divided by the hours in (b)(i) of this subsection rounded to two decimal((s)) places for each year;

(iv) The name and address of the employer;

(v) For those counting out-of-district experience pursuant to WAC ((~~392-121-245~~)) 392-121-264 (1)(a), evidence whether or not the position required professional education certification pursuant to WAC ((~~392-121-245~~)) 392-121-264 (1)(a)(ii);

(vi) For those counting experience pursuant to WAC ((~~392-121-245~~)) 392-121-264 (1)(b), a brief description of the previous employment which documents the school district's decision that the position was comparable to one requiring certification in the Washington school districts;

(vii) For those counting management experience pursuant to WAC ((~~392-121-245~~)) 392-121-264 (1)(e), evidence

that the experience meets the requirements of WAC 180-77-003(6).

(6) Any documentation required by this section may be original or copies of the original: Provided, That each copy is subject to school district acceptance or rejection.

(7) The falsification or deliberate misrepresentation, including omission of a material fact concerning degrees, credits, or experience by an education practitioner as defined in WAC 180-87-035 shall be deemed an act of unprofessional conduct pursuant to WAC 180-87-050. In such an event the provisions of chapters 180-86 and 180-87 WAC shall apply.

AMENDATORY SECTION (Amending Order 95-09, filed 10/18/95, effective 11/18/95)

WAC 392-121-295 Definition—District average certificated instructional staff mix factor (~~for basic education certificated instructional staff~~)). As used in this chapter, "district average certificated instructional staff mix factor (~~for basic education certificated instructional staff~~)" means the number rounded to five decimal places determined as follows:

(1) Assign a staff mix factor to each (~~basic education~~) certificated instructional employee excluding institutional education employees by placing the employee on the appropriate LEAP salary allocation document pursuant to WAC 392-121-270;

(2) Multiply the result by the full-time equivalency for the time each employee meets the definition of full-time equivalent (~~basic education~~) certificated instructional employee pursuant to WAC (~~392-121-215~~) 392-121-212 excluding only full-time equivalent institutional education staff;

(3) Sum the results obtained in subsection (2) of this section for all (~~basic education~~) certificated instructional employees of the school district excluding institutional education employees; and

(4) Divide the result by the district's total full-time equivalent (~~basic education~~) certificated instructional staff excluding full-time equivalent institutional education staff.

(5) For the purpose of this section (~~basic education~~) certificated instructional staff are those employed by the school district as of October 1 of the school year as reported to the superintendent of public instruction on Report S-275.

AMENDATORY SECTION (Amending Order 51, filed 1/2/91, effective 2/2/91)

WAC 392-121-299 Determination of district average (~~basic education~~) certificated instructional staff salary for the purpose of apportionment. Each school district's average (~~basic education~~) certificated instructional staff salary for the purpose of apportioning state general fund moneys to school districts pursuant to RCW 28A.150.250 and 28A.150.260 shall be determined by the superintendent of public instruction as provided in the biennial Operating Appropriations Act using definitions and procedures provided in this chapter.

AMENDATORY SECTION (Amending Order 92-15, filed 11/16/92, effective 12/17/92)

WAC 392-121-400 Apportionment of basic education moneys. From the basic education moneys appropriated to the superintendent of public instruction, the superintendent shall allocate moneys as follows:

(1) Allocations shall be made pursuant to chapter 28A.150 RCW, the state Operating Appropriations Act, and this chapter.

(2) Allocations shall be made in twelve monthly payments during the school year pursuant to RCW 28A.510.250 to each school district operating a program approved by the state board of education.

(a) Initial monthly payments shall be based on estimates of such data as the superintendent of public instruction deems necessary to commence payment for the school year, such estimates to be submitted by school districts to the educational service districts or superintendent of public instruction on forms provided by the superintendent of public instruction. The latest date on which a school district may make changes in these data shall be the date on which the school district files its budget with the educational service district.

(b) As the school year progresses, monthly payments to school districts shall be adjusted to reflect actual full-time equivalent students enrolled, district average (~~basic education~~) certificated instructional staff salary (~~per placement on the statewide salary allocation schedule~~) for purpose of apportionment, other school district characteristics, deductible revenues and such other data as are deemed necessary by the superintendent and reported by school districts and other governmental agencies on forms provided or approved by the superintendent of public instruction.

NEW SECTION

The following section of the Washington Administrative Code is recodified as follows:

Old WAC Number	New WAC Number
392-121-245	392-121-264

**WSR 02-22-079
PERMANENT RULES
STATE BOARD OF HEALTH**

[Filed November 5, 2002, 8:17 a.m., effective January 1, 2003]

Date of Adoption: October 9, 2002.

Purpose: In response to requests from local health agencies, increase the application fee for food worker cards from eight to ten dollars. WAC 246-217-025 sets the requirements for food worker training programs and exams; card description and issuance; and the application fee. Chapter 69.06 RCW requires the fee to be uniform throughout the state.

Citation of Existing Rules Affected by this Order: Amending WAC 246-217-025.

Statutory Authority for Adoption: Chapter 69.06 RCW.

Adopted under notice filed as WSR 02-18-031 on August 26, 2002.

PERMANENT

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: January 1, 2003.

November 4, 2002

Don Sloma

Executive Director

AMENDATORY SECTION (Amending WSR 99-13-019, filed 6/7/99, effective 7/8/99)

WAC 246-217-025 Issuance of food worker cards—

Fees. (1) In order to qualify for issuance of an initial or renewal food worker card, an applicant must demonstrate his/her knowledge of safe food handling practices by satisfactorily completing an examination conducted by the local health officer or designee.

(2) Each applicant for a food worker card must pay a fee in the amount of ((eight)) ten dollars. The fee shall be used by the jurisdictional health department or designee to defray the costs of food worker training and education, administration of the program, and testing of applicants. Photographic identification may be required at the time of application.

(3) The local health officer or designee shall furnish to the applicant a copy of the latest edition of the "*Food and Beverage Service Workers' Manual*" or similar publication, as prepared or approved by the department.

(4) Effective January 1, 2000, prior to conducting the examination of the applicant(s), the health officer (or designee) shall provide at least thirty minutes of instruction, including both audio and visual presentations. Instruction content shall include topics related to safe food preparation, storage and service. At a minimum, topics shall include: Food borne illness overview; basic bacteriology as it relates to food borne illness; proper cooking, hot holding, cold holding and cooling of potentially hazardous foods; cross-contamination prevention; and proper hand washing techniques.

(5) The food worker card examination will be uniform statewide and will be prepared by and/or approved by the department; except that jurisdictional health departments may include additional questions to address local health concerns. The examination will cover topics identified in subsection (4) of this section, as required instruction topics. An exam must be approved by the department prior to its use. To pass the examination the applicant must answer at least eighty percent of the questions correctly.

(6) Upon payment of the required fee and the applicant's satisfactory completion of the examination, the applicant will receive the food worker card.

(7) A copy of the card or the applicable information shall be kept on file at the jurisdictional health department.

(8) Copies of food worker cards for all employed food service workers shall be kept on file by the employer or kept by the employee on his or her person and open for inspection at all times by authorized public health officials.

(9) All food worker cards shall be issued and signed by the local health officer. The local health officer may contract with persons to provide the required training or testing within his/her jurisdiction. The contracts shall include test security provisions so that test questions, scoring keys, and other examination data are exempt from public disclosure to the same extent as records maintained by state or local government agencies.

(10) The health officer or designee shall make test accommodations in accordance with the Americans with Disabilities Act for those requesting such accommodations.

WSR 02-22-082

PERMANENT RULES

BOARD OF ACCOUNTANCY

[Filed November 5, 2002, 9:47 a.m., effective December 31, 2002]

Date of Adoption: October 25, 2002.

Purpose: To include firm owners in the confidentiality requirements and, while requiring CPAs to maintain information as confidential, ensure a client-relationship is not established by way of preengagement discussions with prospective clients.

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-640 Clients' confidential information.

Statutory Authority for Adoption: RCW 18.04.055(2).

Adopted under notice filed as WSR 02-17-049 on August 15, 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: December 31, 2002.

October 29, 2002

Dana M. McInturff, CPA

Executive Director

AMENDATORY SECTION (Amending WSR 93-22-046, filed 10/28/93, effective 11/28/93)

WAC 4-25-640 Clients' confidential information. (1)

The term "client" as used throughout this section includes former and current clients. For purposes of this section, a client relationship has been formed when confidential information has been disclosed by a prospective client in an initial interview to obtain or provide professional services.

~~(2) Confidential client communication. ((The term "client" as used throughout this section shall include a former, current, or prospective client.))~~ A licensee ~~((or any partner, officer, shareholder)),~~ firm owner, or employee of a licensee ~~((shall))~~ must not without the consent of the client or the heirs, successors or personal representatives of the client disclose any confidential communication or information pertaining to the client obtained in the course of performing professional services.

This rule does not:

(a) Affect in any way a licensee's, firm owner's, or employee's obligation to comply with a ~~((validly))~~ lawfully issued subpoena or summons ~~((enforceable by order of a court)); ((or))~~

(b) Prohibit disclosures in the course of a quality review of a licensee's ~~((professional))~~ attest services; ~~((or))~~

(c) Preclude a licensee, firm owner, or employee from responding to any inquiry made by the board or any investigative or disciplinary body established by law or formally recognized by the board. However, a licensee ~~((or any partner, officer, shareholder)),~~ firm owner, or employee of a licensee ~~((shall))~~ must not disclose or use to their own advantage any confidential client information that comes to their attention in carrying out their official responsibilities; or

(d) Preclude a review of client information in conjunction with a prospective purchase, sale, or merger of all or part of a CPA's practice.

~~((2))~~ (3) Client records. ~~((A licensee shall))~~ Licensees and firm owners must furnish to ~~((his or her))~~ their client or heirs, successors or personal representatives, upon request and reasonable notice:

(a) A copy of the licensee's or firm owner's working papers, including electronic documents, to the extent that such working papers include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client, that the licensee or firm owner removed from the client's premises or received for the client's account, including electronic documents; but the licensee or firm owner may make and retain copies of such documents of the client when they form the basis for work done by the licensee or firm owner.

Licensees and firm owners must not refuse to return client records, including electronic documents, pending client payment of outstanding fees.

WSR 02-22-083

PERMANENT RULES

BOARD OF ACCOUNTANCY

[Filed November 5, 2002, 9:49 a.m., effective December 31, 2002]

Date of Adoption: October 25, 2002.

Purpose: To remove references to "permits" and "permitholders"; set the fee for a certificateholder to convert to a licensee; increase fee for candidates of another state to take the CPA examination in Washington state; increase fees for applications to take the CPA examination.

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-530 Fees.

Statutory Authority for Adoption: RCW 18.04.055, [18.04].065, [18.04].105 (1)(e) and (3).

Adopted under notice filed as WSR 02-17-050 on August 15, 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 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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: December 31, 2002.

October 29, 2002

Dana M. McInturff, CPA

Executive Director

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-530 Fees. The board shall charge the following fees:

(1) CPA examination applications:	
(a) First-time	\$(264)) <u>284</u>
(b) Reexamination, four sections	\$(239)) <u>259</u>
(c) Reexamination, two sections	\$(172)) <u>182</u>
(d) Reexamination, one section	\$(149)) <u>154</u>
(e) Administration of examination for out-of-state applicants	\$(90)) <u>110</u>

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(2)	((Application for)) <u>Initial</u> individual license, ((permit to)) practice <u>privilege</u> , individual license through reciprocity, or registration as a resident nonlicensee firm owner	\$300
(3)	Renewal of license, certificate, ((permit to)) practice <u>privilege</u> , or registration as a resident nonlicensee firm owner	\$200
(4)	CPA firm license and renewal fee (sole proprietorships with no employees are exempt)	\$200
(5)	Amendment to firm license	\$25
(6)	Copies of records, per page exceeding fifty pages	\$0.50
(7)	Printed listing of CPA exam candidates	\$75
(8)	Computer diskette listing of licensees, certificateholders, ((permitholders)) <u>grants of practice privilege</u> , and registered resident nonlicensee firm owners and CPA exam candidates	\$75
(9)	Applications for reinstatement of license, ((permit to)) practice <u>privilege</u> , certificate, or registration as a resident nonlicensee owner	\$450
(10)	Replacement CPA ((certificates)) <u>wall document</u>	\$50
(11)	Quality assurance review program fee (includes monitoring reviews for up to two years)	\$400
(12)	Late fee	\$100
(13)	Dishonored check fee (including, but not limited to, insufficient funds or closed accounts)	\$35
(14)	<u>Application for certificateholder to convert to a license</u>	\$0

Note: The board may waive late filing fees for good cause.

first time. This will facilitate greater uniformity with the many other states that rely on NASAA guidelines and policies.

Citation of Existing Rules Affected by this Order: Amending WAC 460-16A-205.

Statutory Authority for Adoption: RCW 21.20.450.

Adopted under notice filed as WSR 02-19-092 on September 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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: No rule may be made unless the director of the Department of Financial Institutions finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of chapter 21.20 RCW. The director hereby makes such a finding with respect to this proposal.

Effective Date of Rule: Thirty-one days after filing.

October 31, 2002

Helen P. Howell

Director

WSR 02-22-106
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Securities Division)

[Filed November 6, 2002, 10:54 a.m.]

Date of Adoption: October 23, 2002.

Purpose: The Washington Securities Division used guidelines and policies created by the North American Securities Administrators Association (NASAA) as the basis for regulating certain offerings and licensees. These guidelines and policies are periodically updated and occasionally new guidelines and policies are adopted. This amendment would update Washington's regulations to reflect the latest versions of all previously adopted guidelines. It would also adopt NASAA's risk disclosure guidelines and guidelines for general obligation financing by religious organizations for the

AMENDATORY SECTION (Amending WSR 98-17-013, filed 8/10/98, effective 9/10/98)

WAC 460-16A-205 Adoption of NASAA statements of policy. (1) In order to promote uniform regulation, the administrator adopts the following North American Securities Administrators Association (NASAA) statements of policy for offerings registering pursuant to RCW 21.20.180 or 21.20.210:

- (a) Registration of publicly offered cattle feeding programs, as adopted September 17, 1980;
- (b) Registration of commodity pool programs, as adopted with amendments through August 30, 1990;
- (c) Equipment programs, as adopted with amendments through October 24, 1991;
- (d) Registration of oil and gas programs, as adopted with amendments through October 24, 1991;
- (e) Real estate investment trusts, as adopted with amendments through September 29, 1993;
- (f) Real estate programs, as adopted with amendments through ~~((October 24, 1991))~~ September 29, 1993;

(g) Loans and other material affiliated transactions, as adopted with amendments through November 18, 1997;

(h) Options and warrants, as adopted with amendments through (~~November 18, 1997~~) September 28, 1999;

(i) Registration of direct participation programs - omnibus guidelines, as adopted March 29, 1992;

(j) Mortgage program guidelines, as adopted September 10, 1996;

(k) Church bonds, as adopted (~~April 29, 1981~~) April 14, 2002;

(l) Health care facility offerings, pertaining to the offering of nonprofit health care facility bonds, as adopted April 5, 1985;

(m) Corporate securities definitions, as adopted (~~April 27, 1997~~) September 28, 1999;

(n) Impoundment of proceeds, as adopted with amendments through (~~April 27, 1997~~) September 28, 1999;

(o) Preferred stock, as adopted with amendments through April 27, 1997;

(p) Promotional shares, as adopted (~~November 18, 1997~~) September 28, 1999, except that the term promotional shares shall be limited to those equity securities which were issued within the last three years and that all promotional shares in excess of twenty-five percent of the shares to be outstanding upon completion of the offering may be required to be deposited in escrow absent adequate justification that escrow of such shares is not in the public interest and not necessary for the protection of investors;

(q) Registration of asset-backed securities, as adopted October 25, 1995, except for offerings registering or required to register pursuant to chapter 460-33A WAC or RCW 21.20.705 through 21.20.855;

(r) Promoters' equity investment, as adopted with amendments through April 27, 1997;

(s) Specificity in use of proceeds, as adopted (~~April 27, 1997~~) September 28, 1999;

(t) Underwriting expenses, underwriter's warrants, selling expenses, and selling security holders, as adopted with amendments through (~~April 27, 1997~~) September 28, 1999;

(u) Unsound financial condition, as adopted (~~April 27, 1997~~) September 28, 1999; (~~and~~)

(v) Unequal voting rights, as adopted October 24, 1991;

(w) Guidelines for general obligation financing by religious denominations, as adopted April 17, 1994; and

(x) Risk disclosure guidelines, as adopted September 9, 2001.

(2) An offering registering pursuant to RCW 21.20.180 or 21.20.210 that falls within one or more of the statements of policy listed in subsection (1) of this section must comply with the requirements of said statement of policy or policies.

(3) The statements of policy referred to in subsection (1) of this section are found in *CCH NASAA Reports* published by Commerce Clearing House. Copies are also available at the office of the securities administrator.



WSR 02-20-071

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed September 30, 2002, 9:50 a.m.]

Date of Adoption: September 25, 2002.

Purpose: The purpose of the proposed emergency rules for group receiving centers (GRC), new chapter 388-140 WAC, is to establish licensing standards immediately for facilities providing out-of-home receiving or emergency care to children for up to thirty days. Licensing standards do not currently exist for GRCs. The emergency rules would provide protection for children placed in facilities in emergency situations. Currently, the one group receiving center in operation is licensed under standards that do not accurately or adequately address the program. Children's Administration is working with stakeholders for the permanent adoption of rules appropriate to this type of facility. The client age range and other sections may be modified during the permanent rule making process.

Statutory Authority for Adoption: RCW 74.15.030(2), 74.08.090.

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 licensed a facility as a group care program with several waivers as there are no current licensing standards for a group receiving center. After consulting with the program's assistant attorney general and representatives of the federal IV-E program, we have learned that the approval of waivers jeopardizes federal funds received by Children's Administration to support services to children.

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 125, 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 125, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 25, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-140 WAC

LICENSING STANDARDS
FOR GROUP RECEIVING CENTERS

PURPOSE

NEW SECTION

WAC 388-140-0005 What is the purpose of this chapter? The department issues or denies a license on the basis of compliance with licensing requirements. This chapter defines general and specific licensing requirements for group receiving centers. Unless noted otherwise, these requirements apply to people who want to be licensed or re-licensed to provide care as a group receiving center.

The department is committed to ensuring that children who receive receiving care in a group setting experience health, safety, and well-being. We want these children's experiences to be beneficial to them not only in the short term, but also in the long term. Our licensing requirements reflect our commitment to children.

DEFINITIONS

NEW SECTION

WAC 388-140-0010 What definitions apply to this chapter? The following definitions are important to understand these rules:

"**Abuse or neglect**" means injury, sexual abuse, sexual exploitation, negligent treatment or mistreatment of a child where the child's health, welfare and safety are harmed.

"**Assessment**" means the appraisal or evaluation of a child in terms of his or her physical, mental, and emotional condition.

"**Capacity**" means the maximum number of children that a home or facility is licensed to care for at a given time.

"**Children**" or "**youth**," means individuals who are under eighteen years old, including expectant mothers under eighteen years old.

"**Compliance agreement**" means a written licensing improvement plan to address specific skills, abilities, or other issues of a fully licensed home or facility to maintain and/or increase the safety and well-being of children in their care.

"**DCFS**" means the division of children and family services.

"**DDD**" means the division of developmental disabilities.

"**DSHS**" or "**department**" means the department of social and health services (DSHS).

"**DLR**" means the division of licensed resources.

"**DOH**" means the department of health.

"**Group receiving center**" or "**GRC**" is a facility providing the basic needs of food, shelter, and supervision for more than six children placed by the department, generally for thirty or less days.

EMERGENCY

"Firearms" means guns or weapons, including but not limited to the following: BB guns, pellet guns, air rifles, stun guns, antique guns, bows and arrows, handguns, rifles, and shotguns.

"Full licensure" means an entity meets the requirements established by the state for licensing or approved as meeting state licensing requirements.

"Hearing" means the department's administrative review process.

"I" refers to anyone who operates or owns group receiving center.

"Individual with developmental disabilities" means an individual who meets the eligibility requirements in RCW 71A.10.020 and WAC 388-825-030 for services. A developmental disability is any of the following: Mental retardation, cerebral palsy, epilepsy, autism, or another neurological condition described in WAC 388-825-030. These conditions must originate before the age of eighteen years; be expected to continue indefinitely; and result in a substantial handicap.

"Infants" means children under one year of age.

"License" means a permit issued by the department affirming that a home or facility meets the licensing requirements.

"Licensee" means the name of the individual or legal entity granted the license for a group receiving center.

"Licensor" means a division of licensed resources (DLR) employee at DSHS that:

(1) Approves licenses for group receiving centers; and

(2) Monitors centers to ensure that they continue to meet health and safety requirements.

"Medically fragile" means the condition of a child who has a chronic illness or severe medical disabilities requiring regular nursing visits, extraordinary medical monitoring, or under a physician's care.

"Nonambulatory" means not able to walk.

"Nonmobile" refers to children who are not yet walking, are unable to walk, or unable to use a wheelchair or other device to move about freely.

"Out-of-home placement" means a child's placement in a home or facility other than the child's parent, guardian, or legal custodian.

"Premises" means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"Probationary license" means a license issued as a disciplinary measure to an individual or agency that has previously been issued a full license but is out of compliance with licensing standards.

"Psychotropic medication" means a type of medicine that is prescribed to affect or alter thought processes, mood, sleep, or behavior. These include anti-psychotic, antidepressants and anti-anxiety medications.

"Severe developmental disabilities" means significant disabling, physical and/or mental condition(s) that cause a child to need external support for self-direction, self-support and social participation.

"Service plan" means a description of the services to be provided or performed and who will provide or perform the activities.

"Universal precautions" is a term relating to procedures designed to prevent transmission of blood borne pathogens in health care and other settings. Under universal precautions (sometimes call standard precautions), blood or other potentially infectious materials of all people should always be considered potentially infectious for HIV and other pathogens. Individuals should take appropriate precautions using personal protective equipment like gloves to prevent contact with blood.

"We" or **"our"** refers to the department of social and health services, including DLR licensors and DCFS social workers.

"You" refers to anyone who operates a group receiving center.

GENERAL INFORMATION

NEW SECTION

WAC 388-140-0015 What is a group receiving center? A group receiving center is a facility licensed by the division of licensed resources to provide the basic needs of food, shelter, and supervision for more than six children placed by the department, generally for thirty or less days.

NEW SECTION

WAC 388-140-0020 Which children may I serve? If you are licensed as a group receiving center, you may serve children who meet one of the following conditions:

(1) Need temporary placement after being taken into protective custody by law enforcement or the court;

(2) Need temporary placement awaiting a more permanent placement; or

(3) Need emergency placement during a temporary disruption of a current placement.

NEW SECTION

WAC 388-140-0025 What age children may a center serve? Group receiving centers may provide care for children from age two through seventeen.

NEW SECTION

WAC 388-140-0030 Who may place children at a group receiving center? The department of social and health services, a law enforcement officer, or the court may place children at a group receiving center.

NEW SECTION

WAC 388-140-0035 What hours must a center be open? A group receiving center must be open twenty-four hours a day, seven days a week.

NEW SECTION

WAC 388-140-0040 What are the basic expectations of a group receiving center program? (1) Your group receiving care center must provide a safe and healthy group living environment that meets the developmental needs of the children in your care, including;

- (a) A clean, homelike environment;
- (b) Basic necessities such as adequate food and appropriate clothing;
- (c) Safety; and
- (d) An age-appropriate environment with necessary structure, routine, and rules.

(2) Your center must be staffed with employees who are competent to provide for the safety and needs of the children in your care.

(3) You must provide a written statement that includes your mission, goals, and a description of the services you provide.

NEW SECTION

WAC 388-140-0045 What services are provided or arranged for by the group receiving center? (1) A group receiving center must provide direct receiving care and assessment or an appraisal of a child in terms of his or her physical, mental, and emotional condition.

(2) A group receiving center may provide transportation and/or family support services, such as the supervision of family visits.

NEW SECTION

WAC 388-140-0050 What school arrangements are required? A group receiving center must meet the following requirements for providing education instruction to the children under your care. You must:

- (1) Arrange for transportation for each child in care to travel to school;
- (2) Support each child participating in their education plan; and
- (3) Provide suitable study areas for children under your care.

NEW SECTION

WAC 388-140-0055 Is an orientation for a child required at a center? (1) As part of admission to a center, the staff must give an orientation to children that includes, but is not limited to:

- (a) A description of the program and services;
- (b) The physical facility;
- (c) The department-approved policy that states that youth may not have guns and other weapons, alcohol, tobacco, and drugs within the facility; and
- (d) The department approved policy on client visitation that includes access to the youth's attorney.

(2) Written documentation of this orientation must be in each child's file.

APPLICATION, LICENSING, AND PROGRAM APPROVALNEW SECTION

WAC 388-140-0060 Is a license required? A license is required to provide care to children at a group receiving center.

NEW SECTION

WAC 388-140-0065 How old do I have to be to apply for a license? You must be at least twenty-one years old to apply for a license to provide care to children at a group receiving center.

NEW SECTION

WAC 388-140-0070 What personal characteristics must I have to provide care to children at a center? If you are requesting a license or a position as an employee, volunteer, or intern in a group receiving center, you must:

(1) Demonstrate an understanding, ability, physical health, emotional stability and personality suited to meet the physical, mental, emotional, and social needs of the children under your care.

(2) You must not have been found to have committed abuse or neglect of a child or vulnerable adult, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(3) Be able to furnish the child with a nurturing, respectful, supportive, and responsive environment.

(4) Not have been disqualified by our background check (chapter 388-06 WAC) before having unsupervised access to children.

NEW SECTION

WAC 388-140-0075 What personal information may I be required to provide to be licensed? (1) The department may request additional information at any time and it may include, but is not limited to:

- (a) Substance and alcohol abuse evaluations and/or documentation of treatment;
- (b) Psychiatric evaluations;
- (c) Psycho-sexual evaluations; and
- (d) Medical evaluations and/or medical records.

(2) The applicant/licensees pays for any evaluation requested by the department.

(3) The applicant/licensee must give permission for the licensor to speak with the evaluator/provider before and after the evaluation.

(4) If an applicant or licensee refuses to comply with subsections (1), (2), or (3) above, then DLR may deny the application or revoke the license.

NEW SECTION**WAC 388-140-0080 How do I apply for a license?** (1)

To apply for a group receiving center license, the person or legal entity responsible for the center must send the application form to your licenser at DLR.

(2) With the application form, you must send written verification for each applicant of the following information:

(a) A tuberculosis test or chest X-ray unless you can demonstrate medical or religious reasons prohibiting the test;

Note: Written documentation from your physician that indicates that you are free of the signs and symptoms of tuberculosis may be accepted.

(b) First-aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the children in care; and

(c) HIV/AIDS and blood borne pathogens training including infection control standards.

(3) You must send a completed background check form to your licenser on anyone on the premises having unsupervised access to children who:

(a) Is not a foster child; and

(b) Is at least sixteen years old.

(4) You must send a completed FBI fingerprint form for any individual at your facility who has lived outside Washington state within the last three years and meets subsection (3) above.

NEW SECTION

WAC 388-140-0085 What is required to document completed background checks on staff? You must keep a log of all background check results of employees, volunteers, and interns having unsupervised access to children on the premises of the group receiving center.

NEW SECTION

WAC 388-140-0090 What first aid and cardiopulmonary resuscitation (CPR) training is required? (1) You, your staff, volunteer, intern, or any individual who may at anytime be the sole caregiver at the group receiving center, must have the following current first-aid and CPR training:

(a) Basic standard first aid; and

(b) Approved age-appropriate cardiopulmonary resuscitation (CPR) training provided by an instructor certified in accordance with a nationally recognized standard.

(2) A person with first aid and CPR training must be on the premises of a group receiving center at all times, when children are present.

(3) The CPR training may be waived for persons with a statement from their physician that the training is not advised for medical reasons. However, another person with CPR training must be on the premises when children are present.

(4) You must keep records in your center showing who has completed current first aid and CPR training. This includes copies of the certificate of completion for the training for each staff person.

NEW SECTION

WAC 388-140-0095 What HIV/AIDS and blood borne pathogens training is required? (1) You must provide or arrange for training for yourself, your staff, or any person who may at any time be the sole caregiver at a group receiving center, on infection control, prevention, and transmission of HIV and AIDS and blood borne pathogens.

(2) You must comply with infection control requirements and educational material consistent with the approved current curriculum "Know - HIV/AIDS Prevention Education for Health Care Facility Employees," published by the department of health, office on HIV/AIDS.

(3) Child care workers and anyone else providing direct care to children at a group receiving center must use Universal Precautions (see definitions) when coming in contact with the bodily fluids or secretions of a child.

NEW SECTION

WAC 388-140-0100 How long do I have to complete the licensing application packet? (1) You must complete your licensing application with supporting documents, such as training certificates, within ninety days of first applying for a group receiving center license.

(2) If you fail to meet this deadline and have not contacted your licenser, your licenser may consider your application withdrawn.

(3) If you are applying for a license renewal, you must send the application form to your licenser at least ninety days prior to the expiration of your current license.

NEW SECTION

WAC 388-140-0105 Does the department need to approve the program I offer? (1) The department must approve the program that you have developed for children under your care at group receiving center.

(2) You must send to DLR a detailed written program description outlining assessment, educational, recreational, therapeutic, and other services you will provide to children and their families.

(3) A sample of the schedule of daily activities for children under care must be included with the program description.

NEW SECTION

WAC 388-140-0110 How does the department decide how many children a center may serve? (1) The department approves the number of children that a group receiving center may serve based on an evaluation of these factors:

(a) Physical accommodations in the center;

(b) The number of staff and volunteers available for providing care;

(c) Your skills and the skills of your staff;

(d) The ages and characteristics of the children you are serving;

(e) The evaluation of fire safety by the office of the state fire marshal; and

(f) The evaluation of health and safety by the department of health.

(2) Based on the evaluation, the department may license you for the care of fewer children or different age groups than your facility could house.

NEW SECTION

WAC 388-140-0115 Will the department approve exceptions to the licensing requirements? (1) At its discretion, the department may make exceptions to the licensing requirements for a group receiving center. The exceptions:

- (a) Must only be nonsafety requirements; and
 - (b) Must not compromise the safety and well being of the children receiving care.
- (2) You must make a written request for an exception to the licensing requirements.
- (3) After granting an exception to a licensing requirement, the department may:
- (a) Limit or restrict your license; and/or
 - (b) Require you to enter into a compliance agreement to ensure the safety and well being of the children in your care.
- (4) You must keep a copy of the approved exception and any compliance agreement to the licensing requirements for your files.
- (5) You do not have appeal rights if the department denies your request for an exception to our licensing requirements.

CORRECTIVE ACTION

NEW SECTION

WAC 388-140-0120 Does the department issue probationary licenses? (1) The department may issue a group receiving center a probationary license as part of a corrective action plan with a licensed provider.

(2) The department must base its decision about whether to issue a probationary license on the following:

- (a) Intentional or negligent noncompliance with the licensing rules;
 - (b) A history of noncompliance with the rules;
 - (c) Current noncompliance with the rules;
 - (d) Evidence of a good faith effort to comply; and
 - (e) Any other factors relevant to the specific situation.
- (3) A probationary license may be issued for up to six months. At its discretion, the department may extend the probationary license for an additional six months.

NEW SECTION

WAC 388-140-0125 When is a license denied, suspended or revoked? (1) A group receiving center license must be denied, suspended or revoked if the department decides that you cannot provide care for children in a way that ensures their safety, health and well-being.

(2) The department must disqualify you for any of the reasons that follow:

- (a) Your facility fails to meet the health and safety requirements to receive a certificate of compliance as

required by the department of health and/or office of the state fire marshal.

(b) You have been disqualified by your background check (see chapter 388-06 WAC).

(c) You or your staff have been found to have committed abuse, neglect, or you treat, permit or assist in treating children in your care with cruelty, indifference, or exploitation, unless the department determines that you do not pose a risk to a child's safety, well-being, and long term stability.

(d) You or anyone on the premises had a license denied or revoked from an agency that provided care to children or vulnerable adults.

(e) You try to get a license deceitfully, such as making false statements or leaving out important information on the application.

(f) You commit, permit or assist in an illegal act on the premises of a group receiving center providing care to children.

(g) You are using illegal drugs, or excessively using alcohol and/or prescription drugs.

(h) You knowingly allowed employees or volunteers with false statements on their applications to work at your agency.

(i) You repeatedly lack qualified or an adequate number of staff to care for the number and types of children under your care.

(j) You have refused to allow our authorized staff and inspectors to have requested information or access to your facility, child and program files, and/or your staff and clients.

(k) You are unable to manage the property, fiscal responsibilities, or staff in your agency.

(l) You have failed to comply with the federal and state laws for any Native American children that you have under care.

NEW SECTION

WAC 388-140-0130 Are there any other reasons that could potentially cause me to lose my license? (1) The department may suspend or revoke your group receiving center license if you go beyond the conditions of your license by:

- (a) Having more children than your license allows; or
- (b) Having children with ages different than your license allows.

(2) The department also may suspend or revoke your license if you:

- (a) Fail to provide a safe, healthy and nurturing environment for children under your care; or
- (b) Fail to comply with any of our other licensing requirements.

NEW SECTION

WAC 388-140-0135 What happens when a licensor is notified that a licensee has received a noncompliance support order from the division of child support? (1) The department must suspend a group receiving center license, if the licensor receives a notice from the division of child sup-

port that the licensee is not in compliance with a support order under authority of RCW 43.20A.205 and 74.20A.320.

(2) In this situation, the suspension of a center license, for noncompliance of a support order, would be effective on the date the licensee receives a notice from the licensor.

(3) The license remains suspended until the licensee provides proof that he or she is in compliance with the child support order.

(4) The licensee does not have a right to an administrative hearing based on a suspension of the center license due to noncompliance of a child support order.

NEW SECTION

WAC 388-140-0140 How will the department notify me if my license is denied, suspended, or revoked? (1) The department will send you a certified letter informing you of any decision to deny, suspend or revoke your group receiving center license.

(2) In the letter, the department also will tell you what you may do if you disagree with the decision of the department to deny, suspend or revoke your group receiving center license.

NEW SECTION

WAC 388-140-0145 What may I do if I disagree with the department's decision to deny, suspend or revoke my license? (1) You have the right to appeal any decision the department makes to amend, deny, suspend, or revoke your group receiving center license. The exception is outlined in WAC 388-140-0135 and deals with noncompliance of a child support order.

(2) Your right to appeal and the procedures for that process are outlined in RCW 43.20A.205 and 74.14.130; chapter 34.05 RCW, and chapter 388-02 WAC.

POSTING LICENSE AND REPORTING CHANGES

NEW SECTION

WAC 388-140-0150 Where do I post my license? You must post your group receiving center license where the public can easily view it.

NEW SECTION

WAC 388-140-0155 What changes to my center must I report to my licensor? (1) You must report to your licensor immediately any changes in the original group receiving center licensing application. This includes changes in:

- (a) Your location or designated space, including address;
- (b) Your phone number;
- (c) The maximum number, age ranges, and sex of children you wish to serve; or
- (d) The changes in the structure of your facility or on the premises from events causing damage, such as a fire, or from remodeling.

(2) A license is valid only for the person or organization named on the license at a specific address. If you operate a

group receiving center, you must also report any of the following changes to your licensor:

- (a) A change of your agency's executive director;
- (b) The death, retirement, or incapacity of the person who holds the license;
- (c) A change in the name of a licensed corporation, or the name by which your center is commonly known; or
- (d) Changes in an agency's articles of incorporation and bylaws that apply to the operation or the license of the facility.

FIRE SAFETY

NEW SECTION

WAC 388-140-0160 Must I comply with the requirements of the state fire marshal to receive a license? (1) A group receiving center must comply with the requirements for fire safety of the office of the state fire marshal under WAC 212-12-210.

(2) The office of the state fire marshal will issue a notice of approval for licensing to the licensing agency when you have met their requirements for fire safety.

NEW SECTION

WAC 388-140-0165 Do I need to notify the local fire department of the location of my center? You must notify the local fire department of the location of your group receiving center so that medics and firefighters can easily locate your facility.

NEW SECTION

WAC 388-140-0170 Are local ordinances part of the licensing requirements? (1) Local ordinances (laws), such as zoning regulations and local building codes, are outside the scope of the licensing requirements for a group receiving center.

(2) The department may require you to provide proof that you have met local ordinances.

NEW SECTION

WAC 388-140-0175 Are there fire safety requirements? A group receiving center must comply with the fire safety requirements that follow.

(1) Every sleeping room used by children under care must have at least one operable window or door approved for emergency escape or rescue that must open directly into a public street, public alley, yard, or exit court.

(2) Centers with floors located more than four feet above or below ground (one-half story) must not be used for care of nonmobile children.

(3) Emergency windows must:

- (a) Be operable from the inside to provide a full, clear opening without the use of separate tools;
- (b) Have a minimum net clear open area of 5.7 square feet (0.53 mm);

(c) Have a minimum net clear open height dimension of 24 inches (610 mm);

(d) Minimum net clear open width dimension of 20 inches (508 mm);

(e) Have a finished sill height of not more than 44 inches (1118 mm) above the floor.

(4) No child may occupy a space that is accessible only by a ladder, folding stairs, or a trap door.

(5) Every bathroom door lock must be designed to permit the opening of the locked door from the outside.

(6) Every closet door latch must be designed to open from the inside.

(7) Open-flame devices and fireplaces, heating and cooking appliances, and products capable of igniting clothing must not be left unattended or used incorrectly.

(8) Fireplaces, wood stoves and other heating systems that have a surface hot enough to cause a burn must have a barrier to prevent access by children under age six years.

NEW SECTION

WAC 388-140-0180 What are the requirements for smoke detectors? (1) Group receiving centers licensed for sixteen or more residents must have an approved automatic and manual fire alarm system.

(2) Operation of any fire alarm activating device must automatically, without delay, activate off-site monitoring and signal a general alarm indication and sound an audible alarm throughout the building or affected part of the building.

(3) Group receiving centers licensed for fewer than sixteen persons must have smoke detectors installed in all sleeping room, corridors, and in areas separating use areas from sleeping areas.

(4) Smoke detectors must be installed following the approved manufacturer's instructions.

NEW SECTION

WAC 388-140-0185 What are the requirements for a fire evacuation plan? (1) You must develop a written fire evacuation plan for your group receiving center.

(2) The evacuation plan must include:

(a) An evacuation floor plan, identifying exit doors and windows;

(b) Action that the person discovering a fire must take;

(c) Methods for sounding an alarm on the premises;

(d) Ways to evacuate the building that ensures responsibility for children; and

(e) Action that staff must take while waiting for the fire department.

(3) The plan must be posted at each exit door.

NEW SECTION

WAC 388-140-0190 What fire prevention measures must I take? The department requires that you must take the following fire prevention measures for your group receiving center:

(1) You must assure that furnace rooms are:

(a) Maintained free of lint, grease, and rubbish; and

(b) Suitably isolated, enclosed, or protected.

(2) Flammable or combustible materials must be stored away from exits and in areas that are not accessible to children. Combustible rubbish must not be allowed to collect and must be removed from the building or stored in closed, metal containers away from building exits.

(3) All trash must be removed daily from the building and thrown away in a safe manner outside the building. All containers used for the disposal of waste material must consist of noncombustible materials and have tops.

(4) All electrical motors must be kept free of dust.

(5) Open-flame devices capable of igniting clothing must not be left on, unattended or used in a manner that could result in an accidental ignition of children's clothing.

(6) Candles must not be used.

(7) All electrical circuits, devices and appliances must be properly maintained. Circuits must not be overloaded. Extension cords and multi-plug adapters must not be used in place of permanent wiring and proper outlets.

(8) Fireplaces, woodstoves, and similar devices must be installed and approved according to the rules that were in effect at the time of installation (see the local building permit). These devices must be properly maintained and must be cleaned and certified at least once a year or maintained according to the manufacturer's recommendations.

(9) Separate hazardous areas by at least a "one-hour" fire-resistant wall. Hazardous areas include rooms or spaces containing:

(a) A commercial-type cooking kitchen;

(b) A boiler;

(c) A maintenance shop;

(d) A janitor closet;

(e) A woodworking shop;

(f) A vehicle garage;

(g) Flammable or combustible materials; or

(h) Painting operations.

(10) The department does not require a fire-resistant wall when:

(a) A kitchen contains only a domestic cooking range; and

(b) Food preparation does not produce smoke or grease-laden vapors.

NEW SECTION

WAC 388-140-0195 What are the requirements for fire drills? (1) You must conduct monthly fire drills to test and practice the evacuation procedures.

(2) The monthly fire drill must be conducted on each shift, so that each person providing care to children participates in the drill.

(3) You must consult with and follow the state fire marshal protocol for "mock" fire drills, if you care for nonambulatory children.

(4) You must maintain a written record on the premises that indicates the date and time that drill practices were completed at your group receiving center.

NEW SECTION

WAC 388-140-0200 What fire safety procedures do center staff need to know? You and your staff at a group receiving center must be familiar with:

- (1) Safety procedures related to fire prevention; and
- (2) All aspects of a fire drill.
- (3) You and your staff must be able to:
 - (a) Operate all fire extinguishers installed on the premises;
 - (b) Test smoke detectors (single station types);
 - (c) Conduct frequent inspections of the facility to identify fire hazards; and
 - (d) Correct any hazards noted during the inspection.

NEW SECTION

WAC 388-140-0205 What are the requirements for fire sprinkler systems? (1) Where a sprinkler system is required, a system complying with the uniform building code standards must be installed.

(2) A Washington state licensed fire sprinkler contractor must annually test and certify sprinkler systems installed in a group receiving center for fire prevention.

HEALTH AND ENVIRONMENTNEW SECTION

WAC 388-140-0210 Does a center need approval from the department of health to operate? (1) A group receiving center must receive a certificate of compliance from the department of health before the division of licensed resources (DLR) will issue a group receiving center license.

(2) The department of health (DOH) conducts the health and safety survey. A registered nurse (RN) and/or a public health sanitarian may complete the survey.

NEW SECTION

WAC 388-140-0215 What are the physical structure safety requirements for a center? (1) You must keep the equipment and the physical structures in your group receiving center safe and clean for the children you serve. You must:

- (a) Maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair.
- (b) Provide handrails for steps, stairways, and ramps, if required by the department.
- (c) Have emergency lighting devices available and in operational condition.
- (d) Furnish your center appropriately, based on the age and activities of the children under care.
- (e) Have washable, water-resistant floors in your center bathrooms, kitchens, and any other rooms exposed to moisture. The department may approve washable, short-pile carpeting that is kept clean and sanitary for your facility's kitchens.

(f) Provide tamper proof or tamper resistant electrical outlets or blank covers installed in areas accessible to children under the age of six or other persons with limited mental capacity or who might be endangered by access to them.

(g) Have easy access to rooms occupied by children in case an emergency arises. Some examples are bedrooms, toilet rooms, shower rooms, and bathrooms.

(h) Have a written disaster plan for emergencies such as fire and earthquakes.

NEW SECTION

WAC 388-140-0220 What are the requirements for the location of a center? (1) Your group receiving center must be located on a well-drained site, free from hazardous conditions. Some examples of hazards are natural or man-made water hazards such as lakes or streams, steep banks, ravines, and busy streets.

(2) The safety of the children in care is paramount. You must discuss with the licenser any potential hazardous conditions, considering the children's ages, behaviors, and abilities.

(3) If DLR decides that hazardous conditions are present at the group receiving center, a supervision plan must be written for the children in care.

NEW SECTION

WAC 388-140-0225 What are the requirements for emergency aid vehicle access to my center? (1) Your group receiving center must be accessible to emergency vehicles.

(2) Your address must be clearly visible on the facility or mailbox so that firefighters or medics can easily find your center location.

NEW SECTION

WAC 388-140-0230 What steps must I take to ensure children's safety around outdoor bodies of water? (1) You must ensure children in your care at a group receiving center are safe around bodies of water.

(2) On a daily basis, you must empty and clean any portable wading pool that children use.

(3) When they are swimming, wading, or near a body of water, children under twelve must be in continuous visual range at all times by an adult with current first aid and age appropriate CPR.

(4) You must ensure age and developmentally appropriate supervision of any child that uses hot tubs, swimming pools, spas, and other man-made and natural bodies of water.

(5) All safety devices and rescue equipment, such as life jackets, must meet state water safety regulations.

(5) You must lock or secure hot tubs and spas when they are not in use.

(6) You must place a fence designed to discourage climbing and have a locking gate around a pool or have another DLR approved safety device. The pool must be inaccessible to children when not in use.

(7) A certified lifeguard must be on duty when children are using a swimming pool.

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

NEW SECTION

WAC 388-140-0235 What measures must I take for pest control? You must make reasonable attempts, using the least toxic methods, to keep the premises of the group receiving center free from pests. This includes rodents, flies, cockroaches, fleas, and other insects.

NEW SECTION

WAC 388-140-0240 What are the requirements regarding pets and animals at a center? (1) In a group receiving center, you must not have any common household pets, exotic pets, other animals, birds, insects, reptiles, or fish that are dangerous or provide a risk to the children in care.

(2) Common household pets, exotic pets, animals, birds, insects, reptiles, and fish must:

- (a) Be cared for in compliance with state regulations and local ordinances; and
- (b) Be free from disease and cared for in a safe and sanitary manner.

NEW SECTION

WAC 388-140-0245 Are alcoholic beverages allowed at a center? You must not have alcohol on the premises of a group receiving center. The staff of the center may not consume alcohol on the premises or during breaks.

NEW SECTION

WAC 388-140-0250 Is smoking permitted around children? (1) You must prohibit smoking in the group receiving center and in motor vehicles while transporting children.

(2) You may permit adults to smoke outdoors away from children.

(3) Nothing in this section is meant to interfere with traditional or spiritual Native American ceremonies involving the use of tobacco.

NEW SECTION

WAC 388-140-0255 May I have firearms at a center? The department prohibits firearms, ammunition, and other weapons on the premises of a group receiving center.

NEW SECTION

WAC 388-140-0260 May I use wheeled baby walkers? The department prohibits the use of wheeled baby walkers in a group receiving center.

STORAGE OF MEDICATIONS AND CHEMICALS

NEW SECTION

WAC 388-140-0265 Are there requirements for the storage of medications? At a group receiving center:

- (1) You must keep all medications, including pet medications, vitamins and herbal remedies, in locked storage.
- (2) You must store external medications separately from internal medications.
- (3) You must store medications according to the manufacturer or pharmacy instructions.
- (4) Pet and human medications must be stored in separate places.

NEW SECTION

WAC 388-140-0270 Are there requirements for storing dangerous chemicals or other substances? (1) At a group receiving center, you must store the following items in a place that is not accessible to children, persons with limited mental capacity, or anyone who might be endangered by access to the following products:

- (a) Cleaning supplies;
 - (b) Toxic or poisonous substances;
 - (c) Aerosols; and
 - (d) Items with warning labels.
- (2) When containers are filled with toxic substances from a stock supply, you must label the containers filled from a stock supply.
- (3) Toxic substances must be stored separately from food items.

FIRST-AID SUPPLIES

NEW SECTION

WAC 388-140-0275 Are first-aid supplies required? (1) At a group receiving center, first-aid supplies must be kept on hand for immediate use, including nonexpired syrup of ipecac that is to be used only when following the instruction of the poison control center.

- (2) The following first-aid supplies must be kept on hand:
- (a) Barrier gloves and one-way resuscitation mask;
 - (b) Bandages;
 - (c) Scissors and tweezers;
 - (d) Ace bandage;
 - (e) Gauze;
 - (f) Thermometer; and
 - (g) A first-aid manual.

MEDICAL CARE AND MEDICATION MANAGEMENT

NEW SECTION

WAC 388-140-0280 What are the requirements for medical policies and procedures for a center? (1) Group

receiving centers must have written policies and procedures about the control of infections. These policies must include, but are not limited to, the following areas:

- (a) Isolation;
- (b) Aseptic procedures;
- (c) Reporting communicable diseases;
- (d) Hygiene, including hand washing, using the toilet, diapering, and laundering.

(2) Group receiving centers must maintain current written medical policies and procedures to be followed on:

(a) Prevention of the transmission of communicable diseases including:

- (i) Hand washing for staff and children; and
- (ii) Management and reporting of communicable diseases.

(b) Medication management, including steps to be taken if medication is incorrectly administered;

- (c) First aid;
- (d) Care of minor illnesses;
- (e) Actions to be taken for medical emergencies;
- (f) Infant care procedures when infants are under care; and

(g) General health practices.

(3) You must arrange to have one of the following help you develop and periodically review your medical policies and procedures:

- (a) An advisory physician,
- (b) A physician's assistant, or
- (c) A registered nurse.

NEW SECTION

WAC 388-140-0285 Must all children accepted for care have current immunizations? (1) Group receiving centers may accept a child for care who is not current with immunizations or whose immunization status is unknown.

(2) If a child's placement at a center extends beyond thirty days, you must obtain the child's immunization records and if the child is not current update immunizations as soon as medically possible.

NEW SECTION

WAC 388-140-0290 What must I do to prevent the spread of infections and communicable diseases? (1) You must take precautions to guard against infections and communicable diseases infecting the children under care in your center.

(2) In a group receiving center, staff with a reportable communicable disease or notifiable disease conditions, as defined by the department of health, in chapter 246-101 WAC, in an infectious stage must not be on duty until they have a physician's approval for returning to work.

(3) Applicants for a license or adults authorized to have unsupervised access to children in a center must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test upon being employed or licensed unless:

(a) The person has evidence of testing within the previous twelve months;

(b) The person has evidence that they have a negative chest x-ray since a previously positive skin test;

(c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis.

(4) The department does not require a tuberculin skin test if:

(a) A person has a tuberculosis skin test that has been documented as negative within the past twelve months; or

(b) A physician indicates that the test is medically unadvisable.

(5) Persons whose tuberculosis skin test is positive must have a chest x-ray within thirty days following the skin test.

(6) The department does not require re-testing unless a person believes they have been exposed to someone with tuberculosis or if testing is recommended by their health care provider.

(7) The center must keep the results of the applicant and employees TB test results in the personnel file available for review by DLR.

NEW SECTION

WAC 388-140-0295 How do I manage medications for children? (1) You must meet the department's requirements for managing prescription and nonprescription medication for children under your care.

(2) If you care for children in the custody of a tribal court you must follow the direction of that court regarding giving or applying prescription and nonprescription medications or ointments.

(3) Only you or another authorized care provider (staff) may:

(a) Have access to medications for the child under your care; and

(b) Give medications, prescription and nonprescription, only on the written approval of a parent, person or agency having authority by court order to approve medical care.

Exception: There are several over-the-counter medications that may be given without a physician's order. Those medications are listed in WAC 388-140-0295(13).

(4) You or another authorized care provider must give medications, prescription and nonprescription:

(a) Only as specified on the prescription label; or

(b) As otherwise approved by a physician or another person legally authorized to prescribe medication.

(5) You must keep a record of all medications you give a child.

(6) You and other authorized care provider must consult with a pharmacist on the proper disposal of medications that are no longer being taken or have expired.

(7) The disposal of any prescription medication must be documented and contain the following information:

(a) What medication was disposed;

(b) The name of the child the medication was prescribed for;

(c) The amount disposed;

(d) The name of the individual disposing of the medication; and

(e) The name of the individual witnessing the disposal.

(8) Children taking oral medications must have the prescribing physician's written authorization before any medications, herbal supplements or remedies, or vitamins and minerals are given.

Nonprescription medications

(9) Nonprescription medications may be given with a physician's standing order, if the order is child specific.

(10) The prescribing physician must be aware of all prescription and nonprescription medication the child is taking.

(11) You or another authorized care provider (staff) may give the following medications without a physician's order:

- (a) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;
- (b) Nonnarcotic cough suppressants;
- (c) Decongestants;
- (d) Antacids and anti-diarrhea medication;
- (e) Anti-itching ointments or lotions intended specifically to relieve itching;
- (f) Shampoo for the removal of lice;
- (g) Diaper ointments and powders intended specifically for use in the diaper area of children;
- (h) Sun screen for children over six months; and
- (i) Antibacterial ointment for first aid use.

Psychotropic medications

(12) Care providers must not approve giving or stopping psychotropic medications to a child in care. Approval can only be given by one of these:

- (a) The child's parent;
- (b) Dependency guardians;
- (c) A court order; or
- (d) The child's social worker, if:
 - (i) The child is legally free and in the permanent custody of the department; or
 - (ii) It is impossible to obtain informed parental consent after normal work hours, on weekends, or on holidays.

(13) Children who are at least thirteen years old may decline to take prescription psychotropic medication. If this happens contact the child's social worker immediately and document the child's refusal.

NEW SECTION

WAC 388-140-0300 What medicine may I accept for a child? The only medicine you may accept from the child's parent, legal guardian, law enforcement officer, or department social worker is medicine in the original container labeled with:

- (1) The child's first and last names;
- (2) The date the prescription was filled;
- (3) The medication's expiration date; and
- (4) Legible instructions for the administration of the drug (manufacturer's instructions or prescription label).

NEW SECTION

WAC 388-140-0305 When may children take their own medicine? (1) You may permit children under your care to take their own medicine as long as:

(a) They are physically and mentally capable of properly taking the medicine; and

(b) The child's parent or legal guardian approves in writing.

(2) You must keep the written approval by the child's parent or legal guardian in your records.

(3) When children take their own medication, the medication and medical supplies must be kept locked or inaccessible to other children and unauthorized persons.

NEW SECTION

WAC 388-140-0310 When must I get medical exams for the children under my care? (1) In consultation with the child's social worker, you must schedule a physical exam (EPSDT) for any child who, within the past year, has not:

- (a) Been under regular medical supervision; or
- (b) Had a physical exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP).

(2) A physical exam (EPSDT) must be completed within thirty days of placement and annually thereafter.

Note: You may contact the child's social worker for information on this.

NEW SECTION

WAC 388-140-0315 Whom do I notify about medication changes and reactions? (1) You must notify the child's social worker of changes in prescribed medications.

(2) You must notify the child's social worker and physician about any adverse reactions the child has to medications.

FOOD/DIET/MENUS

NEW SECTION

WAC 388-140-0320 Are there general menu requirements? The department has menu requirements for group receiving centers.

(1) Your program must be in compliance with the department of health standards in chapter 246-215 WAC on food service sanitation.

(2) You must prepare and date daily menus, including snacks, at least one week in advance.

(3) You must provide for the proper storage, preparation, and service of food to meet the needs of the program.

(4) A menu must specify a variety of foods for adequate nutrition and meal enjoyment.

(5) You must keep the menus on file for a minimum of six months so that we can review your menus.

(6) You must post each person's dietary restrictions, if any, for staff to follow.

(7) You must post a schedule of mealtimes.

NEW SECTION

WAC 388-140-0325 How often must I feed children at a center? (1) You must provide all children a minimum of three meals in each twenty-four hour period. You may vary

from this guideline only if you write to your licensor requesting a change and the request is approved by DLR.

(2) The time interval between the evening meal or snack and breakfast must not be more than fourteen hours.

NEW SECTION

WAC 388-140-0330 How do I handle a child's special diet? Unless a child is admitted to a group receiving center with a written physician's order as medically necessary for the child, the following must not be served:

- (1) Nutrient concentrates, supplements, or amino-acids;
- (2) Vitamins; or
- (3) Modified diets.

NEW SECTION

WAC 388-140-0335 What home canned foods may I use? You may not serve home canned foods to children at a group receiving center.

ROOM REQUIREMENTS

NEW SECTION

WAC 388-140-0340 Are there room requirements?

(1) You must provide rooms that are ample in size and properly furnished for the number of children you serve at a group receiving center.

(2) With thirteen or more children, you must provide at least one separate indoor recreation area. Its size and location must be sufficient for the age and number of the children using it to engage in recreational and informal education activities.

(3) You must provide a room or area that is used as an administrative office. In addition, suitable offices must be provided for social service staff. In facilities caring for fewer than thirteen children, these offices may be combined with the administrative office.

NEW SECTION

WAC 388-140-0345 When do I need a special care room? (1) A group receiving center must provide a special care room reserved for the care of a person who needs to be separated from the group due to injury, illness or the need for additional rest.

(2) A special care room must:

(a) Be located in a place that easily allows the person to be supervised;

(b) Have toilet and lavatory facilities that are easily accessible to any person staying in the special care room.

(3) After each use have the area and equipment sanitized if used by any person who is suspected of having a communicable disease.

(4) The special care room may be used for other purposes when it is not needed for the separation and care of an ill or injured person.

NEW SECTION

WAC 388-140-0350 What does the room temperature at a center need to be? (1) You must maintain the temperature within your group receiving center facility at a reasonable level while occupied. This would normally be a minimum of sixty-eight degrees Fahrenheit during waking hours and a minimum of sixty-five degrees Fahrenheit during sleeping hours.

(2) You must consider the age and needs of the children under your care in determining appropriate temperature.

NEW SECTION

WAC 388-140-0355 What are the kitchen requirements? (1) You must provide facilities to properly store, prepare, and serve food to meet the needs of the children under your care at your group receiving center.

(2) All food service facilities and food handling practices must comply with rules and regulations of the state board of health governing food service sanitation (chapter 246-215 WAC). This includes food handler's permit for all staff.

NEW SECTION

WAC 388-140-0360 May I use the kitchen for activities for children? Children are not allowed in the kitchen of a group receiving center without age-appropriate supervision.

NEW SECTION

WAC 388-140-0365 May a room be used for more than one purpose? At your group receiving center you may use a room for multiple purposes such as playing, dining, napping, and learning activities, provided that:

(1) The room is of sufficient size; and

(2) The room's usage for one purpose does not interfere with usage of the room for another purpose.

NEW SECTION

WAC 388-140-0370 What are the general requirements for bedrooms? You must meet all the following requirements for bedrooms at a group receiving center.

(1) An adult must be on the same floor or within easy hearing distance and accessibility to where children less than six years of age are sleeping.

(2) For children six years and older, you must furnish separate sleeping quarters for each gender.

(3) Any room used for sleeping must provide adequate floor space for the safety and comfort of the child. Normally, this would be at least fifty square feet of floor space, not including closets, per child.

(4) Bedrooms must have both:

(a) Adequate ceiling height for the safety and comfort of the children (normally, at least seven and a half feet); and

(b) At least one window of not less than one-tenth of the required floor space that opens to the outside. This allows natural light into the bedroom and permits emergency access or exit.

(5) You must use only bedrooms that have unrestricted direct access to hallways, corridors, living rooms, day rooms, or other such common use areas.

(6) You must not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

(7) The number of beds allowed at a group receiving center is established in by the licenser in consultation with the DOH surveyor for each center.

BEDS

NEW SECTION

WAC 388-140-0375 What are the requirements for beds? (1) Children must have their own bed at a group receiving center. The bed must be at least twenty-seven inches wide with a clean and comfortable mattress in good condition.

(2) For each child in care, you must provide a pillow and pillowcase, blankets, and sheets.

(3) Pillows must be covered with waterproof material or be washable.

(4) Bedding must be clean.

(5) You must provide waterproof mattress covers or moisture resistant mattresses, if needed.

(6) You may use toddler beds with a standard crib mattress that is sufficient in length and width for the comfort of a toddler.

(7) You must not allow children to use the loft style beds or upper bunks of double-deck beds if using them due to age, development or condition could hurt them. Examples: Preschool age children and children with disabilities.

(8) If a cot is used as the bed, the licensee must ensure the child's cot is of sufficient length and width, and constructed to provide adequate comfort for the child to sleep. You must ensure that the cot surface is of a material that can be cleaned with a detergent solution, disinfected, and allowed to air dry.

(9) You must not use canvas cots.

(10) A mat may be used for napping but not as a substitute for a bed.

DIAPER CHANGING AND BATHING FACILITIES

NEW SECTION

WAC 388-140-0380 What are the requirements for diapers and diaper-changing areas? At a group receiving center, you must follow the requirements for diapers, diaper-changing rooms, and potty-chairs, if you provide care to children who are not toilet trained.

(1) You must separate diaper-changing areas from food preparation areas.

(2) You must sanitize diaper-changing areas between each use or you must use a nonabsorbent, disposable covering that is discarded after each use.

(3) For cleaning children, you must use either disposable towels or clean cloth towels that have been laundered between each use.

(4) You and any caregiver must wash hands before and after diapering each child.

(5) You must use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family.

(6) Diaper-changing procedures must be posted at the changing areas.

(7) Diaper-changing areas must be adjacent to a hand-washing sink.

(8) The staff must be within arms-length of the child being diapered at all times while changing diapers. The use of safety belts is prohibited.

(9) Diaper-changing tables or surfaces must have a barrier or edge that is a minimum of four inches above the pad or six inches above the top of the table.

NEW SECTION

WAC 388-140-0385 What are the requirements for bathing facilities? Group receiving centers must comply with the requirements that follow.

(1) Bathing facilities must be inaccessible to preschool age and younger children when not in use.

(2) Preschool age and younger children must be supervised while using bathing facilities.

(3) Bathing facilities must be equipped with a conveniently located grab bar or other safety device such as a non-skid pad.

(4) The ratio of bathing facilities to children in care must be at least one bathing facility for eight children.

TELEPHONE/LIGHTING/VENTILATION/ WATER/WASTE DISPOSAL

NEW SECTION

WAC 388-140-0390 Do I need a telephone? (1) You must have at least one telephone on the premises for incoming and outgoing calls. The telephone must be accessible for emergency use at all times.

(2) You must post emergency phone numbers next to the phone.

NEW SECTION

WAC 388-140-0395 What are the lighting requirements? (1) You must locate light fixtures and provide lighting that promotes good visibility and comfort for the children under your care at your group receiving center.

(2) Group receiving centers must have nonhazardous light fixture covers or shatter resistant (or otherwise made safe) light bulbs or tubes.

NEW SECTION

WAC 388-140-0400 What are the requirements for ventilation? (1) You must ensure that your physical facility is ventilated for the health and comfort of the persons under your care at the group receiving center.

(2) A mechanical exhaust fan to the outside must ventilate toilets and bathrooms, and utility rooms with mop sinks that do not have windows opening to the outside.

NEW SECTION

WAC 388-140-0405 What are the requirements about drinking water? (1) You must provide the following:

(a) A public water supply or a private water supply approved by the local health authority at the time of licensing or re-licensing; and

(b) Disposable paper cups, individual drinking cups or glasses, or angled jet type drinking fountains.

(2) You must not use bubbler type fountains or common drinking cups.

NEW SECTION

WAC 388-140-0410 What are the requirements for sewage and liquid wastes? Group receiving centers must discharge sewage and liquid wastes into a public sewer system or into a functioning septic system.

LAUNDRY, SINKS, AND TOILETS

NEW SECTION

WAC 388-140-0415 What are the requirements for laundry facilities? The department has specific requirements for laundry facilities at a group receiving center.

(1) You must have separate and adequate facilities for storing soiled and clean linen.

(2) You must provide adequate laundry and drying equipment, or make other arrangements for getting laundry done on a regular basis.

(3) You must locate laundry equipment in an area separate from the kitchen and child care areas.

(4) Laundry equipment must be vented to the outdoors.

(5) You must make laundry equipment inaccessible to young children.

NEW SECTION

WAC 388-140-0420 What are the requirements for washing clothes? You must use an effective way to sanitize laundry contaminated with urine, feces, lice, scabies, or other potentially infectious materials at your group receiving center. You must sanitize laundry through temperature control or the use of chemicals.

NEW SECTION

WAC 388-140-0425 Do I need a housekeeping sink? Facilities licensed to provide emergency respite care must have and use a housekeeping sink or DOH-approved method of drawing clean mop water and disposing of the wastewater.

NEW SECTION

WAC 388-140-0430 What are the requirements for hand-washing sinks? (1) A group receiving center must supply children with warm running water for hand washing. The water must be kept at a temperature range of not less than eighty-five degrees Fahrenheit and not more than one hundred and twenty degrees Fahrenheit.

(2) The children's hand washing facilities must be located in or adjacent to rooms used for toileting.

(3) The center must provide the child with soap and individual towels or other appropriate devices for washing and drying the child's hands and face.

(4) Hand washing sinks must be of appropriate height and size for children in care or your center must furnish safe, easily cleanable platforms impervious to moisture.

(5) A group receiving center must provide:

(a) A minimum of two hand washing sinks; and

(b) A ratio of one sink for every eight children at the center.

NEW SECTION

WAC 388-140-0435 What are the requirements for toilets? (1) A group receiving center must provide a minimum of two toilets and a ratio of one toilet for every eight children at the center.

(2) Children eighteen months of age or younger and other children using toilet training equipment need not be included when determining the number of required flush-type toilets.

(3) If urinals are provided, the number of urinals must not replace more than one-third of the total required toilets.

(4) Privacy for toileting must be provided for children of the opposite sex who are six years of age and older and for other children demonstrating a need for privacy.

(5) A mounted toilet paper dispenser for each toilet must be provided.

(6) Toilets and urinals must be of appropriate height and size for children in care or your center must furnish safe, easily cleanable platforms impervious to moisture.

NEW SECTION

WAC 388-140-0440 Must a center have toilet training equipment for children? (1) A group receiving center must have developmentally appropriate toilet-training equipment, when the center serves children who are not toilet trained.

(2) The equipment must be sanitized after each child's use.

INDOOR RECREATION AREAS

NEW SECTION

WAC 388-140-0445 What are the requirements for indoor recreation areas? (1) The group receiving center's indoor premises must contain adequate area for child play

and sufficient space to house a developmentally appropriate program for the number and age range of children served.

(2) You must provide a minimum of thirty-five square feet of usable floor space per child, not counting bathrooms, hallways, and closets.

(3) You may use and consider the napping area as child care space, if there are not beds or cots on the floor space.

(4) Any room used for napping or sleeping must have a window to allow natural light into the room.

OUTDOOR RECREATION AREAS

NEW SECTION

WAC 388-140-0450 What are the requirements for an outdoor recreation area? (1) You must provide a safe and securely-fenced or department-approved, enclosed outdoor recreation area at a group receiving center.

(2) The fenced or approved enclosed outdoor recreation area must prevent child access to roadways and other dangers.

(3) The fence or enclosure must protect the play area from unauthorized exit or entry. Any fence or enclosure must be designed to discourage climbing.

(4) The outdoor recreation area must adjoin directly the indoor premises or be reachable by a safe route and method.

(5) The outdoor recreation area must promote the child's active play, physical development, and coordination.

NEW SECTION

WAC 388-140-0455 What are the size requirements for an outdoor recreation area? (1) You must ensure the recreation area at a group receiving center contains a minimum of seventy-five usable square feet per child.

(2) If not all of the children are using the outdoor recreation area at the same time, you may reduce the outdoor recreation area size by the number of children normally using the area at one time.

NEW SECTION

WAC 388-140-0460 What are the requirements for playground equipment? (1) You must provide a variety of age appropriate play equipment for climbing, pulling, pushing, riding, and balancing activities at a group receiving center.

(2) You must arrange, design, construct, and maintain equipment and ground cover to prevent child injury.

(3) The quantity of outdoor play equipment must offer the child a range of outdoor recreation options.

TRANSPORTATION

NEW SECTION

WAC 388-140-0465 Are there requirements to follow when I transport children? When you transport children under your care, you must follow these requirements.

(1) The vehicle must be kept in a safe operating condition.

(2) The driver must have a valid driver's license.

(3) There must be at least one adult other than the driver in a vehicle when:

(a) There are more than five preschool-aged children in the vehicle;

(b) Staff-to-child ratio guidelines or your contract require a second staff person; or

(c) The child's specific needs require a second adult person.

(4) The driver or owner of the vehicle must be covered under an automobile liability and insurance policy.

(5) Your vehicles must be equipped with seat belts, car seats and booster seats, and/or other appropriate safety devices for all passengers as required by law.

(6) The number of passengers must not exceed the vehicle's seat belts.

(7) All persons in the vehicle must use seat belts or approved child passenger restraint systems, as appropriate for age, whenever the vehicle is in motion.

(8) Buses approved by the state patrol are not required to have seat belts.

CLIENT RECORDS

NEW SECTION

WAC 388-140-0470 What does the department require for keeping client records? (1) Your records must be kept at your group receiving center and contain, at a minimum, the following information:

(a) The child's name and birthdate;

(b) Inventory of personal belongings at the time of placement; and

(c) Names, address and telephone numbers of department social worker to be contacted in case of emergency;

(d) Information on specific cultural needs of the child;

(e) Medical history including any medical problems, name of doctor, type of medical coverage and provider, when available;

(f) Mental health history and any current mental health and behavioral issues, including medical and psychological reports when available; and

(g) Any other pertinent information related to the child, such as his or her visitation plan.

(2) Daily center logs are required with the signature of the person making the entry in the log. The logs must document the following:

(a) Date, time, and which residents and staff are participating in an activity;

(b) Narrative to note behavior and issues of residents;

(c) Any health or safety issues;

(d) Staff to resident ratio on each shift;

(e) On-call and relief staff on duty during emergencies;

(f) The after-hours telephone number of the supervisor;

(g) Dates and illnesses or accidents while at the center;

(h) Medications and treatments given at the center with the child's name;

(i) A copy of any suspected child abuse and/or neglect referrals made to children's administration; and

(j) Other information determined relevant by the department.

(3) Identifying and personal information about the child and their family must be kept confidential, unless permission has been given for release by the parent.

(4) You must keep information about the child and their families in a secure place.

(5) You must keep client files containing information not returned to the department, you must keep them for six years following the termination or expiration of any contract you have with the department.

NEW SECTION

WAC 388-140-0475 What written information is needed before a child is admitted to a center? Before accepting a child for care at a group receiving center you must obtain the following written consent and information from the placing authority:

(1) Permission authorizing the placement of the child;

(2) Permission to seek emergency medical care or surgery on behalf of the child;

(3) The name and telephone number of the children's administration's social worker and emergency contacts; and

(4) Basic medical information, including current medication, known allergies, and at-risk behaviors of the child.

CLIENT PROTECTION

NEW SECTION

WAC 388-140-0480 What are the requirements for protecting a child under my care from abuse and neglect? As part of ensuring a child's health, welfare and safety, you must protect children under your care from all forms of child abuse and neglect (see RCW 26.44.020(12) and chapter 388-15 WAC for more details).

NEW SECTION

WAC 388-140-0485 What are the nondiscrimination requirements? You must follow all state and federal laws regarding nondiscrimination while providing services to children at your group receiving center.

NEW SECTION

WAC 388-140-0490 Do I have to admit or retain all children at the center? A group receiving center has the right to refuse to admit or retain a child who can not be served safely or who may pose a significant risk to other children.

NEW SECTION

WAC 388-140-0495 What must I consider in assigning work to children in my home or facility? (1) Children may do regular "household" tasks without payment.

(2) Children may do work assignments other than "household" tasks that are appropriate to their age and physical conditions and receive monetary compensation if this is part of their service plan.

CLIENT RIGHTS

NEW SECTION

WAC 388-140-0500 Do I have responsibility for a child's personal hygiene? (1) You must provide or arrange for children under your care to have items needed for grooming and personal hygiene.

(2) You must assist these children in using these items, based on the child's developmental needs.

(3) Clothing must be clean and age-appropriate.

NEW SECTION

WAC 388-140-0505 Does each child need space for personal items at the center? You must provide separate space for the storage of personal items such as clothing, radios, and toys for each child at your group receiving center.

DISCIPLINE

NEW SECTION

WAC 388-140-0510 What requirements must I follow when disciplining children? (1) You are responsible for disciplining children in your care. This responsibility may not be delegated to a child.

(2) Discipline must be based on an understanding of the child's needs and stage of development.

(3) Discipline must be designed to help the child under your care to develop inner control, acceptable behavior and respect for the rights of others.

(4) Discipline must be fair, reasonable, consistent, and related to the child's behavior.

(5) Your discipline must comply with children's administration's behavior management guidelines for residential programs.

NEW SECTION

WAC 388-140-0515 What types for disciplinary practices are forbidden? (1) You must not use cruel, unusual, frightening, unsafe or humiliating discipline practices, including but not limited to:

(a) Spanking children with a hand or object;

(b) Biting, jerking, kicking, hitting, or shaking the child;

(c) Pulling the child's hair;

(d) Throwing the child;

(e) Purposely inflicting pain as a punishment;

(f) Name-calling or using derogatory comments;

(g) Threatening the child with physical harm;

(h) Threatening or intimidating the child; or

(i) Placing or requiring a child to stand under a cold water shower.

(2) You must not use discipline methods that interfere with a child's basic needs. These include, but are not limited to:

- (a) Depriving the child of sleep;
- (b) Depriving the child of adequate food, clothing or shelter;
- (c) Restricting a child's breathing;
- (d) Interfering with a child's ability to take care of their own hygiene and toilet needs; or
- (e) Providing inadequate medical or emergency dental care.

(3) You must not use medication in an amount or frequency other than that prescribed by a physician or psychiatrist.

(4) You must not give one child's medications to another child.

(5) You must not use medication for behavior management unless a physician prescribes the medication to control that child's behavior.

NEW SECTION

WAC 388-140-0520 Does the department require a written statement describing my discipline methods? (1) With your application and re-application for licensure, you must provide a written statement describing the discipline methods you use, including your de-escalation and restraint policies and procedures.

(2) If your discipline methods change, you must immediately provide a new statement to your licensor describing your current practice.

PHYSICAL RESTRAINT

NEW SECTION

WAC 388-140-0525 What types of physical restraint are acceptable? (1) You must use efforts other than physical restraint to redirect or de-escalate a situation.

(2) You must comply with children's administration's behavior management guidelines for residential programs for child de-escalation and physical restraint

(3) If a child's behavior poses an immediate risk to physical safety, you may use a physical restraint on a child. The restraint must be reasonable and necessary to:

- (a) Prevent a child on the premises from harming himself/herself or others; or
- (b) Protect property from serious damage.

NEW SECTION

WAC 388-140-0530 What types of physical restraint are not acceptable for children? You must not use:

- (1) Physical restraint as a form of punishment or discipline;
- (2) Mechanical restraints, such as handcuffs and belt restraints;
- (3) Locked time-out rooms; or

(4) Physical restraint techniques that restrict breathing, or inflict pain as a strategy for behavior control, or that might injure a child. These include, but are not limited to:

- (a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;
- (b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;
- (c) Arm twisting;
- (d) Hair holds;
- (e) Choking or putting arms around the throat; or
- (f) Chemical restraints, including but not limited to pepper spray.

NEW SECTION

WAC 388-140-0535 What must I do following an incident that involved using physical restraint? The director or program manager of a group receiving center must review any incident with the staff who used physical restraint to ensure that the decision to use physical restraint and its application were appropriate.

NEW SECTION

WAC 388-140-0540 What incidents involving children must I report? (1) You or your staff at a group receiving center must report any of the following incidents immediately to children's administration intake staff:

- (a) Any reasonable cause to believe that a child has suffered child abuse or neglect;
- (b) Any violations of the licensing or certification requirements;
- (c) Death of a child;
- (d) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;
- (e) Any use of physical restraint that is alleged to be improper, excessive, or results in injury;
- (f) Sexual contact between two or more children that is not considered typical play between pre-school age children;
- (g) Any disclosures of sexual or physical abuse by a child in care;
- (h) Physical assaults between two or more children that result in injury requiring off-site medical treatment or hospitalization;
- (i) Any medication that is given incorrectly and requires off-site medical treatment;
- (j) Serious property damage that is a safety hazard and is not immediately corrected; or
- (k) Anytime a child refuses to take any medication that may result in a situation that is life threatening.

(2) You or your staff must report immediately, any of the following incidents, to the child's social worker:

- (a) Suicidal/homicidal ideation, gestures, or attempts that do not require professional medical treatment;
- (b) Unexpected health problems that require professional medical attention or raise questions for the staff;
- (c) Any significant incident of medication administered incorrectly;

(d) Physical assaults between two or more children that resulted in injury but did not require professional medical treatment;

(e) Runaways;

(f) Any emergency medical or psychiatric care that requires offsite attention; and

(g) Use of physical restraints for routine behavior management.

STAFFING RATIO

NEW SECTION

WAC 388-140-0545 What is the ratio of child care staff to children at a center? The department has specific requirements for the ratio of child care staff to children at group receiving centers.

(1) At least two staff, including at least one child care staff person, must be on site whenever children are on the premises.

(2) The ratio for a group receiving center is at least one child care staff person on site for every four children who are under six during waking and sleeping hours.

(3) The ratio for a group receiving center is at least one child care staff person on site for every six children age six years and older, during waking and sleeping hours.

(4) The center may only provide care for two or more of the following age groups: Age two through five, six through twelve, and thirteen through seventeen, if a DLR approved safety plan addressing this circumstance is fully in effect.

(5) If the center provides care for children under age six and children six and older, you may allow common activities for the children of different age groups provided you maintain the staffing ratio designated for the youngest child in the group and have an approved safety plan in place.

(6) To keep the proper ratio of staff to children, the executive director, on-site program manager, support staff, and maintenance staff may serve temporarily as child care staff if they have adequate training and are performing child care staff duties.

(7) You must have relief staff so that all staff can have the equivalent of two days off a week.

(8) If you have more than one program in one building, such as a group receiving center and a crisis residential center, you must follow the most stringent staffing ratio requirements.

SUPERVISION OF CHILDREN

NEW SECTION

WAC 388-140-0550 What are the requirements for supervision of children at the center? (1) A group receiving center must operate under a DLR approved, written supervision and safety plan for the children in care.

(2) A group receiving center must provide or arrange for care and supervision that is appropriate and assures the safety of each child depending on:

(a) The child's age, developmental level, and condition;

(b) The activities, including recreation, the child is involved in; and

(c) The age and gender of other children involved in any group activity.

(3) At a group receiving center, children under age six must be within visual range at all times during waking hours.

(4) You must ensure that the staff providing direct care and supervision of the children is free of other duties at the time of care.

(5) When a child has exhibited behavior that posed a safety risk to other children in a previous placement or the placing agency believes the child poses a risk to other children the placing agency must inform the provider and jointly develop a plan to address the risk.

(6) When a child exhibits behavior that poses a safety risk to other children in care, sleeping arrangements, bedroom assignments, and shared activity plans must be made, in consultation with the child's social worker, to ensure the safety of other children.

(7) Group receiving centers must supervise children who help with activities involving food preparation, based on their age and skills.

(8) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower at a group receiving center.

(9) Staff and others caring for children at a group receiving center must provide the children with:

(a) Appropriate adult supervision;

(b) Emotional support;

(c) Personal attention; and

(d) Structured daily routines and living experiences.

STAFF POSITIONS AND QUALIFICATIONS

NEW SECTION

WAC 388-140-0560 Are there general qualifications for all staff in a group receiving center? You, your staff, and other persons at a group receiving center who have access to the children must be able to demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the children in care.

NEW SECTION

WAC 388-140-0565 What are the qualifications for an executive director for a group receiving center? (1) A group receiving center executive director or person responsible for the agency administration, agency oversight, and fiscal operation must meet, at a minimum, the requirements that follow.

(a) Be able to communicate to the department the roles, expectations and purposes of the program; and

(b) Work with representatives of other agencies.

(2) They must also meet one of these education or experience requirements:

(a) Have a bachelor's degree in business management or administration, or related field from an accredited school; or

(b) Have a minimum of two years of successful, full-time relevant experience.

NEW SECTION

WAC 388-140-0570 What are the responsibilities of the director? (1) The director of a group receiving center is responsible for the overall management of the center's facility and operation.

(2) The director serves as the administrator of the center.

(3) The director must ensure the group receiving center complies with the licensing requirements contained in this chapter.

NEW SECTION

WAC 388-140-0575 What are the qualifications for the on-site program manager? Each on-site program manager must have the following qualifications:

(1) A bachelor's degree in a social service or closely related field from an accredited school; or

(2) Five years of successful full-time experience in a relevant field; and

(3) Supervisory abilities that promote effective staff performance; and

(4) Relevant experience, training, and demonstrated skills in each area that he or she will be supervising.

(5) The same person may have the responsibilities of the executive director and the on-site program manager if that person meets the qualifications for both positions.

NEW SECTION

WAC 388-140-0580 Do I need an on-site program manager at each group receiving center? Each group

receiving center must have an on-site program manager or person with the equivalent training and experience at each facility during business hours.

NEW SECTION

WAC 388-140-0585 What are the responsibilities of the program manager or supervisor? The on-site program manager has the following responsibilities:

(1) Coordinates the day-to-day operations of the program;

(2) Supervises the child care staff;

(3) Oversees the completion of each child's assessment or plan of care.

NEW SECTION

WAC 388-140-0590 What qualifications must the child care staff for a group receiving center have? The child care staff person of a group receiving center is responsible for the care, supervision, and behavior management of children under your care. The department requires that child care staff of a group receiving center:

(1) Be at least twenty-one years old;

(2) Exception: Child care staff may be eighteen to twenty years old if enrolled and participating in an internship or practicum program with an accredited college or university; and supervised by staff twenty-one years or older;

(3) Have a high school diploma or GED;

(4) Have one year of experience working with children;

(5) Have the skills and abilities to work successfully with the challenging behaviors of children in care; and

(6) Have effective communication and problem solving skills.

NEW SECTION

WAC 388-140-0595 What are the minimum qualifications and training requirements for group receiving center staff?

Position	Qualifications	Background Check	TB Test	Food Handlers Permit	First Aid and CPR	HIV/AIDS & Blood Borne Pathogens Training
Director	<ul style="list-style-type: none"> • Twenty-one years of age; • Bachelor's degree in business management or administration or a related field; or • Two years of relevant experience. 	X	X	X	X	X

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Position	Qualifications	Background Check	TB Test	Food Handlers Permit	First Aid and CPR	HIV/AIDS & Blood Borne Pathogens Training
On-site Program Manager	<ul style="list-style-type: none"> •Twenty-one years of age; •Bachelor's degree in social services or a related field; or • Five years of experience in relevant field. 	X	X	X	X	X
Child Care Worker	<ul style="list-style-type: none"> •Twenty-one years of age. •High school diploma or GED. • One year of experience caring for children. 	X	X	X	X	X

NEW SECTION

WAC 388-140-0600 May one person hold two positions at a center? (1) The director or program manager at a group receiving center may be one and the same person when qualified for both positions.

(2) The director and program manager may also serve as child care staff when the role does not interfere with the director's or program manager's responsibilities.

NEW SECTION

WAC 388-140-0605 Who must be on the premises while children are in care at a center? (1) The director or program manager at a group receiving center must normally be on the premises during daytime hours when children are in care.

(2) If temporarily absent (for two hours or less) from the center, the director and program manager must leave a competent, designated staff person in charge. This person must meet the qualifications of child care staff person.

NEW SECTION

WAC 388-140-0610 What clerical, accounting and administrative services do I need? You must have sufficient clerical, accounting and administrative services to maintain proper records and carry out your program at a group receiving center.

NEW SECTION

WAC 388-140-0615 What support and maintenance staff do I need? You must have sufficient support and maintenance services to maintain and repair your facility and prepare and serve meals at a group receiving center.

STAFF TRAINING

NEW SECTION

WAC 388-140-0620 What staff training is required?

(1) All staff working at a group receiving center (GRC) must complete a minimum of sixteen hours of pre-service job orientation prior to beginning unsupervised child care responsibilities. Training must include:

- (a) Presentation of the group receiving centers policies and procedures as well and the standards contained in this chapter;
- (b) Behavior management techniques;
- (c) Crisis intervention techniques;
- (d) Family dynamics and family intervention techniques;
- (e) Child abuse and neglect reporting requirements;
- (f) Youth supervision requirements; and
- (g) HIV/AIDS/Blood-borne pathogen training.

(2) Staff working at a group receiving center must complete a minimum of twenty-four hours of on-going education and in-service training annually. This training must include:

- (a) Crisis intervention techniques, including verbal de-escalation, positive behavior support, and physical response/restraint training as approved by the department;
- (b) Behavior management techniques;
- (c) Substance abuse;
- (d) Suicide assessment and intervention;
- (e) Family intervention techniques;
- (f) Cultural diversity;
- (g) Mental health issues and interventions;
- (h) Mediation skills;
- (i) Conflict management/problem-solving skills;
- (j) Physical and sexual abuse;
- (k) Characteristics and management of sexually aggressive and physically assaultive behavior;
- (l) Monthly fire drill practice and disaster training for each staff.

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(3) You must record the amount of time and type of training provided to staff.

(4) This information must be kept in each employee's file or in a separate training file.

PROGRAM ACTIVITIES AND TOYS

NEW SECTION

WAC 388-140-0625 What are the requirements for an activity program? (1) You must provide an activity program at a group receiving center that is designed to meet the developmental, cultural, and individual needs of the children served at a group receiving center.

(2) You must ensure the group receiving center's activity program allows time for children to have daily opportunities for small and large muscle activities and outdoor play.

(3) You must operate the group receiving center's activity program under a regular schedule of activities with allowances for a variety of special events.

(4) You must provide a planned program of activities and have a current, written activity schedule.

(5) You must provide appropriate supervision for the number of children participating in any activity.

NEW SECTION

WAC 388-140-0630 What activities must I provide to children? (1) Activities must be designed for the developmental stages of the children you serve at a group receiving center, allowing a balance between:

- (a) Child-initiated and staff-initiated activities;
- (b) Free play and organized events;
- (c) Individual and group activities; and
- (d) Quiet and active experiences.

(2) You must ensure that children at a group receiving center are grouped to ensure the safety of children.

NEW SECTION

WAC 388-140-0635 Do I need to provide recreational equipment? (1) You must provide safe and suitable recreational equipment for all children in your care at a group receiving center.

(2) You must have toys that relate to the different developmental stages of the children you serve at a group receiving center.

WSR 02-21-109
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed October 22, 2002, 12:30 p.m.]

Date of Adoption: October 22, 2002.

Purpose: Manufactured homes, chapter 296-150M WAC and Factory-built and commercial structures, chapter 296-150F WAC.

These rules are necessary to extend the emergency rule changes filed on June 28, 2002 (see WSR 02-14-073) that were authorized by chapter 268, Laws of 2002. These emergency rules include:

- 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;
- Provisions 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
- Notification provisions for 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, 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 Mak-

ing: 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.

October 22, 2002

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 02-03-048, filed 1/9/02)

WAC 296-150M-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or installation that affects the construction, planning considerations, fire safety, or the plumbing, mechanical, and electrical systems of a manufactured home. The installation of whole-house water treatment equipment that requires cutting into the existing plumbing is considered an alteration and requires a permit, an inspection and an alteration insignia.

"Alteration insignia" is an insignia issued by the department of labor and industries to verify that an alteration to a manufactured home meets the requirements of federal law 24 CFR 3280 and this chapter.

"Anchoring system" is the means used to secure a mobile home to ground anchors or to other approved fastening devices. It may include straps, cables, turnbuckles, bolts, fasteners, and other components.

"ANSI" is the American National Standards Institute, Inc., and the institute's rules applicable to manufactured homes, ANSI A225.1 Manufactured Homes Installation, 1994 edition, except section 3.5.2 - Ground Cover and section 4.1.3.3 - Clearance.

"Authority having jurisdiction" means that either the department of labor and industries or the local jurisdiction is responsible for establishing specific manufactured home standards. The authority for specific manufactured home standards is divided as follows:

- The department of labor and industries establishes standards for manufactured home installation and alterations and performs alteration inspections;
- The local jurisdiction establishes standards for manufactured homes governing the building site and performs installation inspections.

"Building site" is a tract, parcel, or subdivision of land on which a manufactured home is installed.

"DAPIA" is a Design Approval Primary Inspection Agency as approved by the United States Department of Housing and Urban Development.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"Design plan" is a design submitted to the department for approval of a manufactured home structural alteration.

"Equipment" means the appliances used in the alteration or installation of a manufactured home.

Examples of appliances that require an alteration inspection include:

- Furnace;
- Water heater;
- Air conditioner; and
- Heat pump.

Examples of appliances that do not require an alteration inspection include:

- Microwave oven;
- Washer;
- Dryer; and
- Dishwasher and range that are connected to their source of power by a plug-in cord.

"Equivalent air conditioning/heat pump components" is equipment that performs the same function and is compatible with the equipment of another manufacturer, sometimes referred to as mix and match.

"Footing" is the portion of a support system that transmits loads from the manufactured home to the ground.

"Foundation skirting" or "skirting" is the material that surrounds and encloses the space under the manufactured home.

"Homeowner" is an individual who owns a manufactured home. Dealers, distributors, and developers are not regarded as homeowners.

"HUD" is the United States Department of Housing and Urban Development with headquarters located in Washington, D.C.

"Indigent" means a person receiving an annual income, after taxes, of one hundred twenty-five percent or less of the most recently published federal poverty level.

"Installation" is the activity needed to prepare a building site and to set a manufactured home within that site. Site means a tract, parcel, or subdivision of land including a mobile home park.

"Installed manufactured or mobile home" is a manufactured or mobile home that has been placed on either private property or in a park and has been approved for occupancy by the local authority having jurisdiction. This includes the approval of the blocking of the home, the connection of the home to all of the utilities, including water, sewer and electrical.

"IPIA" is a manufactured home-production Inspection Primary Inspection Agency approved by the United States Department of Housing and Urban Development. The department of labor and industries is the IPIA for Washington State.

"Local enforcement agency" is an agency of city or county government with power to enforce local regulations

governing the building site and installation of a manufactured home.

"**Manufactured home**" is a single-family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home also:

- Includes plumbing, heating, air conditioning, and electrical systems;
- Is built on a permanent chassis; and
- Can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported; or when installed on the site is three hundred twenty square feet or greater (see RCW 46.04.302).

Note: Total square feet are based on exterior dimensions measured after installation using the longest horizontal projections. Dimensions may not include bay windows but may include projections containing interior space such as cabinets and expandable rooms.

Exception: A structure that meets the requirements of a manufactured home as set out in 24 CFR 3282.7(u), except the size requirements is considered a manufactured home, if the manufacturer files with the secretary of HUD a certificate noted in CFR 3282.13.

"**Mobile home**" is a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this chapter references to manufactured homes include mobile homes.

"**Park site**" is the installation location of a manufactured home within a residential area for manufactured homes.

"**Repair**" is to restore an item to sound condition, to fix.

"**Replacement**" is the act or process of replacing, to substitute.

"**Structural alteration-custom design**" is a design that can only be used once.

"**Structural alteration-master design**" is a design plan that can be used more than once. The master plan expires when there is a code change applicable to the design.

"**System**" is part of a manufactured home designed to serve a particular function such as structural, plumbing, mechanical, or electrical functions.

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 02-03-048, filed 1/9/02)

WAC 296-150M-0049 What must be done prior to the sale of an installed manufactured (mobile) home by a homeowner? (1) Prior to the sale of any installed manufactured ~~((A))~~ or mobile home, the homeowner must ~~((d))~~

(a) Deliver to the buyer a completed property transfer disclosure statement in accordance with chapter 64.06 RCW,

unless the seller is exempt or the buyer waives his or her rights pursuant to chapter 64.06 RCW. The disclosure statement must include ~~((including))~~ all the criteria specified in RCW 64.06.020 and any variance(s) granted according to WAC 296-150M-0140, and:

~~((a))i~~ Have all department insignia required by this chapter; or

~~((b))ii~~ Have all department insignia required by this chapter for alterations performed during ownership of the home and include in the property transfer disclosure statement all alterations that were known to have been performed by any previous owner of the home.

~~((2))~~ (b) Nothing in ~~((this))~~ subsection (1) of this section shall have any effect on any written warranty(ies) required by RCW 46.70.135.

~~((3))~~ Subsection (1)~~((b))a~~(ii) of this section does not permit the sale of an ~~((apply to))~~ unsafe manufactured or ~~((F))~~ mobile homes ~~((that))~~ when the use of which may constitute a hazard to life, safety, or health.

(2) The homeowner may enter into a conditional sale of an altered manufactured or mobile home. A conditional sales agreement may be executed only if, prior to execution, the seller has complied with subsection (1) of this section. For purposes of this subsection "conditional sale" means an agreement between the seller and the purchaser which is contingent on the seller fulfilling the conditions established by the purchaser (i.e. the sale of the home is contingent on the seller ensuring that alterations performed to the manufactured or mobile home are in compliance with these rules).

(3) The homeowner may request an inspection by the department. If after the inspection the department determines that an alteration may constitute a hazard to life, safety or health the department must notify the homeowner in writing within thirty days of completing the inspection. The department may also notify the local official responsible for enforcing the fire code adopted under chapter 19.27 RCW and/or the local health officer.

NOTE: In addition to the homeowner requesting an inspection by the department, any party including the buyer and/or party financing the sale may also request an inspection. The department will conduct the inspection and if after the inspection the department determines that an alteration may constitute a hazard to life, safety or health the department shall notify the interested parties identified by the requesting party in writing within thirty days of completing the inspection. The department may also notify the local official responsible for enforcing the fire code adopted under chapter 19.27 RCW and/or the local health officer.

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

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

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96)

WAC 296-150M-0050 When can a manufactured home be posted with a prohibited sale or lease notice (~~Can I sell or lease a manufactured home that has been posted with a prohibited sale or lease notice?~~) (1) ~~If we find your manufactured home violates this chapter or federal standards in 24 CFR 3280, we may attach a prohibited sale or lease notice to your unit.~~

~~(2) You may not sell, lease, or offer for sale a manufactured home that is posted with a prohibited sale or lease notice.~~

~~(3) A prohibited sale or lease notice shall remain posted until the code violation(s) is are corrected, we inspect and approve the correction, and you pay the required fees. (See WAC 296-150M-3000))~~

(1) A manufactured home may be posted with a prohibited sale notice when:

(a) The home is being sold or offered for sale by a retailer, dealer, distributor or manufacturer and we find that the home has alterations that constitute a hazard to life, safety, or health; or

(b) The home is being sold or offered for sale by a homeowner and it is not an installed manufactured or mobile home per WAC 296-150M-0020.

(2) A manufactured home may be posted with a prohibited lease notice whenever the home is offered for lease by any party and we find that the home has alterations that constitute a hazard to life, safety, or health.

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

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

NEW SECTION

WAC 296-150M-0051 Can I sell or lease a manufactured home that has been posted with a prohibited sale or lease notice? (1) You may not sell, lease, or offer for sale a manufactured home that is posted with a prohibited sale or lease notice.

(2) A prohibited sale or lease notice shall remain posted until the code violation(s) are corrected, we inspect and approve the correction, and you pay the required fees. (See WAC 296-150M-3000).

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96)

WAC 296-150M-0320 What must I provide to request approval of an alteration? (1) For approval of an alteration, you must complete and return our alteration permit application form. The application must contain:

- (a) A description of the proposed alteration(s);
- (b) Applicable specifications, engineering data, test procedures and results; and

(c) Payment of the alteration permit fee, alteration insignia fee, and any inspection fees. (See WAC 296-150M-3000.)

NOTE: the department may waive alteration permit fees for indigent permit applicants. (See WAC 296-150M-0322.)

(2) For approval of a structural alteration, we must approve the design plan. This is in addition to the requirements stated in subsection (1) of this section. (See WAC 296-150M-0370.)

NEW SECTION

WAC 296-150M-0322 Data requirements for the identification of indigent persons. (1) Any one of the following documents from shall be considered sufficient evidence upon which to base the final determination of indigent status, when the income information is annualized as may be appropriate:

- (a) A "W-2" withholding statement from all employers for the previous year;
- (b) Pay stubs from all employers for the previous year;
- (c) An income tax return from the most recently filed calendar year;
- (d) Forms approving or denying eligibility for Medicaid and/or state-funded medical assistance;
- (e) Forms approving or denying unemployment compensation; or
- (f) Written statements from all employers for the previous year or welfare agencies.

(2) In the event that the responsible party is not able to provide any of the documentation described above, the department shall rely upon written and signed declarations under penalty of perjury from the responsible party for making a final determination of eligibility for classification as an indigent person.

(3) Information requests, from the department to the responsible party, for the verification of income and family size shall be limited to that which is reasonably necessary to substantiate the responsible party's qualification for indigent status, and may not be used to discourage applications for such status. Only those facts relevant to eligibility may be verified, and duplicate forms of verification shall not be demanded.

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.

EMERGENCY

AMENDATORY SECTION (Amending WSR 01-12-035, filed 5/29/01)

WAC 296-150M-3000 Manufactured home fees.

WAC 296-150M-3000 MANUFACTURED HOME FEES

INITIAL FILING FEE \$ ~~((28.80))~~
29.60

DESIGN PLAN FEES:

STRUCTURAL ALTERATION-MASTER DESIGN (CODE CYCLE) \$ ~~((115.90))~~
119.10

STRUCTURAL ALTERATION - ONE YEAR DESIGN \$ ~~((81))~~
80.00

RENEWAL FEE \$ ~~((34.70))~~
35.60

RESUBMITTAL FEE \$ ~~((57.80))~~
59.40

ADDENDUM (Approval expires on the same date as original plan.) \$ ~~((57.80))~~
59.40

ELECTRONIC PLAN SUBMITTAL FEE ~~\$4.50~~ 4.60 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.

DEPARTMENT INSPECTION FEES:

INSPECTION ~~((Per-hour*))~~ ~~((57.80))~~

MECHANICAL

Heat Pump 30.00

Air Conditioning 30.00

Furnace Installation (gas or electric) 30.00

Gas Piping 30.00

Wood Stove 30.00

Pellet Stove 30.00

Gas Room Heater 30.00

Gas Decorative Appliance 30.00

Range: changing from electric to gas 30.00

Gas Water Heater Replacement 20.00

Water Heater: changing from electric to gas 20.00

ELECTRICAL

Heat Pump 40.00

Air Conditioner 40.00

Furnace Installation (gas or electric) 40.00

Wood Stove (if applicable) 40.00

Pellet Stove (if applicable) 40.00

Gas Room Heater (if applicable) 40.00

Gas Decorative Appliance (if applicable) 40.00

Range: changing from gas to electric 40.00

Electric Water Heater Replacement 40.00

Electric Water Heater replacing Gas Water Heater 40.00

Each added or modified circuit 40.00

Hot Tub or Spa (power from home electrical panel) 40.00

Replace main electrical panel 40.00

Low voltage fire/intrusion alarm 40.00

Fire Safety 40.00

PLUMBING

Fire sprinkler system (also requires a plan review) 20.00

Each added fixture 20.00

Replacement of water piping system (this includes 2 inspections) 90.00

STRUCTURAL

Inspection as part of a mechanical/fire safety installation (Cut truss/floor joist, sheet rocking) 40.00

EMERGENCY

WAC 296-150M-3000 MANUFACTURED HOME FEES

<u>Reroofs (may require a plan review)</u>	<u>70.00</u>
<u>Changes to home when additions bear loads on home per the design of a professional (also requires a plan review)</u>	<u>70.00</u>
<u>Other structural changes (may require a plan review)</u>	<u>70.00</u>
<u>Fire Safety</u>	<u>40.00</u>

MISCELLANEOUS

<u>Other structural changes (may require a plan review)</u>	<u>70.00</u>
<u>Plan Review</u>	<u>80.00</u>

OTHER REQUIRED INSPECTIONS (Per hour*)	\$ <u>55.00</u> ((57.80))
ALL REINSPECTIONS (Per hour*)	\$ <u>55.00</u> ((57.80))

INSIGNIA FEES:

ALTERATION	\$ ((28.80)) <u>10.00</u>
REISSUED - LOST/DAMAGED	\$ <u>10.00</u> ((46.90))

IPIA

DEPARTMENT AUDIT FEES

REGULARLY SCHEDULED IPIA AUDIT:

First inspection on each section (one time only)	\$ ((26.40)) <u>27.10</u>
Second and succeeding inspections of unlabelled sections (Per hour*)	\$ ((57.80)) <u>59.40</u>

OTHER IPIA FEES:

Red tag removal during a regularly scheduled IPIA audit (Per hour* separate from other fees)	\$ ((57.80)) <u>59.40</u>
Red tag removal at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$ ((57.80)) <u>59.40</u>
Increased frequency surveillance (Per hour* plus travel time* and mileage**)	\$ ((57.80)) <u>59.40</u>
Attendance at manufacturers training classes (Per hour* only)	\$ ((57.80)) <u>59.40</u>
Subpart "I" investigations (Per hour* plus travel time* and mileage**)	\$ ((57.80)) <u>59.40</u>
Alterations to a labelled unit (Per hour* plus travel time* and mileage**)	\$ ((57.80)) <u>59.40</u>
IPIA Issues/Responses (Per hour* Plus travel time* and mileage**)	\$ ((57.80)) <u>59.40</u>
Monthly surveillance during a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$ ((57.80)) <u>59.40</u>
Monthly surveillance at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$ ((57.80)) <u>59.40</u>
Plant certifications, recertifications and addenda updates (Per hour* plus travel time* and mileage per each inspector)	\$ ((57.80)) <u>59.40</u>
Response to HBT Audit during a regularly scheduled IPIA audit (Per hour*)	\$ ((57.80)) <u>59.40</u>
Response to HBT Audit at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$ ((57.80)) <u>59.40</u>
Alternative construction (AC) letter inspections at placement site (Per hour* plus travel time* and mileage**)	\$ ((57.80)) <u>59.40</u>
Replacement of HUD labels (Per hour* plus travel time* and mileage**)	\$ ((57.80)) <u>59.40</u>

EMERGENCY

WAC 296-150M-3000 MANUFACTURED HOME FEES

OTHER FEES:

FIELD TECHNICAL SERVICE (Per hour plus travel time* and mileage**)	\$ ((57.80)) <u>55.00</u>
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$ ((11.00)) <u>11.30</u>

NOTE: Local jurisdictions may have other fees that apply.

- * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.
- ** Per state guidelines.
- *** Actual charges incurred.

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 01-12-035, filed 5/29/01)

WAC 296-150F-3000 Factory-built housing and commercial structure fees.

WAC 296-150F-3000 FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURES

INITIAL FILING FEE	\$ ((40.30)) <u>54.00</u>
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DESIGN PLAN FEES:

INITIAL FEE - MASTER DESIGN (CODE CYCLE)	\$ ((197.50)) <u>266.00</u>
INITIAL FEE - ONE YEAR DESIGN	\$ ((115.00)) <u>156.00</u>
RENEWAL FEE	\$ ((40.30)) <u>54.00</u>
RESUBMIT FEE	\$ ((57.80)) <u>78.00</u>
ADDENDUM (Approval expires on same date as original plan.)	\$ ((57.80)) <u>78.00</u>

ELECTRONIC PLAN SUBMITTAL FEE ~~\$4.50~~ 4.60 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.

ELECTRICAL PLAN REVIEW (When required by WAC 296-46A-140, Plan review

for educational, institutional or health care facilities and other buildings):

Electrical Plan submission fee	\$ ((57.80)) <u>59.40</u>
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Service/feeder Ampacity:

0 - 100	\$ ((25.70)) <u>26.40</u>
101 - 200	\$ ((32.10)) <u>32.90</u>
201 - 400	\$ ((59.90)) <u>61.50</u>
401 - 600	\$ ((70.70)) <u>72.60</u>
601 - 800	\$ ((91.00)) <u>93.50</u>
801 - 1000	\$ ((111.30)) <u>114.40</u>
Over 1000	\$ ((120.80)) <u>124.10</u>
Over 600 volts surcharge	\$ ((19.20)) <u>19.70</u>

EMERGENCY

WAC 296-150F-3000 FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURES

Thermostats:

First	\$((41.50))
	<u>11.80</u>
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$((40.50))
	<u>10.70</u>
Each additional circuit or zone	\$2.00
Generators, refer to appropriate service/feeder ampacity fees	

Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.

Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) will be charged per hour or fraction of an hour*	\$((68.40))
	<u>70.30</u>

MEDICAL GAS PLAN REVIEW:

SUBMISSION FEE	\$((55.50))
	<u>74.00</u>
FIRST STATION	\$((55.50))
	<u>74.00</u>
EACH ADDITIONAL STATION	\$((20.50))
	<u>27.00</u>

RECIPROCAL PLAN REVIEW:

INITIAL FEE-MASTER DESIGN	\$((88.20))
	<u>119.00</u>
INITIAL FEE-ONE YEAR DESIGN	\$((53.40))
	<u>72.00</u>
RENEWAL FEE	\$((53.40))
	<u>72.00</u>
ADDENDUM	\$((53.40))
	<u>72.00</u>

PLANS APPROVED BY PROFESSIONALS

\$((40.30))
<u>54.00</u>

APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS

\$((41.00))
<u>14.00</u>

DEPARTMENT INSPECTION FEES

INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$((57.80))
	<u>69.00</u>
TRAVEL (Per hour*)	\$((57.80))
	<u>69.00</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	

DEPARTMENT AUDIT FEES:

AUDIT (Per hour*)	\$((57.80))
	<u>69.00</u>
TRAVEL (Per hour*)	\$((57.80))
	<u>69.00</u>
PER DIEM**	
HOTEL***	

EMERGENCY

WAC 296-150F-3000 FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURES

- MILEAGE**
- RENTAL CAR***
- PARKING***
- AIRFARE***

INSIGNIA FEES:

FIRST SECTION	\$((162.50)) 220.00
EACH ADDITIONAL SECTION	\$((15.90)) 20.00
REISSUED-LOST/DAMAGED	\$((40.30)) 54.00

OTHER FEES:

FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((57.80)) 69.00
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	\$((23.90)) 30.00
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$((11.00)) 11.30

- * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.
- ** Per state guidelines.
- *** Actual charges incurred.

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

WSR 02-22-002
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed October 23, 2002, 3:39 p.m.]

Date of Adoption: October 18, 2002.

Purpose: The purpose of this emergency filing is to amend 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.

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?
Amended	388-148-0335	When must I get medical exams for the children under my care?

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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	388-148-0800	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?

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?

Citation of Existing Rules Affected by this Order: See Purpose above.

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 has filed a preproposal statement of inquiry (WSR 02-06-083) and 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.

October 18, 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 02-23 issue of the Register.

WSR 02-22-008
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed October 25, 2002, 10:18 a.m., effective October 26, 2002]

Date of Adoption: October 23, 2002.

Purpose: The Division of Employment and Assistance Programs is amending WAC 388-478-0055 to reflect changes to the state supplemental payment standards and adopting new WAC 388-474-0012 which defines the eligibility criteria for receiving a state supplemental payment (SSP) in Washington state.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0055.

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

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.

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 supplement 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 pro-

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vided a transitional state supplemental payment." To comply with this requirement, it is necessary to modify the existing rules on an emergency basis. This is a second emergency filing and includes the federal cost of living adjustment for 2003. The department is in the process of adopting these rules as permanent rules. A preproposal statement of inquiry notice has been filed as WSR 02-16-078.

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 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 1, Amended 1, Repealed 0.

Effective Date of Rule: October 26, 2002.

October 23, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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

Federal ((Benefit)) Pay-
ment Level

State Supplement
((Benefit)) Payment
Level

Combined Federal/State
((Benefit)) Payment Level

Individual \$ ((531.00)) 553.00

\$ ((25.90)) 0.00

\$ ((556.90)) 553.00

Individual with: ((\$ 797.00)) 829.00

((\$ 19.90)) 0.00

((\$ 816.90)) 829.00

One essential person

((Individual with: ((\$531 for the eligible individual plus \$266 for each essential person (no state supplement)))
-Multiple essential persons))

Individual with an ineligible spouse \$ ((531.00)) 553.00

\$ ((166.10)) 70.00

\$ ((697.10)) 623.00

Couple \$ ((796.00)) 828.00

\$ ((19.90)) 0.00

\$ ((815.90)) 828.00

((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 \$828.00

\$0.00

\$828.00

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

living alone - In own household or alternate care, except nursing homes or medical institutions

Federal Benefit
Level

State Supplement
Benefit Level

Combined Federal/State
Benefit Level

Individual \$ 531.00

\$ 5.45

\$ 536.45

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living alone - In own household or alternate care, except nursing homes or medical institutions

	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
Individual with: - One essential person	\$ 797.00	\$ 0.00	\$ 797.00
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
Couple	\$ 796.00	\$ 0.00	\$ 796.00
Couple with one or more essential persons	\$796 for eligible couple plus \$266 for each essential person (no state supplement)		

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

SHARED LIVING - In the home of another person	Federal ((Benefit)) <u>Payment</u> Level	State Supplement ((Benefit)) <u>Payment</u> Level	Combined Federal/State ((Benefit)) <u>Payment</u> Level
Individual	\$ ((354.00)) <u>368.42</u>	\$ ((3.71)) <u>0.00</u>	\$ ((357.71)) <u>368.42</u>
Individual with: One essential person	(((\$ 531.34)) <u>552.97</u>	(((\$ 4.20)) <u>0.00</u>	(((\$ 535.54)) <u>552.97</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>368.42</u>	\$ ((101.66)) <u>70.00</u>	\$ ((455.66)) <u>438.42</u>
Couple	\$ ((530.67)) <u>552.29</u>	\$ ((4.20)) <u>0.00</u>	\$ ((534.87)) <u>552.29</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>\$552.29</u>	<u>\$0.00</u>	<u>\$552.29</u>

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

MEDICAL INSTITUTION	Federal ((Benefit)) <u>Payment</u> Level	State Supplement ((Benefit)) <u>Payment</u> Level	Combined ((Benefit)) <u>Payment</u> Level
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.)

- (a) You are a grandfathered SSI recipient under WAC 388-474-0001;
- (b) You are an individual with an ineligible spouse under WAC 388-474-0001; or
- (c) You are determined eligible for SSP by the division of developmental disabilities (see WAC 388-825-525 and 388-825-535).

WSR 02-22-011
EMERGENCY RULES
DEPARTMENT OF REVENUE

[Filed October 25, 2002, 2:13 p.m.]

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:

Date of Adoption: October 25, 2002.
Purpose: WAC 458-20-185 explains the tax reporting responsibilities of tobacco distributors.
Citation of Existing Rules Affected by this Order: Amending WAC 458-20-185 Tax on tobacco products.
Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

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Other Authority: Section 5, chapter 325, 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: This rule was previously adopted on an emergency basis effective July 1, 2002 (WSR 02-13-082) to provide tax information regarding the effects of chapter 325, Laws of 2002. This legislation amended chapter 82.26 RCW, Tax on tobacco products, by adding definitions, adding a new class of tobacco distributor, and explaining the obligations applicable to the new class of tobacco distributor. A CR-102 public hearing for the purpose of announcing the department's proposal to adopt a revised permanent Rule 185 is scheduled for December 10, 2002. A second emergency adoption of this rule is necessary because a permanent rule cannot be adopted before the expiration date of the first emergency adoption. There have been no changes to the rule being adopted with this filing.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 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: Immediately.

October 25, 2002

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 94-10-061, filed 5/3/94, effective 6/3/94)

WAC 458-20-185 Tax on tobacco products. (1) **Introduction.** This ~~((section))~~ rule explains the tax liabilities of persons engaged in business as a distributor or subjobber of tobacco products. It addresses only those taxes which apply exclusively to tobacco products. See WAC 458-20-186 for tax liabilities associated with taxes which apply exclusively to cigarettes.

Recent changes to the tobacco products tax program include the following:

(a) Initiative 773, which imposed a surtax on tobacco products effective January 1, 2002. The rate of the surcharge is set forth in RCW 82.26.028; and

(b) Chapter 325, laws of 2002, which is effective July 1, 2002. This legislation:

(i) Added a new class of distributor, see subsection (2)(b)(iv) of the rule;

(ii) Provide a definition of person specific to the tobacco products tax, see subsections (2)(g) and (h) of the rule;

(iii) Added a new taxable event regarding the handling of tobacco products upon which the tax has not been imposed, see subsection (3) of the rule; and

(iv) Provided for invoice requirements to be established by rule, see subsection (4)(b) of the rule.

(2) Definitions.

(a) "Tobacco products" means all tobacco products except cigarettes. The term includes cigars, cheroots, stogies, periques; granulated, plug cut, crimp cut, ready rubbed or other smoking tobacco; snuff, snuff flour, cavendish, plug, twist, fine cut, or other chewing tobacco; shorts, refuse scraps, clippings, cuttings, sweepings, or other kinds or forms of tobacco.

(b) "Distributor" means

(i) Any person engaged in the business of selling tobacco products in this state who brings or causes to be brought into this state from without the state any tobacco products for sale, or

(ii) Any person who makes, manufactures, or fabricates tobacco products in state for sale in this state, or

(iii) Any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state.

(iv) Any person engaged in the business of selling tobacco products in this state who handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

(c) "Subjobber" means any person, other than a tobacco manufacturer or distributor, who buys tobacco products from a distributor and sells them to persons other than the ultimate consumers.

(d) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever by any person for a consideration. It includes all gifts by persons selling tobacco products.

(e) "Wholesale sales price" means the established manufacturer's price to the distributor, exclusive of any discount or other reduction.

(f) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state.

(g) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. The term excludes any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(h) "Indian country" means the same as defined WAC 458-20-192 (2)(b).

(3) Nature of tax. The Washington state tobacco products tax is an excise tax levied on the value of the wholesale sales price on all tobacco products sold, used, consumed, handled, or distributed within the state((f-)). The rate of tax is a combination of statutory percentage rates found in RCW 82.26.020 ((and)), 82.26.025, and 82.26.028. Charts with current rates are available from the special programs division at the department of revenue. The tax is to be paid by the distributor at the time the distributor brings or causes to be brought into this state from without the state tobacco products for sale or handles for sale any tobacco products that are within this state but upon which tax has not been imposed. A retailer who fails to keep invoices as required in chapter 82.32 RCW is liable for the tax on any uninvoiced tobacco products.

(4) Books and records. Since the tobacco products tax is paid on returns as computed by the taxpayer rather than by affixing of stamps or decals, the law contains stringent provisions requiring that accurate and complete records be maintained and preserved for five years for examination by the department of revenue.

(a) The records to be kept by distributors include itemized invoices of tobacco products held, purchased, manufactured, brought in or caused to be brought in from without the state or shipped or transported to retailers in this state, and of all sales (including customers' names and addresses) of tobacco products except retail sales. All other pertinent papers and documents relating to purchase, sale, or disposition of tobacco products must be retained.

(b) Retailers and subjobbers must secure and retain legible and itemized invoices of all tobacco products purchased, showing name and address of the seller and the date of purchase.

(c) Records of all deliveries or shipments (including ownership, quantities) of tobacco products from any public warehouse of first destination in this state must be kept by the warehouse.

(5) Reports and returns. The tax is reported on the combined excise tax return, Form REV 40 2406, to be filed according to the reporting frequency assigned by the department. Detailed instructions for preparation of these returns may be secured from the department.

Out-of-state wholesalers or distributors selling directly to retailers in Washington should apply for a certificate of registration, and the department will furnish returns for reporting the tax.

(6) Interstate and sales to U.S. The tax does not apply to tobacco products sold to federal government agencies, nor to deliveries to retailers or wholesalers outside the state for resale by such retailers or wholesalers, and a credit may be taken for the amount of tobacco products tax previously paid on such products.

(7) Returned or destroyed goods. A credit may also be taken for tobacco products destroyed or returned to the manufacturer on which tax was previously paid, but returns on which such credits are claimed must be accompanied by

appropriate affidavits or certificates conforming to those illustrated below:

(a) Certificate of taxpayer.

Claim for Credit on Tobacco Products
Tax Merchandise Destroyed

The undersigned certifies under penalty of perjury under the laws of the state of Washington that the following is true and correct to the best of his/her knowledge:

That he/she is (Title) of the (Business Name), a dealer in tobacco products; that the dealer has destroyed merchandise unfit for sale, said tobacco products having a wholesale sales price of \$; that tobacco tax had been paid on such tobacco products; that the tobacco products were destroyed in the following manner and in the presence of an authorized agent of the department of revenue:

.....
(State date and manner of destruction)
.....

Attested to:
Date

By
Signature of Taxpayer or
Authorized Representative.
.....
Position with Dealer
.....
Dealer
.....
Address of Dealer

APPROVED:
.....
Authorized Agent of
Department of Revenue of the
State of Washington.

(b) Certificate of manufacturer.

Claim for Credit on Tobacco Products
Tax Merchandise Returned:

The undersigned certifies under penalty of perjury under the laws of the state of Washington that the following is true and correct to the best of his/her knowledge:

That he/she is (Title) of the (Business Name), a manufacturer of tobacco products; that the manufacturer has received from (Dealer), (Address), a dealer in tobacco products within the State of Washington, certain tobacco products which were unfit for sale, the tobacco products having a wholesale sales price of \$; that the tobacco products were destroyed in the following manner:

.....
(Indicate date and manner of destruction)

Credit issued on Memo No.
 credit approved by: Signature of Taxpayer or
 Authorized Representative

 on behalf of the Department Name of Manufacturer
 of Revenue - State of
 Washington Address

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

**WSR 02-22-012
 EMERGENCY RULES
 DEPARTMENT OF
 FISH AND WILDLIFE**

[Order 02-272—Filed October 25, 2002, 4:50 p.m., effective October 27, 2002, 12:01 a.m.]

Date of Adoption: October 25, 2002.
 Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 232-28-61900T; 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: Fall chinook salmon are not migrating upriver in a normal pattern because of extreme low flow conditions with little or no rainfall in the immediate forecast. Many chinook are not migrating at all but are milling in the river and appear to be moving in and out with the tides. Biologists are concerned that chinook may be subjected to higher than normal harvest rates in the tribal and sport fisheries in the lower river because of the lack of movement upstream. Releasing all chinook in the sport fishery will allow many of these fish to reach the spawning grounds as soon as flows increase. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.
 Effective Date of Rule: October 27, 2002, 12:01 a.m.
 October 25, 2002
 J. P. Koenings
 Director

NEW SECTION

WAC 232-28-61900W Exceptions to statewide rules.
 Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. October 27, 2002, until further notice it is unlawful to violate the following provisions in the following waters:

- (1) Quillayute River (Jefferson Co.) - Closed to fishing.
- (2) Hoh River (Jefferson Co.) Those waters from mouth to Morgans Crossing boat launch - Release chinook salmon. All species selective gear rules from the DNR Oxbow Camp-ground boat launch to Morgans Crossing boat launch.
- (3) Bogachiel River (Clallam Co.) - Closed to fishing.
- (4) Calawah River (Clallam Co.) - Closed to fishing.
- (5) Dickey River (Clallam Co.) - Closed to fishing.
- (6) Sol Duc River (Clallam Co.) - Closed to fishing.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 27, 2002:

WAC 232-28-61900T Exceptions to statewide rules. (02-263)

**WSR 02-22-013
 EMERGENCY RULES
 DEPARTMENT OF
 FISH AND WILDLIFE**

[Order 02-271—Filed October 25, 2002, 4:50 p.m.]

Date of Adoption: October 25, 2002.
 Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 232-28-61900L; 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 removal of selective gear rules will provide a greater opportunity for the harvest of surplus hatchery steelhead during winter flow conditions. Removing more hatchery fish will reduce the potential for spawning interactions between hatchery and wild fish. 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

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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.

October 25, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900V Exceptions to statewide rules—Cowlitz, Hoh, Lewis (including East Fork and North Fork). Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions:

(1) Cowlitz River (Cowlitz/Lewis County) Effective immediately through November 8, 2002, in addition to a daily limit of two trout, one additional hatchery steelhead may be retained in those waters of the Cowlitz River from the boundary markers at the mouth upstream to 400 feet or posted markers below the barrier dam. Wild steelhead and steelhead with missing right ventral fins must be released.

(2) Hoh River (Jefferson County) Willoughby Creek to Morgan's Crossing boat Launch: Effective December 1, 2002 until further notice, selective gear rules in effect.

(3) Hoh River (Jefferson County) Morgan's Crossing Boat Launch to Olympic National Park Boundary below mouth of south Fork Hoh River: Effective immediately until further notice selective gear rules in effect.

(4) Hoh River, South Fork (Jefferson County) Effective immediately until further notice, selective gear rules are in effect.

(5) Lewis River (Clark County) from boundary markers at mouth upstream to mouth of east fork: Effective immediately through November 8, 2002, in addition to a daily limit of two trout, one additional hatchery steelhead may be retained.

(6) North Fork Lewis River (Clark County). from forks to Colvin Creek: Effective immediately through November 8, 2002, in addition to a daily limit of two trout, one additional hatchery steelhead may be retained.

(7) East Fork Lewis River (Clark County) from the mouth upstream to 400 feet downstream of Horseshoe Falls. Effective November 1, 2002 until further notice selective gear rules do not apply.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900L Exceptions to statewide rules—Cispus, Cowlitz, Hoh, Lewis (including North Fork), and Lake Scanewa (Cowlitz Falls Reservoir). (02-231)

WSR 02-22-014 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 02-268—Filed October 25, 2002, 4:50 p.m., effective October 27, 2002, 12:01 a.m.]

Date of Adoption: October 25, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-31100D, 220-47-31100E, 220-47-41100C, and 220-47-41100D; and amending WAC 220-47-311 and 220-47-411.

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: These Puget Sound purse seine and gill net regulations are part of the final agreements reached at the April 11, 2002, meeting of the Pacific Fishery Management Council (PFMC) in Portland, Oregon. Provision for purse seines to release coho salmon in Areas 7, 7A, 8A, 10, 11, 12, 12B, and 12C was identified in the annual management plan, but it was inadvertently omitted from the package of permanent regulations. Coho release by purse seines is required in order to meet the goals established for coho in annual fishing plans. Area 6D has remaining coho salmon available for harvest, and possible extension of the season was mentioned in the annual agreement package. Run size update and catches-to-date indicate that extension of the season by an additional week of fishing is warranted for that species. Meanwhile, status of Dungeness River chum salmon run is unknown and there is no specific escapement target defined for that stock. Therefore, protection of chum salmon in the Area 6D skiff gill net fishery is necessary. The special seven days per week twenty-four hours per day opening for the designated portion of Area 7B is intended to increase harvest rate on Whatcom Creek hatchery chum salmon in the Bellingham Bay chum fishery. This hatchery stock of chum has produced returns far in excess of spawning needs in recent years. 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: October 27, 2002, 12:01 a.m.

October 25, 2002

J. P. Koenings

Director

NEW SECTION

WAC 220-47-31100E Purse seine - Open periods. Notwithstanding the provisions of Chapter 220-47-311 WAC:

(1) Effective immediately through December 6, 2002, it is unlawful to retain coho salmon taken with purse seine gear in Salmon Management and Catch Reporting Areas 7, 7A, 8A, 10, 11, 12, 12B and 12C.

(2) Effective 12:01 a.m. October 27, 2002 through 4:00 p.m. December 6, 2002, that portion of Area 7B east of a line from Post Point to the flashing red light at west entrance to Squalicum Harbor is open to purse seines 24 hours per day 7 days per week.

NEW SECTION

WAC 220-47-41100D Gill net - Open periods. Notwithstanding the provisions of Chapter 220-47-411 WAC,

(1) Effective October 28, 2002 through November 1, 2002, Area 6D is open 7:00 a.m. to 7:00 p.m. daily to skiff gill nets using 5 inch minimum and 5 1/2 maximum mesh size. Chum salmon are required to be removed from the net immediately by cutting the meshes ensnaring the fish.

(2) Effective 12:01 a.m. October 27, 2002 through 4:00 p.m. December 6, 2002, that portion of Area 7B east of a line from Post Point to the flashing red light at west entrance to Squalicum Harbor is open to gill nets using 6-1/4" minimum mesh, 24 hours per day 7 days per week.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. October 27, 2002:

WAC 220-47-31100D Purse seine—Open periods. (02-258)

WAC 220-47-41100C Gill net—Open periods. (02-251)

The following sections of the Washington Administrative Code are repealed effective 4:01 p.m. December 6, 2002:

WAC 220-47-31100E Purse seine - Open periods.

WAC 220-47-41100D Gill net - Open periods.

**WSR 02-22-015
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-267—Filed October 25, 2002, 4:50 p.m.]

Date of Adoption: October 25, 2002.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-20-08000A; and amending WAC 220-20-080.

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: Chapter 310, Laws of 2002, establishes a direct retail sale endorsement to a commercial crab and salmon license. This legislation took effect on July 1, 2002, and an interim rule is needed until the permanent rule takes effect after the December 2002, commission meeting.

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.

October 25, 2002

J. P. Koenings

Director

NEW SECTION

WAC 220-20-08000B 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

EMERGENCY

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.

(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 (360) 902-2155, or email 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-20-08000A Sale under a direct retail endorsement. (02-136)

WSR 02-22-016

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 02-269—Filed October 25, 2002, 4:50 p.m., effective October 28, 2002, 7:00 a.m.]

Date of Adoption: October 25, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000W and 220-33-01000X; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The late stock coho run size is greater than the preseason forecast and harvestable numbers of salmon are available for the mainstem Columbia River. The sturgeon guideline is expected to be achieved prior to the start of the fishery and sales are not allowed. The upper and lower boundary lines are in place to protect chum and wild coho. The select areas are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. This season is consistent with the 2002 fall management agreement and actions of the Columbia River compact on August 15, 2002, and October 23, 2002, and is included in the biological assessment of ESA listed stocks. The biological opinion covering these fisheries has been signed. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: October 28, 2002, 7:00 a.m.

October 25, 2002

J. P. Koenings
Director

EMERGENCY

NEW SECTION

WAC 220-33-01000X Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-005, WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections.

1) **OPEN AREA:** SMCRA 1B upstream of a line between Harrington Point in Washington to Settler Point in Oregon and 1C, 1D, and 1E upstream to a line from Navigation Marker 85 on the Washington shore at a right angle to the thread of the Columbia River on the Oregon shore.

a) **SEASON:** 7:00 a.m. October 28 to 7:00 a.m. October 31, 2002

b) **GEAR:** Gill nets - 9 3/4 inch maximum mesh.

c) **ALLOWABLE SALE:** Salmon only.

d) **SANCTUARIES:** Elochomin-A, Abernathy Creek, Cowlitz, Kalama-A, Lewis-A, Sandy, Washougal sanctuaries are in effect.

e) **OTHER:** Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

2) **OPEN AREA:** Blind Slough/Knappa Slough Select Area

Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent waters extend downstream of the railroad bridge. Oregon State waters extend upstream of the railroad bridge.

Knappa Slough fishing area includes all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the western end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure of about a 100' radius at the mouth of Big Creek defined by markers. All waters are under concurrent jurisdiction.

a) **SEASON:** Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2002. Open hours are 6:00 p.m. to 8:00 p.m. daily.

b) **GEAR:** Gillnet - 6-inch maximum mesh size. Maximum net length of 100 fathoms. No weight restriction on lead line.

c) **ALLOWABLE SALE:** Salmon and sturgeon.

3) **OPEN AREA:** Tongue Point/South Channel Select Area

Tongue Point fishing area includes all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank. All waters are under concurrent jurisdiction.

South Channel area includes all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10" thence north-

westerly to a marker on the sand bar defining the terminus of South Channel. All waters are under concurrent jurisdiction.

a) **SEASON:** Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2002. Open hours are 6:00 p.m. to 8:00 p.m. daily. Tongue Point and South Channel areas are open.

b) **GEAR:** In the Tongue Point area the mesh size is restricted to Gillnets 6-inch maximum mesh. Net length maximum of 250 fathoms, and weight not to exceed two pounds on any one fathom on the lead line.

In the South Channel area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on lead line.

c) **ALLOWABLE SALE:** Salmon and sturgeon.

d) **MISCELLANEOUS:** Participants in the Tongue Point fishery may have stored on board their boats, gill nets with lead line in excess of two pounds per fathom.

4) **OPEN AREA:** Deep River Select Area

Deep River is open to fishing down river from the town of Deep River to the mouth (a line from navigation marker "16" southwest to a marker on the Washington shore). Concurrent waters extend downstream of the Highway 4 bridge. State waters extend upstream of the Highway 4 bridge.

a) **SEASON:** Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2002. Open hours are 6:00 p.m. to 8:00 p.m. daily.

b) **GEAR:** Gillnet - 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) **ALLOWABLE SALE:** Salmon and sturgeon.

5) **OPEN AREA:** Steamboat Slough Select Area

Steamboat Slough is open to fishing in waters bounded by markers on Price Island and the Washington shore, at both upstream and downstream ends of Steamboat Slough. All open waters are under concurrent jurisdiction.

a) **SEASON:** Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2002. Open hours are 6:00 p.m. to 8:00 p.m. daily.

b) **GEAR:** Gillnet 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) **ALLOWABLE SALE:** Salmon and sturgeon.

d) **MISCELLANEOUS:** Transportation or possession of fish outside the fishing area is unlawful unless by licensed buyer, except fishers may transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:00 a.m. October 28, 2002:

WAC 220-33-01000W Columbia River season below Bonneville. (02-255)

The following section of the Washington Administrative Code is repealed effective 8:01 p.m. October 31, 2002:

WAC 220-33-01000X Columbia River season below Bonneville.

WSR 02-22-017
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-270—Filed October 25, 2002, 4:50 p.m., effective October 27, 2002, 6:00 p.m.]

Date of Adoption: October 25, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05700Q and 220-32-05700R; and amending WAC 220-32-057.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Closes The Dalles Pool for a sturgeon set line because the guideline has been achieved. There is room on the guideline for Bonneville Pool to remain open. Conforms state rules with tribal rules. Consistent with compact action of October 24, 2002. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: October 27, 2002, 6:00 p.m.

October 25, 2002

J. P. Koenings

Director

NEW SECTION

WAC 220-32-05700R Columbia River sturgeon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-057, effective immediately, it is unlawful to take, fish for or possess sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for sturgeon with set line gear under the following provisions:

1) Dates: Effective 6:00 p.m. October 27, 2002 through 6:00 p.m. December 15, 2002.

2) Open area is 1F.

3) During the season specified in Section 1, it is unlawful to:

a) retain for commercial purposes sturgeon less than 48 inches or greater than 60 inches in length.

b) sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of a sturgeon prior to sale of the sturgeon to a wholesale dealer licensed under chapter RCW 77.65, or to sell or barter sturgeon eggs at retail.

c) deliver to a wholesale dealer licensed under chapter RCW 77.65 any sturgeon that are not in the round with the head and tail intact.

4) During the season specified in Section 1, it is unlawful to use set line gear:

a) with more than 100 hooks per set line

b) with hooks less than the minimum size of 9/0

c) with treble hooks

d) without visible buoys attached and with buoys that do not specify operator and tribal identification

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. October 27, 2002:

WAC 220-32-05700Q Columbia River sturgeon seasons above Bonneville Dam. (02-241)

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. December 15, 2002:

WAC 220-32-05700R Columbia River sturgeon seasons above Bonneville Dam.

WSR 02-22-031
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-273—Filed October 28, 2002, 5:00 p.m.]

Date of Adoption: October 28, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-36-02300D and 220-36-02300E; and amending WAC 220-36-023.

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 previously scheduled two day fishery in Area 2B is being delayed by one day to allow time for tribal crab pots to be moved out of the primary fishing area. An unanticipated gear conflict occurred during the

previous week's two day fishery. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

October 28, 2002

J. P. Koenings

Director

The following section of the Washington Administrative Code is repealed effective 5:31 p.m. October 31, 2002:

WAC 220-36-02300E Grays Harbor salmon—Fall fishery.

**WSR 02-22-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-274—Filed October 28, 2002, 5:00 p.m., effective October 29, 2002, 12:01 a.m.]

Date of Adoption: October 28, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900W; 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: Fall chinook and coho salmon are not migrating upriver in a normal pattern because of extreme low flow conditions with no rainfall forecasted. Many are not migrating at all but are swimming into and out of the river with each tidal change. The Washington Department of Fish and Wildlife is concerned that salmon (especially chinook) may be subjected to higher than normal harvest rates in the tribal and sport fisheries in the lower river because of the lack of movement upstream. Closing all fishing until a significant freshet occurs will help assure that adult salmon are able to migrate upstream to their spawning grounds. 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: October 29, 2002, 12:01 a.m.

October 28, 2002

J. P. Koenings

Director

NEW SECTION

WAC 220-36-02300E Grays Harbor salmon—Fall fishery. Notwithstanding the provisions of WAC 220-36-023, effective immediately until further notice, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except as provided in this section:

(2) Open Area: Area 2B

(a) Open Fishing Periods:

October 30 from 6:30 a.m. through 5:30 p.m.

October 31 from 6:30 a.m. through 5:30 p.m.

(b) Gear

Gill net gear — It is unlawful to fish for food fish in Grays Harbor for commercial purposes with gill net gear or to possess food fish taken from those waters with gill net gear unless:

(i) Drift gill net gear only. It is unlawful to use set net gear.

(ii) 6 1/2-inch maximum mesh.

(c) Species allowed for retention

Salmon and legal sized green and white sturgeon.

(d) Miscellaneous Regulations

Quick Reporting is required for wholesale dealers and fishers selling their catch under a valid retail endorsement, WAC 220-69-240.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-36-02300D Grays Harbor salmon—Fall fishery. (02-226)

EMERGENCY

NEW SECTION

WAC 232-28-61900X Exceptions to statewide rules. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. October 29, 2002, until further notice it is unlawful to violate the following provisions in the following waters:

- (1) Quillayute River (Jefferson Co.) - Closed to fishing.
- (2) Hoh River (Jefferson Co.) - Closed to fishing.
- (3) Clearwater River (Jefferson Co.) - Closed to fishing.
- (4) Bogachiel River (Clallam Co.) - Closed to fishing.
- (5) Calawah River (Clallam Co.) - Closed to fishing.
- (6) Dickey River (Clallam Co.) - Closed to fishing.
- (7) Sol Duc River (Clallam Co.) - Closed to fishing.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 29, 2002:

WAC 232-28-61900W Exceptions to statewide rules. (02-272)

WSR 02-22-038
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-275—Filed October 29, 2002, 11:16 a.m.]

Date of Adoption: October 29, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Y; 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: To provide additional opportunity for juvenile anglers to fish for hatchery coho that are surplus to egg-take needs at the hatchery. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

October 29, 2002

J. P. Koenings
 Director

NEW SECTION

WAC 232-28-61900Y Exceptions to statewide rules—Soos Creek (King Co.). Notwithstanding the provisions of WAC 232-28-619, effective immediately through November 3, 2002, it is lawful for juveniles to fish for and possess salmon in those waters of Soos Creek from the mouth upstream to the bridge near the hatchery residence. Daily limit of two coho, minimum size 12 inches in length. Night closure in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective November 3, 2002 one hour after official sunset:

WAC 232-28-61900Y Exceptions to statewide rules—Soos Creek (King Co.).

WSR 02-22-042
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-276—Filed October 29, 2002, 2:42 p.m., effective October 31, 2002, 11:59 p.m.]

Date of Adoption: October 29, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600H; and amending WAC 220-52-046.

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: Adjustments made to boundaries of noncommercial zones are consistent with state/tribal management plans. The closures are to maintain state commercial quota plans in those regions. 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: October 31, 2002, 11:59 p.m.

October 29, 2002

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-52-04600I Crab fishery—Seasons and areas. (1) Notwithstanding the provisions of WAC 220-52-046, it is lawful to fish for Dungeness Crab for commercial purposes in the following areas:

(a) Effective immediately until further notice, in those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A within a line that extends due north from the green number 1 buoy at Scatchet Head to Scatchet Head, thence from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point, thence due north from the green number 1 buoy at Possession Point to Possession Point.

(b) Effective immediately until further notice, in those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A east and north of a line that extends from Possession Point to the green number 1 buoy at Possession Point thence following the 200 foot contour northward to a point due east from the Glendale Dock, thence extending due west to the Whidbey Island shore.

(2) Effective 11:59 p.m. October 31, 2002 until further notice, commercial harvest will be closed in those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 26A West, 25B, 25D, and 23B except that for the 48 hour period after October 31, 2002, crab fishers may continue to remove their gear from the grounds. No crab may be landed from or possessed from these areas after 11:59 p.m. October 31, 2002:

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. October 31, 2002:

WAC 220-52-04600H Crab fishery—Seasons and areas. (02-228)

WSR 02-22-062 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 02-277—Filed November 1, 2002, 3:37 p.m., effective November 4, 2002, 7:00 a.m.]

Date of Adoption: November 1, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-31100E and 220-47-41100D; and amending WAC 220-47-311 and 220-47-411.

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: There is sufficient remaining chum in the nontreaty allocation to allow an additional day for both purse seines and gillnets. 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: November 4, 2002, 7:00 a.m.

November 1, 2002

J. P. Koenings

Director

NEW SECTION

WAC 220-47-31100F Purse seine—Open periods. Notwithstanding the provisions of Chapter 220-47-311 WAC:

(1) Effective immediately through December 6, 2002, it is unlawful to retain coho salmon taken with purse seine gear in Salmon Management and Catch Reporting Areas 7, 7A, 8A, 10, 11, 12, 12B and 12C.

(2) Effective 7:00 a.m. to 5:00 p.m. November 4, 2002, Areas 7 and 7A are open to purse seines using the 5 inch strip. Chinook and coho salmon must be released immediately.

(3) Effective immediately through 4:00 p.m. December 6, 2002, that portion of Area 7B east of a line from Post Point to the flashing red light at west entrance to Squilicum Harbor is open to purse seines 24 hours per day 7 days per week.

NEW SECTION

WAC 220-47-41100E Gill net—Open periods. Notwithstanding the provisions of Chapter 220-47-411 WAC,

(1) Effective 7:00 a.m. to 7:00 p.m. November 5, 2002, Areas 7 and 7A are open to gill nets using 6 1/4 inch minimum mesh.

(2) Effective immediately through 4:00 p.m. December 6, 2002, that portion of Area 7B east of a line from Post Point to the flashing red light at west entrance to Squalicum Harbor is open to gill nets using 6-1/4" minimum mesh, 24 hours per day 7 days per week.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 7:00 a.m. November 4, 2002:

WAC 220-47-31100E	Purse seine—Open periods. (02-268)
WAC 220-47-41100D	Gill net—Open periods. (02-268)

WSR 02-22-064**EMERGENCY RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed November 1, 2002, 3:42 p.m.]

Date of Adoption: October 24, 2002.

Purpose: The department is amending WAC 388-805-005, 388-805-030, 388-805-065, 388-805-145, 388-805-205, 388-805-300, 388-805-710, 388-805-720, 388-805-730, 388-805-740 and 388-805-750, and implementing new WAC 388-805-035 and 388-805-040, regulating opiate substitution treatment programs. Emergency WAC adoptions were submitted to the Washington State Code Reviser's Office on March 8, 2002, and July 5, 2002, that modified Washington Administrative Codes to begin recognizing the Center for Substance Abuse Treatment (CSAT), Substance Abuse and Mental Health Services Administration (SAMHSA) certification standards and implement the requirements of SSB 5417, an act relating to opiate substitution treatment programs that amended chapter 70.96A RCW effective July 22, 2001. This emergency rule adoption will extend the first two emergency rules for another one hundred twenty days. Pre-proposal statement of inquiries were filed as WSR 02-10-112 and 02-15-015, and the department is actively undertaking appropriate procedures to adopt the rules as permanent rules.

Citation of Existing Rules Affected by this Order: Amending WAC 388-805-005, 388-805-030, 388-805-065, 388-805-145, 388-805-205, 388-805-300, 388-805-710, 388-805-720, 388-805-730, 388-805-740, and 388-805-750.

Statutory Authority for Adoption: Chapter 70.96A RCW, and 42 Code of Federal Regulations (C.F.R.), Part 8.

Other Authority: SSB 5417 (chapter 242, Laws of 2001).

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 CSAT, SAMHSA adopted 42 C.F.R., Part 8, Certification of Opioid Treatment Programs January 17, 2001, effective May 18, 2001, regulating opiate substitution treatment programs. SSB 5417, an act relating to opiate substitution treatment programs amended chapter 70.96A RCW effective July 22, 2001. Emergency rules are necessary to permit the department to certify eligible opioid treatment programs while permanent rules are being developed.

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 11, 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 2, Amended 11, Repealed 0.

Effective Date of Rule: Immediately.

October 24, 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 02-23 issue of the Register.

EMERGENCY



WSR 02-22-001

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 23, 2002, 3:36 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 227.

Subject: Notifying an NCP before running a credit bureau check.

Effective Date: October 15, 2002.

Document Description: This notice explains to DCS staff how to send a warning letter to a noncustodial parent before running a credit bureau report in certain circumstances.

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.

October 17, 2002
Stephanie E. Schiller

WSR 02-22-003

**NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE**

[Memorandum—October 22, 2002]

A special joint meeting of the board of trustees of Whatcom Community College, Bellingham Technical College, Skagit Valley College and Everett Community College has been scheduled for November 6, 2002, at 6:30 p.m. at Skagit Valley College.

WSR 02-22-005

**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—October 24, 2002]

The board of trustees of Bellingham Technical College will meet in a special session on Wednesday, November 6, 2002, 6:30-9:30 p.m., in the Cascade Room on the Skagit Valley College campus in Mount Vernon, Washington. This is a joint meeting with the board of trustees of Whatcom Community College, Skagit Valley College, and Everett Community College. Call 738-3105 ext. 334 for information.

WSR 02-22-010

**INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE**

[Filed October 25, 2002, 2:11 p.m.]

ADOPTION OF INTERPRETIVE STATEMENT

**PROPERTY TAX ADVISORY 5.0.2002 - SPECIFIC QUESTION
PERTAINING TO LAND CLASSIFIED AS FARM AND AGRICUL-
TURAL LAND UNDER CHAPTER 84.34 RCW, WHEN THE LAND
QUALIFIES FOR CLASSIFICATION BECAUSE OF THE COM-
MERCIAL AGRICULTURAL ACTIVITY PRODUCED FROM
PERENNIAL PLANTINGS - EFFECTIVE 10/24/02**

This announcement of the adoption of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has adopted the following Property Tax Advisory:

Property Tax Advisory 5.0.2002, (Specific Question Pertaining to Land Classified as Farm and Agricultural Land Under Chapter 84.34 RCW, When the Land Qualifies for Classification Because of the Commercial Agricultural Activity Produced from Perennial Plantings - Effective 10/24/02).

This advisory explains the correct administration when the land qualifies for classification as farm and agricultural land under RCW 84.34.020(2) because of the commercial agricultural activity produced from perennial plantings. It further addresses the administration for valuing the perennial plantings on land classified under RCW 84.34.020(2).

Requests for copies of this advisory may be directed to Velinda Brown, Property Tax Division, P.O. Box 47471, Olympia, WA 98504-7471, phone (360) 570-5865, fax (360) 586-7602.

Alan R. Lynn
Rules Coordinator

WSR 02-22-018

**NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY**

[Memorandum—October 25, 2002]

The Eastern Washington University board of trustees' meeting schedule for 2003 was adopted at the October 18, 2002, meeting of the board. The schedule is as follows:

Friday, January 24	9:00 a.m.	Pence Union Building Banquet Room 267
Friday, March 7	9:00 a.m.	Riverpoint Campus Health Sciences Building
Friday, May 23	9:00 a.m.	Pence Union Building Banquet Room 267
Friday, June 27	9:00 a.m.	Pence Union Building Banquet Room 267
Friday, August 22	9:00 a.m.	Spokane Center Second Floor Mall
Friday, October 17	9:00 a.m.	Pence Union Building Banquet Room 267

Friday, December 5 9:00 a.m. Pence Union Building
Banquet Room 267

Board meetings will convene at 9:00 a.m., and executive session will be held from approximately 12:00 - 1:00 p.m. The open public meeting will reconvene following the executive session.

Board committees will set their own schedule of meetings during the months that the full board does not meet.

If you have questions concerning this schedule, please contact Connie Gross at (509) 359-6598.

WSR 02-22-019
NOTICE OF PUBLIC MEETINGS
EVERETT COMMUNITY COLLEGE

[Memorandum—October 28, 2002]

The board of trustees of Everett Community College will meet in a special session on Wednesday, November 6, 2002, 6:30-9:30 p.m., in the Cascade Room on the Skagit Valley College campus in Mount Vernon, Washington. This is a joint meeting with the board of trustees of Bellingham Technical College, Whatcom Community College, and Skagit Valley College. Call (425) 388-9572 for information.

WSR 02-22-020
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Wheat Commission)

[Memorandum—October 23, 2002]

The Washington Wheat Commission hereby complies with regulations as stated in RCW 42.30.075 and provides pertinent scheduled meeting changes, per the board of directors, for publication in the state Register. This special meeting date is submitted at least twenty days prior to the meeting date.

Special Meeting
December 7, 2002
4:00 p.m.
DoubleTree Hotel
322 North Spokane Falls Court
Spokane, WA

WSR 02-22-037
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SERVICES FOR THE BLIND

(State Rehabilitation Council)
[Memorandum—October 25, 2002]

The date and location for the next Washington State Department of Services for the Blind State Rehabilitation Council meeting is as follows:

Saturday, December 7, 2002
9 a.m. - 4 p.m.
La Quinta Conference Center
1425 East 27th Street
Tacoma, WA 98421

WSR 02-22-039
POLICY STATEMENT
WASHINGTON STATE LOTTERY

[Filed October 29, 2002, 2:33 p.m.]

The Washington Lottery has recently adopted or revised the following policies:

POL 110.020 - Flexible Work Hours and Job Sharing (Revision)

The main change was to align the policy with terminology used in the governor's executive order; no substantive changes were made to when employees can work flexible work hours or job share. Also added that divisional managers (not just assistant directors) can approve flexible work hours and job sharing. Removal can also now be at the assistant director or divisional manager level, rather than needing director or deputy director approval. Flexible hours are now approved electronically on a "Flex Time Request" form.

Signed August 5, 2002.

POL 120.001 - Tuition Reimbursement (Revision)

Reimbursement rates are no longer quoted in the policy; the employee services manager will determine the rates each year, taking the current tuition rates into consideration. Added that reimbursement is limited to the actual cost of five quarter hours or equivalent (but not exceeding the amount established by the employee services manager). Deleted that tuition reimbursement for graduate courses is a taxable employee benefit.

Signed August 5, 2002.

POL 120.004 - Leave Approval and Reporting (Revision)

Added a section on family and medical leave, which allows leave to care for a child after birth, adoption or foster care; to care for a spouse, child, or parent with a serious health condition; or for the employee's own serious health condition.

Now all leave, except for leave without pay for more than five days, can be approved at the supervisory level. Leave without pay for more than five days must be approved by the director or deputy director.

Family care leave is no longer limited to three days a year. Employees can now take five days of leave in a two-year period for life-giving procedures (such as donating blood, organs, etc.).

Signed August 27, 2002.

POL 120.015 - Harassment (Revision)

This policy now includes information on protected class harassment (rather than exclusively on sexual harassment).

Clarified that employees who experience harassment are not required to request that the harasser stop the behavior;

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although employees are strongly encouraged to request that harasser stop their behavior, the employee should make the request if comfortable doing so. The employee may also request that the harasser stop the behavior more than once before deciding to report it.

Added that the deputy director (in addition to the director) may be the one who receives information on the complaint and investigation and participates in resolving the complaint. Also, combined supervisor and manager responsibilities.

Signed August 21, 2002.

POL 130.002 - Appointing, Training and Removing Lottery Security Officials (LSOs) and Lottery Drawing Officials (LDOs) (Revision)

Added information about the Mega Millions multi-state lottery game and change the references to drawing times to one hour later.

When a new official is trained, a separate trainer will no longer attend the actual drawing where the official-in-training is observing. Instead, the official-in-training will attend a drawing(s) when one of the more experienced officials is working. In addition, for the first two weeks the new official works, he/she will usually work with one of the more experienced officials.

Signed August 21, 2002.

POL 250.001 - Validations Guidelines for Problem Tickets and Credits (Revision)

Added that Mega Millions tickets cannot be cancelled. Clarified which problems can be handled by customer service and which must be referred to the retailer services manager and security chief or designee. Also spells out what retailers must submit to receive reimbursements over \$10. Added that the lottery's liability for inaccurate online tickets is limited to issuing a replacement ticket.

Signed August 21, 2002.

POL 250.005 - Prize Claim Validation and Payment (Revision)

Added information regarding paying Mega Millions tickets. Added information on customer services setting up winner files for cash option and annuity winners. Added controls to ensure that one person is not voiding and reissuing a check.

Signed August 26, 2002.

POL 310.005 - Temporary Placement of Additional Sales Terminals (Revision)

New qualifying retailers are now approved at the regional sales manager level (rather than by the sales manager). When the number of requests outnumber the available terminals, the sales manager works with the regional sales manager to determine who gets them. Clarified that terminals will begin to be removed the day after the jackpot is hit (they cannot all be removed in one day). Added Mega Millions information: Terminals will be added when the director or designee determines the Mega Millions jackpot size justifies it. Allows for determining the terminals will only be placed in retail locations next to border states and/or high volume locations.

Signed September 9, 2002.

POL 320.004 - Promotional Scratch Ticket Acquisition and Processing (Revision)

Added that partial packs not distributed in promotion remain the property of the requester (and the requester's budget). Within ten days of the end of the approved promotion, the requester submits a plan to his/her manager for the remainder of the tickets.

Regions and the sales division now follow the process outlined in the promotional tracking database. Marketing and communications starts the process with a memo rather than with a requisition form.

Deleted that all promotions using *Scratch* tickets have to be approved by the instant product manager. Added that the lottery has promotions when it is expected to enhance sales via increased visibility, etc.

POL 320.007 - Selling Lottery Tickets at an Off-Premise Location (Revision)

Added a general statement on how we decide to participate in an event (an effort to increase revenues directly through sales and/or through increasing visibility and awareness of lottery products). Added cash handling information, such as having two safes at each event - one designated for tickets, and one designated for cash. Included information on how the combinations are changed, when armored car service is used, etc.

Signed July 1, 2002.

POL 320.077 - Seattle Seahawks "Magic Money" Promotion

This new policy/procedure outlines the methods the lottery and is on-line vendor use to gather and safeguard entries for the "Magic Money" Promotion being conducted by the Seahawks. The entries will be collected at eight fairs throughout the state. One entry from each fair will win \$1,000; the charity of the winner's choice will receive \$2,000-\$10,000 (amount determined at an event to be held November 3, 2002).

Signed July 16, 2002.

POL 420.006 - Parking (Headquarters)

Added information on when other employees can park in a vanpool spot (if vacant after 8:30), or carpool spot (only if an e-mail went out that it is available). Carpool drivers are required to notify all headquarters employees when the spot will be vacant. Also, the driver cannot park there any time they do not qualify as a carpool. If an employee no longer qualifies as a vanpool or carpool, the employee immediately notifies the administrative services manager.

District sales representatives no longer use visitors spots on regional meeting days, however, the administrative services manager will ensure temporary parking is available for them on meeting days. Agency vehicles no longer reside in "Reserved" spots; however, state-owned vehicles permanently assigned to an individual may still be in numbered spots. The director or deputy director, in addition to the director of human resources, can designate reserved spots.

Signed September 9, 2002.

POL 440.002 - Appointing, Training and Removing Headquarters Drawing Officials (HDOs) and Mega Millions Drawing Officials (MDOs)

This new policy outlines how HDO/MDO positions (other than the primary HDO position) are appointed. The HDO/MDO Coordinator determines training needed; officials in training receive drawing duty compensation for hours spent training during a drawing (provided the hours are outside of their normal work shift). HDOs/MDOs are exempt from civil service protection, and serve at the discretion of the Lottery's HDO/MDO Coordinator.

Signed September 9, 2002.

To receive a copy of any of these policies, contact Becky Zopolis, Washington Lottery, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 664-4816, fax (360) 664-4817.

October 28, 2002
Becky L. Zopolis

July 10	South Seattle Community College 6000 16th Avenue S.W. Seattle, WA 98106
August	NO MEETING
September 11	North Seattle Community College 9600 College Way North Seattle, WA 98103
October 9	SCCD (Siegal Center) 1500 Harvard Avenue Seattle, WA 98122
November 13	Seattle Central Community College 1701 Broadway Seattle, WA 98122
December 11	South Seattle Community College 6000 16th Avenue S.W. Seattle, WA 98106

WSR 02-22-040
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES

[Memorandum—October 25, 2002]

BOARD OF TRUSTEES
2003 REGULAR MEETING SCHEDULE

Approved by the board of trustees on October 8, 2002

The board of trustees meetings begin with a study session or reception at **1:00 p.m.** Regular meeting agenda sessions will begin at **2:00 p.m.** Dates and locations of the meetings are noted below. All meetings are on the second Thursday of the month.

Date	Location
January 9	Seattle Vocational Institute (SCCC) 2120 South Jackson Street Seattle, WA 98144
February 13	South Seattle Community College 6000 16th Avenue S.W. Seattle, WA 98106
March 13	North Seattle Community College 9600 College Way North Seattle, WA 98103
April 10	SCCD (Siegal Center) 1500 Harvard Avenue Seattle, WA 98122
May 8	Seattle Central Community College 1701 Broadway Seattle, WA 98122
June 12	Seattle Vocational Institute (SCCC) 2120 South Jackson Street Seattle, WA 98144

WSR 02-22-047
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
FISH AND WILDLIFE
(Fish and Wildlife Commission)
[Memorandum—October 29, 2002]

The Washington Fish and Wildlife Commission has scheduled the following meetings, workshops, and conference calls for 2003:

DATE	FUNCTION	LOCATION
January 2	conference call	Olympia
January 16	conference call	Olympia
January 17-18	workshop	Olympia
February 6	conference call	Olympia
February 7-8	meeting	Longview/Kelso
February 20	conference call	Olympia
March 6	conference call	Olympia
March 14-15	workshop	Olympia
March 20	conference call	Olympia
April 3	conference call	Olympia
April 11-12	meeting	Moses Lake
April 17	conference call	Olympia
May 1	conference call	Olympia
May 15	conference call	Olympia
June 5	conference call	Olympia
June 6-7	workshop	Olympia
June 19	conference call	Olympia
July 3	conference call	Olympia
July 17	conference call	Olympia
August 1-2	meeting	Bellingham
August 7	conference call	Olympia

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			MONTH	DAY	LOCATION
August 21	conference call	Olympia	January	24	Olympia
September 4	conference call	Olympia	February	28	Olympia
September 18	conference call	Olympia	*March	28	Olympia
October 2	conference call	Olympia	April	25	Olympia
October 3-4	workshop	Olympia	May	22 (Thursday)	Seattle
October 16	conference call	Olympia	*June	27	Seattle
November 6	conference call	Olympia	July	25	Seattle
November 14-15	workshop	Tri-Cities	August	29	Seattle
November 20	conference call	Olympia	*September	26	Seattle
December 4	conference call	Olympia	October	24	Seattle
December 5-6	meeting	Port Townsend	November	NO MEETING	_____
December 18	conference call	Olympia	*December	12	Seattle

Additional meetings, workshops, and conference calls may be scheduled on an as-needed basis.

*Quarterly management team meetings will be held immediately following the commission meetings.

**WSR 02-22-048
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE**

(Interagency Committee for Outdoor Recreation)

[Memorandum—October 30, 2002]

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday, December 5, beginning at 8:30 a.m. in Room 172 of the Natural Resources Building in Olympia.

Action items for this one-day meeting include: Funding recommendations for projects in the boating facilities program (state and local facilities), the firearms and archery range recreation program, and the state parks category and unallocated portions of the Washington wildlife and recreation program. Additional agenda items include policy guidance for the land and water conservation fund program, other policy manual updates, and management reports.

If you plan to participate or have materials for committee review, please submit information to IAC no later than November 15, 2002. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by November 20, at (360) 902-2637 or TDD (360) 902-1996.

**WSR 02-22-052
NOTICE OF PUBLIC MEETINGS
MARINE EMPLOYEES' COMMISSION**

[Memorandum—October 30, 2002]

The following is a schedule of the year 2003 monthly meetings of the Marine Employees' Commission (MEC) adopted by the MEC at its public meeting on October 25, 2002:

All meetings will begin at 10:00 a.m. Meetings scheduled in Seattle will be held in the Dolphin Conference Room, Colman Building, 3rd Floor, 811 First Avenue, Seattle, *except* the May 23 meeting, which will be held in the Spike Eikum Conference Room, Colman Dock Pier 52, 801 Alaskan Way, Seattle. Meetings scheduled in Olympia will be held in the Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way South, Olympia.

Special needs: For special accommodations or to request auxiliary aid, please contact the MEC office at least ten days in advance of the event at (360) 586-6354 (voice) or (360) 586-0820 (fax).

**WSR 02-22-055
ATTORNEY GENERAL'S OFFICE**

[Filed October 31, 2002, 3:17 p.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by November 27, 2002. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you

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notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested, information about the Attorney General's Opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s):

- 02-10-03 Request by Dan McDonald, Senator, 48th District**
- Don Carlson, Senator, 49th District**

Does 2SHB 2403 as partially vetoed by the governor (Laws of 2002, ch. 356) impose upon public four-year institutions of higher education an affirmative duty to bargain with their faculty employees?

WSR 02-22-060
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY

[Memorandum—November 1, 2002]

WESTERN WASHINGTON UNIVERSITY
 BOARD OF TRUSTEES
 SPECIAL MEETING
 November 7, 2002

Location: Old Main 340
 Time: 8:30 a.m.

WSR 02-22-068
NOTICE OF PUBLIC MEETINGS
ARTS COMMISSION

[Memorandum—November 4, 2002]

Meeting Schedule

Date	Time	Location
November 6, 2002	10:00-5:00	Seattle
February 11, 2003	Tentative 10:00-5:00	Olympia
May 14 or 15, 2003	Tentative 10:00-5:00	Tentative Gig Harbor
July 31 and August 1, 2003 Tentative	Tentative 10:00-5:00 and 9:00-1:00	Yakima
November 5 and 6, 2003 Tentative	Tentative 10:00-5:00	Vancouver

WSR 02-22-069

NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Memorandum—November 4, 2002]

The regularly schedule meeting of the board of trustees of Bellingham Technical College scheduled for November 21, 2002, has been canceled and rescheduled for Tuesday, November 19, 2002, 8:30-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 02-22-070

NOTICE OF PUBLIC MEETINGS
GUARANTEED EDUCATION
TUITION PROGRAM

[Memorandum—October 25, 2002]

In accordance with RCW 28B.95.020 and WAC 14-276-030, the Advanced College Tuition Program, known as Guaranteed Education Tuition Program has cancelled the following special GET committee meeting: November 1, 2002, 10:00 - 12:00 p.m., State Investment Board.

A special GET committee meeting has been rescheduled for December 3, 2002, 2:00 - 5:00 p.m., Utilities and Transportation Commission, Room 206.

Public notice will be given prior to the meeting in question if there will be a different starting time.

If anyone wishes to request disability accommodations, notice should be given to the Guaranteed Education Tuition Program at least ten days in advance of the meeting in question. Notice may be given by any of the following methods: (360) 753-7860 (voice), (360) 753-7809 (TDD), or (360) 704-6260 (fax).

WSR 02-22-081

NOTICE OF PUBLIC MEETINGS
CENTRALIA COLLEGE

[Memorandum—November 4, 2002]

The board of trustees for Washington Community College District Twelve, at their meeting on August 8, 2002, adopted the regular meeting schedule shown below for the 2003 calendar year.

BOARD OF TRUSTEES
 Meeting Schedule

DATE	TIME	LOCATION
Thursday, January 9, 2003	5:00 p.m.	Atrium
Thursday, February 13, 2003	5:00 p.m.	Atrium
Thursday, March 13, 2003	5:00 p.m.	Atrium
Thursday, April 10, 2003	5:00 p.m.	East County Center Morton, Washington
Thursday, May 8, 2003	5:00 p.m.	College Boardroom
Thursday, June 12, 2003	5:00 p.m.	College Boardroom
Thursday, July 10, 2003	5:00 p.m.	College Boardroom
Thursday, August 14, 2003	5:00 p.m.	College Boardroom

MISC.

BOARD OF TRUSTEES**Meeting Schedule****2003**

DATE	TIME	LOCATION
Thursday, September 11, 2003	5:00 p.m.	College Boardroom
Thursday, October 9, 2003	5:00 p.m.	College Boardroom
Thursday, November 13, 2003	5:00 p.m.	College Boardroom
Thursday, December 11, 2003	5:00 p.m.	College Boardroom

WSR 02-22-089**NOTICE OF PUBLIC MEETINGS****DEPARTMENT OF****NATURAL RESOURCES****(Board of Natural Resources)****[Memorandum—November 4, 2002]**

Following is the 2003 schedule for the Board of Natural Resources meetings. If you have any questions, please feel free to call Farra Arnold at (360) 902-1055 or Maureen Malahovsky at (360) 902-1103.

**2003 BOARD OF NATURAL RESOURCES
PACKET & AGENDA REVIEW SCHEDULE**

BNR Meeting	Agenda Review	Board Packet Mailing
January 7, 2003	December 17, 2002	December 20, 2002
February 4, 2003	January 14, 2003	January 17, 2003
March 4, 2003	February 11, 2003	February 14, 2003
April 1, 2003	March 11, 2003	March 14, 2003
May 6, 2003	April 15, 2003	April 18, 2003
June 3, 2003	May 13, 2003	May 16, 2003
July 1, 2003	June 10, 2003	June 13, 2003
August 2003	July 8, 2003	Retreat: Dates to be determined
September 2, 2003	August 12, 2003	August 15, 2003
October 7, 2003	September 16, 2003	September 19, 2003
November 4, 2003	October 14, 2003	October 17, 2003
December 2, 2003	November 12, 2003	November 14, 2003
January 6, 2004	December 16, 2003	December 19, 2003

The goal is to give the board members two full weeks to review their packets.



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- 89-010	AMD-P	02-20-100	16-157-020	AMD-P	02-22-088
4- 25-520	AMD	02-04-064	16- 89-015	AMD-P	02-20-100	16-157-030	NEW-P	02-04-109
4- 25-530	AMD-P	02-13-022	16- 89-020	REP-P	02-20-100	16-157-030	NEW	02-10-090
4- 25-530	AMD-S	02-17-050	16- 89-022	NEW-P	02-20-100	16-157-030	AMD-P	02-22-088
4- 25-530	AMD	02-22-083	16- 89-025	NEW-P	02-20-100	16-157-100	NEW-P	02-04-109
4- 25-540	AMD	02-04-064	16- 89-030	AMD-P	02-20-100	16-157-100	NEW	02-10-090
4- 25-610	AMD	02-04-064	16- 89-050	AMD-P	02-20-100	16-157-100	REP-P	02-22-088
4- 25-610	PREP	02-11-007	16- 89-100	AMD-P	02-20-100	16-157-110	NEW-P	02-04-109
4- 25-620	AMD	02-04-064	16-104	PREP	02-06-050	16-157-110	NEW	02-10-090
4- 25-626	AMD	02-04-064	16-108	PREP	02-18-015	16-157-110	REP-P	02-22-088
4- 25-630	AMD	02-04-064	16-154-010	REP-P	02-04-109	16-157-120	NEW-P	02-04-109
4- 25-631	AMD	02-04-064	16-154-030	REP-P	02-04-109	16-157-120	NEW	02-10-090
4- 25-640	AMD-W	02-04-062	16-154-040	REP-P	02-04-109	16-157-200	NEW-P	02-04-109
4- 25-640	PREP	02-04-063	16-154-050	REP-P	02-04-109	16-157-200	NEW	02-10-090
4- 25-640	AMD-P	02-17-049	16-154-053	REP-P	02-04-109	16-157-200	REP-P	02-22-088
4- 25-640	AMD	02-22-082	16-154-060	REP-P	02-04-109	16-157-210	NEW-P	02-04-109
4- 25-660	AMD	02-04-064	16-154-070	REP-P	02-04-109	16-157-210	NEW	02-10-090
4- 25-710	PREP	02-04-063	16-154-080	REP-P	02-04-109	16-157-220	NEW-P	02-04-109
4- 25-710	AMD	02-04-064	16-154-090	REP-P	02-04-109	16-157-220	NEW	02-10-090
4- 25-720	AMD	02-04-064	16-154-100	REP-P	02-04-109	16-157-220	AMD-P	02-22-088
4- 25-721	AMD	02-04-064	16-154-110	REP-P	02-04-109	16-157-230	NEW-P	02-04-109
4- 25-730	AMD	02-04-064	16-154-120	REP-P	02-04-109	16-157-230	NEW	02-10-090
4- 25-735	NEW	02-04-064	16-154-180	REP-P	02-04-109	16-157-230	AMD-P	02-22-088
4- 25-745	AMD	02-04-064	16-156-003	REP-P	02-04-109	16-157-240	NEW-P	02-04-109
4- 25-746	AMD	02-04-064	16-156-004	REP-P	02-04-109	16-157-240	NEW	02-10-090
4- 25-750	AMD	02-04-064	16-156-005	REP-P	02-04-109	16-157-240	AMD-P	02-22-088
4- 25-752	NEW	02-04-064	16-156-010	REP-P	02-04-109	16-157-245	NEW-P	02-22-088
4- 25-756	NEW	02-04-064	16-156-020	REP-P	02-04-109	16-157-250	NEW-P	02-04-109
4- 25-783	AMD	02-04-064	16-156-030	REP-P	02-04-109	16-157-250	NEW	02-10-090
4- 25-790	AMD	02-04-064	16-156-035	REP-P	02-04-109	16-157-250	AMD-P	02-22-088
4- 25-791	AMD	02-04-064	16-156-040	REP-P	02-04-109	16-157-255	NEW-P	02-04-109
4- 25-792	AMD	02-04-064	16-156-050	REP-P	02-04-109	16-157-255	NEW	02-10-090
4- 25-793	NEW	02-04-064	16-156-060	REP-P	02-04-109	16-157-255	AMD-P	02-22-088
4- 25-795	AMD	02-04-064	16-156-070	REP-P	02-04-109	16-157-260	NEW-P	02-04-109
4- 25-820	AMD	02-04-064	16-157	AMD-C	02-07-117	16-157-260	NEW	02-10-090
4- 25-830	AMD	02-04-064	16-157	PREP	02-16-098	16-157-260	AMD-P	02-22-088
4- 25-910	AMD	02-04-064	16-157-010	NEW-P	02-04-109	16-157-270	NEW-P	02-04-109
4- 25-930	NEW-P	02-13-021	16-157-010	NEW	02-10-090	16-157-270	NEW	02-10-090
4- 25-930	NEW	02-17-051	16-157-020	NEW-P	02-04-109	16-157-270	AMD-P	02-22-088
16- 89-005	AMD-P	02-20-100	16-157-020	NEW	02-10-090	16-157-275	NEW-P	02-04-109

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-157-275	NEW	02-10-090	16-200-750	PREP	02-22-094	16-228-2030	REP-P	02-14-092
16-157-280	NEW-P	02-04-109	16-200-755	PREP	02-22-094	16-228-2030	REP-C	02-18-023
16-157-280	NEW	02-10-090	16-200-760	PREP	02-22-094	16-228-2035	NEW-P	02-14-092
16-157-280	REP-P	02-22-088	16-200-770	PREP	02-22-094	16-228-2035	NEW-C	02-18-023
16-157-290	NEW-P	02-04-109	16-200-790	PREP	02-22-094	16-228-2035	NEW-S	02-19-107
16-157-290	NEW	02-10-090	16-200-795	PREP	02-22-094	16-228-2040	REP-P	02-14-092
16-157-290	AMD-P	02-22-088	16-200-805	PREP	02-22-094	16-228-2040	REP-C	02-18-023
16-158-010	REP-P	02-04-109	16-200-815	PREP	02-22-094	16-228-2045	NEW-P	02-14-092
16-158-020	REP-P	02-04-109	16-200-820	PREP	02-22-094	16-228-2045	NEW-S	02-19-107
16-158-027	REP-P	02-04-109	16-200-830	PREP	02-22-094	16-228-2050	NEW-P	02-14-092
16-158-028	REP-P	02-04-109	16-200-840	PREP	02-22-094	16-228-2050	NEW-C	02-18-023
16-158-030	REP-P	02-04-109	16-200-860	PREP	02-22-094	16-228-2060	NEW-P	02-14-092
16-158-040	REP-P	02-04-109	16-200-865	PREP	02-22-094	16-228-2060	NEW-C	02-18-023
16-158-050	REP-P	02-04-109	16-200-885	PREP	02-22-094	16-230-250	PREP	02-22-093
16-158-060	REP-P	02-04-109	16-200-887	PREP	02-22-094	16-230-260	PREP	02-22-093
16-158-080	REP-P	02-04-109	16-200-890	PREP	02-22-094	16-230-270	PREP	02-22-093
16-158-090	REP-P	02-04-109	16-200-900	PREP	02-22-094	16-230-281	PREP	02-22-093
16-158-100	REP-P	02-04-109	16-200-910	PREP	02-22-094	16-230-290	PREP	02-22-093
16-158-110	REP-P	02-04-109	16-200-920	PREP	02-22-094	16-231-107	PREP	02-22-092
16-158-120	REP-P	02-04-109	16-200-930	PREP	02-22-094	16-231-149	PREP	02-22-092
16-158-130	REP-P	02-04-109	16-200-940	PREP	02-22-094	16-301-025	PREP	02-05-083
16-158-135	REP-P	02-04-109	16-200-950	PREP	02-22-094	16-301-025	AMD-P	02-09-059
16-158-150	REP-P	02-04-109	16-219-010	PREP	02-22-093	16-301-025	AMD	02-12-060
16-160	PREP	02-16-097	16-219-016	PREP	02-22-093	16-301-045	PREP	02-05-083
16-160-010	AMD-P	02-22-087	16-228	PREP	02-22-093	16-301-045	AMD-P	02-09-059
16-160-020	AMD-P	02-22-087	16-228-1231	AMD	02-04-041	16-301-045	AMD	02-12-060
16-160-025	REP-P	02-22-087	16-228-1231	PREP	02-22-091	16-301-050	PREP	02-05-083
16-160-035	AMD-P	02-22-087	16-228-1235	NEW-E	02-06-048	16-301-050	AMD-P	02-09-059
16-160-060	AMD-P	02-22-087	16-228-1235	NEW-P	02-07-080	16-301-050	AMD	02-12-060
16-160-070	AMD-P	02-22-087	16-228-1235	NEW-C	02-11-070	16-302-091	PREP	02-05-083
16-162-010	REP-P	02-04-109	16-228-1235	NEW	02-12-017	16-302-091	AMD-P	02-09-059
16-162-025	REP-P	02-04-109	16-228-12351	NEW-E	02-06-048	16-302-091	AMD	02-12-060
16-162-030	REP-P	02-04-109	16-228-12351	NEW-P	02-07-080	16-302-125	PREP	02-05-083
16-162-034	REP-P	02-04-109	16-228-12351	NEW-C	02-11-070	16-302-125	AMD-P	02-09-059
16-162-036	REP-P	02-04-109	16-228-12351	NEW	02-12-017	16-302-125	AMD	02-12-060
16-162-037	REP-P	02-04-109	16-228-12352	NEW-E	02-06-048	16-302-142	NEW-P	02-09-059
16-162-040	REP-P	02-04-109	16-228-12352	NEW-P	02-07-080	16-302-142	NEW	02-12-060
16-162-045	REP-P	02-04-109	16-228-12352	NEW-C	02-11-070	16-302-250	PREP	02-05-083
16-162-050	REP-P	02-04-109	16-228-12352	NEW	02-12-017	16-302-250	AMD-P	02-09-059
16-162-070	REP-P	02-04-109	16-228-1237	NEW-E	02-06-048	16-302-250	AMD	02-12-060
16-162-100	REP-P	02-04-109	16-228-1237	NEW-P	02-07-080	16-302-260	PREP	02-05-083
16-164-010	REP-P	02-04-109	16-228-1237	NEW-C	02-11-070	16-302-260	AMD-P	02-09-059
16-164-020	REP-P	02-04-109	16-228-1237	NEW	02-12-017	16-302-260	AMD	02-12-060
16-164-035	REP-P	02-04-109	16-228-12371	NEW-E	02-06-048	16-302-330	PREP	02-05-083
16-164-037	REP-P	02-04-109	16-228-12371	NEW-P	02-07-080	16-302-330	AMD-P	02-09-059
16-164-040	REP-P	02-04-109	16-228-12371	NEW-C	02-11-070	16-302-330	AMD	02-12-060
16-164-050	REP-P	02-04-109	16-228-12371	NEW	02-12-017	16-302-385	PREP	02-05-083
16-164-055	REP-P	02-04-109	16-228-1238	NEW-P	02-07-080	16-302-385	AMD-P	02-09-059
16-164-060	REP-P	02-04-109	16-228-1238	NEW-C	02-11-070	16-302-385	AMD	02-12-060
16-164-070	REP-P	02-04-109	16-228-1238	NEW-W	02-12-028	16-302-390	PREP	02-05-083
16-164-080	REP-P	02-04-109	16-228-1460	PREP	02-18-111	16-302-390	AMD-P	02-09-059
16-164-085	REP-P	02-04-109	16-228-2000	REP-P	02-14-092	16-302-390	AMD	02-12-060
16-164-090	REP-P	02-04-109	16-228-2000	REP-C	02-18-023	16-302-410	PREP	02-05-083
16-164-100	REP-P	02-04-109	16-228-2005	NEW-P	02-14-092	16-302-410	AMD-P	02-09-059
16-164-110	REP-P	02-04-109	16-228-2005	NEW-C	02-18-023	16-302-410	AMD	02-12-060
16-200-7401	NEW-P	02-21-126	16-228-2005	NEW-S	02-19-107	16-302-435	PREP	02-05-083
16-200-7402	NEW-P	02-21-126	16-228-2015	NEW-P	02-14-092	16-302-435	AMD-P	02-09-059
16-200-7403	NEW-P	02-21-126	16-228-2015	NEW-C	02-18-023	16-302-435	AMD	02-12-060
16-200-7404	NEW-P	02-21-126	16-228-2020	REP-P	02-14-092	16-302-440	PREP	02-05-083
16-200-7405	NEW-P	02-21-126	16-228-2020	REP-C	02-18-023	16-302-440	REP-P	02-09-059
16-200-7406	NEW-P	02-21-126	16-228-2025	NEW-P	02-14-092	16-302-440	REP	02-12-060
16-200-7407	NEW-P	02-21-126	16-228-2025	NEW-C	02-18-023	16-302-490	PREP	02-05-083

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-302-490	AMD-P	02-09-059	16-324-740	AMD-P	02-08-087	16-470-820	NEW	02-09-099
16-302-490	AMD	02-12-060	16-324-740	AMD	02-12-010	16-470-830	NEW-P	02-06-131
16-302-545	PREP	02-05-083	16-324-750	AMD-P	02-08-087	16-470-830	NEW-E	02-07-120
16-302-685	PREP	02-05-083	16-324-750	AMD	02-12-010	16-470-830	NEW	02-09-099
16-302-685	AMD-P	02-09-059	16-325-015	AMD-X	02-04-020	16-470-840	NEW-P	02-06-131
16-302-685	AMD	02-12-060	16-325-015	AMD	02-09-030	16-470-840	NEW-E	02-07-120
16-303-200	PREP	02-03-127	16-400	PREP	02-14-128	16-470-840	NEW	02-09-099
16-303-200	AMD-P	02-09-060	16-400-008	NEW-E	02-14-127	16-470-850	NEW-P	02-06-131
16-303-200	AMD	02-12-061	16-400-008	NEW-P	02-17-101	16-470-850	NEW-E	02-07-120
16-303-200	PREP	02-22-076	16-400-008	NEW	02-20-062	16-470-850	NEW	02-09-099
16-303-210	PREP	02-03-127	16-400-045	AMD-X	02-09-012	16-470-860	NEW-P	02-06-131
16-303-210	AMD-P	02-09-060	16-400-045	AMD	02-13-119	16-470-860	NEW-E	02-07-120
16-303-210	AMD	02-12-061	16-401	PREP	02-14-150	16-470-860	NEW	02-09-099
16-303-210	PREP	02-22-076	16-403-141	AMD-P	02-07-118	16-470-870	NEW-P	02-06-131
16-303-230	PREP	02-03-127	16-403-141	AMD-C	02-12-005	16-470-870	NEW-E	02-07-120
16-303-230	AMD-P	02-09-060	16-403-141	AMD	02-12-011	16-470-870	NEW	02-09-099
16-303-230	AMD	02-12-061	16-403-142	AMD-P	02-07-118	16-484-210	AMD-P	02-08-086
16-303-230	PREP	02-22-076	16-403-142	AMD-C	02-12-005	16-484-210	AMD	02-12-009
16-303-250	PREP	02-03-127	16-403-142	AMD	02-12-011	16-484-220	AMD-P	02-08-086
16-303-250	PREP	02-05-083	16-403-190	PREP	02-03-128	16-484-220	AMD	02-12-009
16-303-250	AMD-P	02-09-060	16-403-190	AMD-P	02-07-118	16-484-230	AMD-P	02-08-086
16-303-250	AMD	02-12-061	16-403-190	AMD-C	02-12-005	16-484-230	AMD	02-12-009
16-303-250	PREP	02-22-076	16-403-190	AMD	02-12-011	16-484-240	AMD-P	02-08-086
16-303-300	PREP	02-03-127	16-403-280	AMD-P	02-07-118	16-484-240	AMD	02-12-009
16-303-300	AMD-P	02-09-060	16-403-280	AMD-C	02-12-005	16-484-250	AMD-P	02-08-086
16-303-300	AMD	02-12-061	16-403-280	AMD	02-12-011	16-484-250	AMD	02-12-009
16-303-300	PREP	02-22-076	16-449	PREP	02-16-089	16-484-260	AMD-P	02-08-086
16-303-310	PREP	02-03-127	16-458	PREP	02-14-128	16-484-260	AMD	02-12-009
16-303-310	AMD-P	02-09-060	16-458-075	AMD-E	02-14-127	16-489-010	NEW-P	02-10-123
16-303-310	AMD	02-12-061	16-458-075	AMD-P	02-17-101	16-489-010	NEW	02-13-125
16-303-310	PREP	02-22-076	16-458-075	AMD	02-20-062	16-489-020	NEW-P	02-10-123
16-303-317	PREP	02-03-127	16-458-080	REP-E	02-14-127	16-489-020	NEW	02-13-125
16-303-317	AMD-P	02-09-060	16-458-080	REP-P	02-17-101	16-489-030	NEW-P	02-10-123
16-303-317	AMD	02-12-061	16-458-080	REP	02-20-062	16-489-030	NEW	02-13-125
16-303-317	PREP	02-22-076	16-458-085	AMD-E	02-14-127	16-489-040	NEW-P	02-10-123
16-303-320	PREP	02-03-127	16-458-085	AMD-P	02-17-101	16-489-040	NEW	02-13-125
16-303-320	AMD-P	02-09-060	16-458-085	AMD	02-20-062	16-489-050	NEW-P	02-10-123
16-303-320	AMD	02-12-061	16-459	PREP	02-16-089	16-489-050	NEW	02-13-125
16-303-320	PREP	02-22-076	16-462-015	AMD-P	02-08-085	16-489-060	NEW-P	02-10-123
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98-08-580	REP	02-19-018	106-116-603	AMD	02-18-077	132F-104	PREP	02-22-084
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98-08-590	REP	02-19-018	106-116-701	AMD	02-18-077	132F-120	PREP	02-22-084
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136- 04-020	AMD	02-18-016	137- 28-260	AMD-P	02-09-002	173- 50-010	AMD	02-20-090
136- 10-010	REP-P	02-11-122	137- 28-260	AMD	02-12-023	173- 50-020	AMD-P	02-11-151
136- 10-010	REP	02-18-017	137- 28-310	AMD-P	02-09-002	173- 50-020	AMD	02-20-090

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173- 50-030	AMD	02-20-090	173-153-170	AMD-P	02-17-062	173-222-060	REP-X	02-07-038
173- 50-040	AMD-P	02-11-151	173-153-180	AMD-P	02-17-062	173-222-060	REP-W	02-07-098
173- 50-040	AMD	02-20-090	173-153-190	AMD-P	02-17-062	173-222-060	REP-X	02-07-099
173- 50-050	AMD-P	02-11-151	173-153-200	AMD-P	02-17-062	173-222-060	REP	02-11-149
173- 50-050	AMD	02-20-090	173-157	NEW-C	02-19-077	173-222-070	REP-X	02-07-038
173- 50-060	AMD-P	02-11-151	173-157-010	NEW-P	02-15-181	173-222-070	REP-W	02-07-098
173- 50-060	AMD	02-20-090	173-157-020	NEW-P	02-15-181	173-222-070	REP-X	02-07-099
173- 50-063	NEW-P	02-11-151	173-157-030	NEW-P	02-15-181	173-222-070	REP	02-11-149
173- 50-063	NEW	02-20-090	173-157-040	NEW-P	02-15-181	173-222-080	REP-X	02-07-038
173- 50-067	NEW-P	02-11-151	173-157-050	NEW-P	02-15-181	173-222-080	REP-W	02-07-098
173- 50-067	NEW	02-20-090	173-157-100	NEW-P	02-15-181	173-222-080	REP-X	02-07-099
173- 50-070	AMD-P	02-11-151	173-157-110	NEW-P	02-15-181	173-222-080	REP	02-11-149
173- 50-070	AMD	02-20-090	173-157-120	NEW-P	02-15-181	173-222-090	REP-X	02-07-038
173- 50-080	AMD-P	02-11-151	173-157-130	NEW-P	02-15-181	173-222-090	REP-W	02-07-098
173- 50-080	AMD	02-20-090	173-157-140	NEW-P	02-15-181	173-222-090	REP-X	02-07-099
173- 50-090	AMD-P	02-11-151	173-157-150	NEW-P	02-15-181	173-222-090	REP	02-11-149
173- 50-090	AMD	02-20-090	173-157-160	NEW-P	02-15-181	173-222-100	REP-X	02-07-038
173- 50-100	AMD-P	02-11-151	173-157-170	NEW-P	02-15-181	173-222-100	REP-W	02-07-098
173- 50-100	AMD	02-20-090	173-157-180	NEW-P	02-15-181	173-222-100	REP-X	02-07-099
173- 50-110	AMD-P	02-11-151	173-157-200	NEW-P	02-15-181	173-222-100	REP	02-11-149
173- 50-110	AMD	02-20-090	173-157-210	NEW-P	02-15-181	173-222-110	REP-X	02-07-038
173- 50-120	AMD-P	02-11-151	173-157-220	NEW-P	02-15-181	173-222-110	REP-W	02-07-098
173- 50-120	AMD	02-20-090	173-157-230	NEW-P	02-15-181	173-222-110	REP-X	02-07-099
173- 50-130	AMD-P	02-11-151	173-158-030	AMD-P	02-06-040	173-222-110	REP	02-11-149
173- 50-130	AMD	02-20-090	173-158-030	AMD	02-15-093	173-224-015	REP-X	02-07-038
173- 50-140	AMD-P	02-11-151	173-158-070	AMD-P	02-06-040	173-224-015	REP-W	02-07-098
173- 50-140	AMD	02-20-090	173-158-070	AMD	02-15-093	173-224-020	REP-X	02-07-038
173- 50-150	AMD-P	02-11-151	173-158-075	NEW-P	02-06-040	173-224-020	REP-W	02-07-098
173- 50-150	AMD	02-20-090	173-158-075	NEW	02-15-093	173-224-030	AMD-P	02-06-091
173- 50-160	AMD-P	02-11-151	173-158-076	NEW-P	02-06-040	173-224-030	REP-X	02-07-038
173- 50-160	AMD	02-20-090	173-158-076	NEW	02-15-093	173-224-030	REP-W	02-07-098
173- 50-170	AMD-P	02-11-151	173-170	PREP	02-18-095	173-224-030	AMD	02-12-059
173- 50-170	AMD	02-20-090	173-173-030	NEW-W	02-05-034	173-224-040	AMD-P	02-06-091
173- 50-180	AMD-P	02-11-151	173-173-070	NEW-W	02-05-034	173-224-040	REP-X	02-07-038
173- 50-180	AMD	02-20-090	173-201A	PREP-W	02-19-097	173-224-040	REP-W	02-07-098
173- 50-190	AMD-P	02-11-151	173-201A	PREP	02-19-098	173-224-040	AMD	02-12-059
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173- 50-200	AMD-P	02-11-151	173-220-210	AMD	02-05-055	173-224-050	REP-X	02-07-038
173- 50-200	AMD	02-20-090	173-222-010	REP-X	02-07-038	173-224-050	REP-W	02-07-098
173- 50-210	AMD-P	02-11-151	173-222-010	REP-W	02-07-098	173-224-050	AMD	02-12-059
173- 50-210	AMD	02-20-090	173-222-010	REP-X	02-07-099	173-224-060	REP-X	02-07-038
173- 50-220	AMD-P	02-11-151	173-222-010	REP	02-11-149	173-224-060	REP-W	02-07-098
173- 50-220	AMD	02-20-090	173-222-015	REP-X	02-07-038	173-224-080	REP-X	02-07-038
173-153-010	AMD-P	02-17-062	173-222-015	REP-W	02-07-098	173-224-080	REP-W	02-07-098
173-153-020	AMD-P	02-17-062	173-222-015	REP-X	02-07-099	173-224-090	REP-X	02-07-038
173-153-030	AMD-P	02-17-062	173-222-015	REP	02-11-149	173-224-090	REP-W	02-07-098
173-153-040	AMD-P	02-17-062	173-222-020	REP-X	02-07-038	173-224-100	REP-X	02-07-038
173-153-042	NEW-P	02-17-062	173-222-020	REP-W	02-07-098	173-224-100	REP-W	02-07-098
173-153-043	NEW-P	02-17-062	173-222-020	REP-X	02-07-099	173-224-110	REP-X	02-07-038
173-153-045	NEW-P	02-17-062	173-222-020	REP	02-11-149	173-224-110	REP-W	02-07-098
173-153-050	AMD-P	02-17-062	173-222-030	REP-X	02-07-038	173-224-120	REP-X	02-07-038
173-153-060	AMD-P	02-17-062	173-222-030	REP-W	02-07-098	173-224-120	REP-W	02-07-098
173-153-070	AMD-P	02-17-062	173-222-030	REP-X	02-07-099	173-226-090	AMD	02-05-055
173-153-080	AMD-P	02-17-062	173-222-030	REP	02-11-149	173-303	PREP	02-05-054
173-153-090	AMD-P	02-17-062	173-222-040	REP-X	02-07-038	173-303-045	AMD-P	02-11-101
173-153-100	NEW-P	02-17-062	173-222-040	REP-W	02-07-098	173-303-045	AMD-S	02-19-099
173-153-110	AMD-P	02-17-062	173-222-040	REP-X	02-07-099	173-303-070	AMD-P	02-11-101
173-153-120	AMD-P	02-17-062	173-222-040	REP	02-11-149	173-303-070	AMD-S	02-19-099
173-153-130	AMD-P	02-17-062	173-222-050	REP-X	02-07-038	173-303-071	AMD-E	02-04-030
173-153-140	AMD-P	02-17-062	173-222-050	REP-W	02-07-098	173-303-071	AMD-P	02-11-101
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173-303-071	AMD-S	02-19-099	173-350-025	NEW-P	02-14-061	173-531A	PREP-W	02-21-111
173-303-100	AMD-P	02-11-101	173-350-030	NEW-P	02-14-061	173-531A	PREP	02-21-112
173-303-100	AMD-S	02-19-099	173-350-040	NEW-P	02-14-061	173-563	PREP-W	02-21-111
173-303-110	AMD-P	02-11-101	173-350-100	NEW-P	02-14-061	173-563	PREP	02-21-112
173-303-110	AMD-S	02-19-099	173-350-200	NEW-P	02-14-061	173-700-010	NEW-W	02-12-058
173-303-140	AMD-P	02-11-101	173-350-210	NEW-P	02-14-061	173-700-020	NEW-W	02-12-058
173-303-140	AMD-S	02-19-099	173-350-220	NEW-P	02-14-061	173-700-030	NEW-W	02-12-058
173-303-170	AMD-P	02-11-101	173-350-230	NEW-P	02-14-061	173-700-040	NEW-W	02-12-058
173-303-170	AMD-S	02-19-099	173-350-240	NEW-P	02-14-061	173-700-100	NEW-W	02-12-058
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173-303-200	AMD-S	02-19-099	173-350-310	NEW-P	02-14-061	173-700-201	NEW-W	02-12-058
173-303-283	AMD-P	02-11-101	173-350-320	NEW-P	02-14-061	173-700-202	NEW-W	02-12-058
173-303-283	AMD-S	02-19-099	173-350-330	NEW-P	02-14-061	173-700-203	NEW-W	02-12-058
173-303-380	AMD-P	02-11-101	173-350-350	NEW-P	02-14-061	173-700-204	NEW-W	02-12-058
173-303-380	AMD-S	02-19-099	173-350-360	NEW-P	02-14-061	173-700-205	NEW-W	02-12-058
173-303-390	AMD-P	02-11-101	173-350-400	NEW-P	02-14-061	173-700-220	NEW-W	02-12-058
173-303-390	AMD-S	02-19-099	173-350-410	NEW-P	02-14-061	173-700-221	NEW-W	02-12-058
173-303-400	AMD-P	02-11-101	173-350-490	NEW-P	02-14-061	173-700-222	NEW-W	02-12-058
173-303-400	AMD-S	02-19-099	173-350-500	NEW-P	02-14-061	173-700-223	NEW-W	02-12-058
173-303-500	AMD-P	02-11-101	173-350-600	NEW-P	02-14-061	173-700-224	NEW-W	02-12-058
173-303-500	AMD-S	02-19-099	173-350-700	NEW-P	02-14-061	173-700-230	NEW-W	02-12-058
173-303-505	AMD-P	02-11-101	173-350-710	NEW-P	02-14-061	173-700-231	NEW-W	02-12-058
173-303-505	AMD-S	02-19-099	173-350-715	NEW-P	02-14-061	173-700-232	NEW-W	02-12-058
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173-303-510	AMD-P	02-11-101	173-400-075	AMD-X	02-10-107	173-700-235	NEW-W	02-12-058
173-303-510	AMD-S	02-19-099	173-400-075	AMD	02-15-068	173-700-240	NEW-W	02-12-058
173-303-520	AMD-P	02-11-101	173-401	PREP	02-05-011	173-700-241	NEW-W	02-12-058
173-303-520	AMD-S	02-19-099	173-401-200	AMD-P	02-10-031	173-700-250	NEW-W	02-12-058
173-303-522	AMD-P	02-11-101	173-401-200	AMD	02-19-078	173-700-251	NEW-W	02-12-058
173-303-522	AMD-S	02-19-099	173-401-300	AMD-P	02-10-031	173-700-252	NEW-W	02-12-058
173-303-525	AMD-P	02-11-101	173-401-300	AMD	02-19-078	173-700-253	NEW-W	02-12-058
173-303-525	AMD-S	02-19-099	173-401-500	AMD-P	02-10-031	173-700-254	NEW-W	02-12-058
173-303-578	AMD-P	02-11-101	173-401-500	AMD	02-19-078	173-700-255	NEW-W	02-12-058
173-303-578	AMD-S	02-19-099	173-401-530	AMD-P	02-10-031	173-700-256	NEW-W	02-12-058
173-303-620	AMD-S	02-19-099	173-401-530	AMD	02-19-078	173-700-257	NEW-W	02-12-058
173-303-645	AMD-P	02-11-101	173-401-615	AMD-P	02-10-031	173-700-258	NEW-W	02-12-058
173-303-645	AMD-S	02-19-099	173-401-615	AMD	02-19-078	173-700-300	NEW-W	02-12-058
173-303-646	AMD-P	02-11-101	173-401-710	AMD-P	02-10-031	173-700-310	NEW-W	02-12-058
173-303-646	AMD-S	02-19-099	173-401-710	AMD	02-19-078	173-700-311	NEW-W	02-12-058
173-303-690	AMD-P	02-11-101	173-401-722	AMD-P	02-10-031	173-700-320	NEW-W	02-12-058
173-303-690	AMD-S	02-19-099	173-401-722	AMD	02-19-078	173-700-330	NEW-W	02-12-058
173-303-691	AMD-P	02-11-101	173-422	PREP	02-05-071	173-700-340	NEW-W	02-12-058
173-303-691	AMD-S	02-19-099	173-422-020	AMD-P	02-09-066	173-700-350	NEW-W	02-12-058
173-303-692	AMD-P	02-11-101	173-422-020	AMD	02-12-072	173-700-351	NEW-W	02-12-058
173-303-692	AMD-S	02-19-099	173-422-030	AMD-P	02-09-066	173-700-352	NEW-W	02-12-058
173-303-806	AMD-P	02-11-101	173-422-030	AMD	02-12-072	173-700-353	NEW-W	02-12-058
173-303-806	AMD-S	02-19-099	173-422-031	AMD-P	02-09-066	173-700-354	NEW-W	02-12-058
173-303-830	AMD-P	02-11-101	173-422-031	AMD	02-12-072	173-700-355	NEW-W	02-12-058
173-303-830	AMD-S	02-19-099	173-422-060	AMD-P	02-09-066	173-700-356	NEW-W	02-12-058
173-303-920	NEW-P	02-11-101	173-422-060	AMD	02-12-072	173-700-357	NEW-W	02-12-058
173-312-010	AMD	02-05-070	173-422-065	AMD-P	02-09-066	173-700-358	NEW-W	02-12-058
173-312-020	AMD	02-05-070	173-422-065	AMD	02-12-072	173-700-359	NEW-W	02-12-058
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173-312-050	AMD	02-05-070	173-422-070	AMD	02-12-072	173-700-361	NEW-W	02-12-058
173-312-060	AMD	02-05-070	173-422-075	AMD-P	02-09-066	173-700-370	NEW-W	02-12-058
173-312-070	AMD	02-05-070	173-422-075	AMD	02-12-072	173-700-371	NEW-W	02-12-058
173-312-080	AMD	02-05-070	173-422-190	AMD-P	02-09-066	173-700-372	NEW-W	02-12-058
173-312-090	AMD	02-05-070	173-422-190	AMD	02-12-072	173-700-373	NEW-W	02-12-058
173-312-100	AMD	02-05-070	173-422-195	AMD-P	02-09-066	173-700-374	NEW-W	02-12-058
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173-700-390	NEW-W	02-12-058	180- 10-001	REP-P	02-14-115	180- 20-034	REP	02-18-055
173-700-391	NEW-W	02-12-058	180- 10-003	REP-P	02-14-115	180- 20-090	REP-P	02-14-116
173-700-392	NEW-W	02-12-058	180- 10-005	REP-P	02-14-115	180- 20-090	REP	02-18-055
173-700-393	NEW-W	02-12-058	180- 10-007	REP-P	02-14-115	180- 20-095	REP-P	02-14-116
173-700-394	NEW-W	02-12-058	180- 10-010	REP-P	02-14-115	180- 20-095	REP	02-18-055
173-700-395	NEW-W	02-12-058	180- 10-015	REP-P	02-14-115	180- 20-101	AMD-P	02-14-116
173-700-400	NEW-W	02-12-058	180- 10-020	REP-P	02-14-115	180- 20-101	AMD	02-18-055
173-700-401	NEW-W	02-12-058	180- 10-025	REP-P	02-14-115	180- 20-111	AMD-P	02-14-116
173-700-402	NEW-W	02-12-058	180- 10-030	REP-P	02-14-115	180- 20-111	AMD	02-18-055
173-700-403	NEW-W	02-12-058	180- 10-035	REP-P	02-14-115	180- 20-115	REP-P	02-14-116
173-700-404	NEW-W	02-12-058	180- 10-040	REP-P	02-14-115	180- 20-115	REP	02-18-055
173-700-405	NEW-W	02-12-058	180- 10-045	REP-P	02-14-115	180- 20-120	AMD-P	02-14-116
173-700-410	NEW-W	02-12-058	180- 16	PREP	02-08-039	180- 20-120	AMD	02-18-055
173-700-411	NEW-W	02-12-058	180- 16	PREP	02-08-044	180- 20-123	REP-P	02-14-116
173-700-412	NEW-W	02-12-058	180- 16-002	AMD-E	02-08-038	180- 20-123	REP	02-18-055
173-700-413	NEW-W	02-12-058	180- 16-002	AMD-E	02-14-114	180- 20-125	REP-P	02-14-116
173-700-414	NEW-W	02-12-058	180- 16-002	AMD-P	02-14-117	180- 20-125	REP	02-18-055
173-700-415	NEW-W	02-12-058	180- 16-002	AMD	02-18-056	180- 20-130	REP-P	02-14-116
173-700-416	NEW-W	02-12-058	180- 16-006	REP-E	02-08-038	180- 20-130	REP	02-18-055
173-700-420	NEW-W	02-12-058	180- 16-006	REP-E	02-14-114	180- 20-135	AMD-P	02-14-116
173-700-421	NEW-W	02-12-058	180- 16-006	REP-P	02-14-117	180- 20-135	AMD	02-18-055
173-700-422	NEW-W	02-12-058	180- 16-006	REP	02-18-056	180- 22	PREP	02-08-045
173-700-423	NEW-W	02-12-058	180- 16-162	AMD-P	02-14-126	180- 22-100	AMD-P	02-14-118
173-700-500	NEW-W	02-12-058	180- 16-162	AMD	02-18-053	180- 22-100	AMD	02-18-052
173-700-501	NEW-W	02-12-058	180- 16-191	AMD-P	02-14-126	180- 22-105	REP-P	02-14-118
173-700-502	NEW-W	02-12-058	180- 16-191	AMD	02-18-053	180- 22-105	REP	02-18-052
173-700-503	NEW-W	02-12-058	180- 16-195	AMD-E	02-08-038	180- 22-140	AMD-P	02-14-118
173-700-504	NEW-W	02-12-058	180- 16-195	AMD-E	02-14-114	180- 22-140	AMD	02-18-052
173-700-505	NEW-W	02-12-058	180- 16-195	AMD-P	02-14-117	180- 22-150	AMD-P	02-14-118
173-700-600	NEW-W	02-12-058	180- 16-195	AMD	02-18-056	180- 22-150	AMD	02-18-052
173-700-610	NEW-W	02-12-058	180- 16-215	AMD-P	02-14-126	180- 22-201	NEW-P	02-14-118
173-700-611	NEW-W	02-12-058	180- 16-215	AMD	02-18-053	180- 22-201	NEW	02-18-052
173-700-612	NEW-W	02-12-058	180- 16-220	AMD-E	02-08-038	180- 22-205	NEW-P	02-14-118
173-700-620	NEW-W	02-12-058	180- 16-220	AMD-E	02-14-114	180- 22-205	NEW	02-18-052
173-700-630	NEW-W	02-12-058	180- 16-220	AMD-P	02-14-117	180- 22-210	NEW-P	02-14-118
173-700-700	NEW-W	02-12-058	180- 16-220	AMD	02-18-056	180- 22-210	NEW	02-18-052
173-700-710	NEW-W	02-12-058	180- 16-227	NEW-E	02-08-038	180- 22-215	NEW-P	02-14-118
173-700-720	NEW-W	02-12-058	180- 16-227	NEW-E	02-14-114	180- 22-215	NEW	02-18-052
173-700-730	NEW-W	02-12-058	180- 16-227	NEW-P	02-14-117	180- 22-220	NEW-P	02-14-118
173-700-731	NEW-W	02-12-058	180- 16-227	NEW	02-18-056	180- 22-220	NEW	02-18-052
173-700-732	NEW-W	02-12-058	180- 18	PREP	02-08-039	180- 22-225	NEW-P	02-14-118
173-700-740	NEW-W	02-12-058	180- 18-010	AMD-E	02-08-038	180- 22-225	NEW	02-18-052
173-700-750	NEW-W	02-12-058	180- 18-010	AMD-E	02-14-114	180- 23	PREP	02-08-045
173-700-800	NEW-W	02-12-058	180- 18-010	AMD-P	02-14-117	180- 23-037	REP-P	02-14-118
180- 08	PREP	02-08-041	180- 18-010	AMD	02-18-056	180- 23-037	REP	02-18-052
180- 08	AMD-P	02-14-115	180- 18-020	REP-E	02-08-038	180- 23-040	REP-P	02-14-118
180- 08	AMD	02-18-054	180- 18-020	REP-E	02-14-114	180- 23-040	REP	02-18-052
180- 08-001	NEW-P	02-14-115	180- 18-020	REP-P	02-14-117	180- 23-043	REP-P	02-14-118
180- 08-001	NEW	02-18-054	180- 18-020	REP	02-18-056	180- 23-043	REP	02-18-052
180- 08-002	NEW-P	02-14-115	180- 20	PREP	02-10-049	180- 23-047	REP-P	02-14-118
180- 08-002	NEW	02-18-054	180- 20	PREP	02-10-084	180- 23-047	REP	02-18-052
180- 08-003	REP-P	02-14-115	180- 20-005	AMD-P	02-14-116	180- 23-050	REP-P	02-14-118
180- 08-003	REP	02-18-054	180- 20-005	AMD	02-18-055	180- 23-050	REP	02-18-052
180- 08-004	NEW-P	02-14-115	180- 20-007	NEW-P	02-14-116	180- 23-055	REP-P	02-14-118
180- 08-004	NEW	02-18-054	180- 20-007	NEW	02-18-055	180- 23-055	REP	02-18-052
180- 08-005	REP-P	02-14-115	180- 20-009	NEW-P	02-14-116	180- 23-058	REP-P	02-14-118
180- 08-005	REP	02-18-054	180- 20-009	NEW	02-18-055	180- 23-058	REP	02-18-052
180- 08-006	NEW-P	02-14-115	180- 20-030	REP-P	02-14-116	180- 23-060	REP-P	02-14-118
180- 08-006	NEW	02-18-054	180- 20-030	REP	02-18-055	180- 23-060	REP	02-18-052
180- 08-008	NEW-P	02-14-115	180- 20-031	AMD-P	02-14-116	180- 23-065	REP-P	02-14-118

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180- 23-065	REP	02-18-052	180- 38-010	REP-P	02-14-140	180- 53-030	REP-P	02-14-117
180- 23-070	REP-P	02-14-118	180- 38-010	REP-E	02-18-051	180- 53-030	REP	02-18-056
180- 23-070	REP	02-18-052	180- 38-020	AMD-P	02-14-140	180- 53-035	REP-E	02-08-038
180- 23-075	REP-P	02-14-118	180- 38-020	AMD-E	02-18-051	180- 53-035	REP-E	02-14-114
180- 23-075	REP	02-18-052	180- 38-025	REP-P	02-14-140	180- 53-035	REP-P	02-14-117
180- 23-077	REP-P	02-14-118	180- 38-025	REP-E	02-18-051	180- 53-035	REP	02-18-056
180- 23-077	REP	02-18-052	180- 38-030	REP-P	02-14-140	180- 53-040	REP-E	02-08-038
180- 23-078	REP-P	02-14-118	180- 38-030	REP-E	02-18-051	180- 53-040	REP-E	02-14-114
180- 23-078	REP	02-18-052	180- 38-035	REP-P	02-14-140	180- 53-040	REP-P	02-14-117
180- 23-080	REP-P	02-14-118	180- 38-035	REP-E	02-18-051	180- 53-040	REP	02-18-056
180- 23-080	REP	02-18-052	180- 38-040	REP-P	02-14-140	180- 53-045	REP-E	02-08-038
180- 23-085	REP-P	02-14-118	180- 38-040	REP-E	02-18-051	180- 53-045	REP-E	02-14-114
180- 23-085	REP	02-18-052	180- 38-045	AMD-P	02-14-140	180- 53-045	REP-P	02-14-117
180- 23-090	REP-P	02-14-118	180- 38-045	AMD-E	02-18-051	180- 53-045	REP	02-18-056
180- 23-090	REP	02-18-052	180- 38-050	AMD-P	02-14-140	180- 53-050	REP-E	02-08-038
180- 23-095	REP-P	02-14-118	180- 38-050	AMD-E	02-18-051	180- 53-050	REP-E	02-14-114
180- 23-095	REP	02-18-052	180- 38-055	REP-P	02-14-140	180- 53-050	REP-P	02-14-117
180- 23-100	REP-P	02-14-118	180- 38-055	REP-E	02-18-051	180- 53-050	REP	02-18-056
180- 23-100	REP	02-18-052	180- 38-060	REP-P	02-14-140	180- 53-055	REP-E	02-08-038
180- 23-105	REP-P	02-14-118	180- 38-060	REP-E	02-18-051	180- 53-055	REP-E	02-14-114
180- 23-105	REP	02-18-052	180- 38-065	AMD-P	02-14-140	180- 53-055	REP-P	02-14-117
180- 23-110	REP-P	02-14-118	180- 38-065	REP-E	02-18-051	180- 53-055	REP	02-18-056
180- 23-110	REP	02-18-052	180- 38-070	REP-P	02-14-140	180- 53-060	REP-E	02-08-038
180- 23-115	REP-P	02-14-118	180- 38-070	REP-E	02-18-051	180- 53-060	REP-E	02-14-114
180- 23-115	REP	02-18-052	180- 38-080	NEW-E	02-18-051	180- 53-060	REP-P	02-14-117
180- 23-120	REP-P	02-14-118	180- 39	PREP	02-06-061	180- 53-060	REP	02-18-056
180- 23-120	REP	02-18-052	180- 40	PREP	02-06-062	180- 53-070	REP-E	02-08-038
180- 24	PREP	02-06-052	180- 41	PREP	02-06-063	180- 53-070	REP-E	02-14-114
180- 24-400	AMD-E	02-08-035	180- 43	PREP	02-08-042	180- 53-070	REP-P	02-14-117
180- 24-400	AMD-P	02-10-053	180- 43-005	AMD-P	02-14-123	180- 53-070	REP	02-18-056
180- 24-400	AMD	02-14-113	180- 43-005	AMD	02-18-062	180- 55	PREP	02-08-039
180- 24-405	REP-E	02-08-035	180- 43-010	AMD-P	02-14-123	180- 55-005	AMD-E	02-08-038
180- 24-405	REP-P	02-10-053	180- 43-010	AMD	02-18-062	180- 55-005	AMD-E	02-14-114
180- 24-405	REP	02-14-113	180- 43-015	AMD-P	02-14-123	180- 55-005	AMD-P	02-14-117
180- 24-410	AMD-E	02-08-035	180- 43-015	AMD	02-18-062	180- 55-005	AMD	02-18-056
180- 24-410	AMD-P	02-10-053	180- 44	PREP	02-06-064	180- 55-010	REP-E	02-08-038
180- 24-410	AMD	02-14-113	180- 46	PREP	02-06-065	180- 55-010	REP-E	02-14-114
180- 24-415	AMD-E	02-08-035	180- 50	PREP	02-06-066	180- 55-010	REP-P	02-14-117
180- 24-415	AMD-P	02-10-053	180- 50-135	PREP	02-15-026	180- 55-010	REP	02-18-056
180- 24-415	AMD	02-14-113	180- 52-070	NEW-P	02-08-092	180- 55-015	AMD-E	02-08-038
180- 25	PREP	02-06-053	180- 52-070	NEW-P	02-10-089	180- 55-015	AMD-E	02-14-114
180- 26	PREP	02-06-054	180- 52-070	NEW	02-14-125	180- 55-015	AMD-P	02-14-117
180- 27	PREP	02-06-055	180- 52-070	NEW-W	02-21-054	180- 55-015	AMD	02-18-056
180- 29	PREP	02-06-056	180- 53	PREP	02-08-039	180- 55-020	AMD-E	02-08-038
180- 31	PREP	02-06-057	180- 53-005	REP-E	02-08-038	180- 55-020	AMD-E	02-14-114
180- 32	PREP	02-06-058	180- 53-005	REP-E	02-14-114	180- 55-020	AMD-P	02-14-117
180- 33	PREP	02-06-059	180- 53-005	REP-P	02-14-117	180- 55-020	AMD	02-18-056
180- 34	PREP	02-08-046	180- 53-005	REP	02-18-056	180- 55-025	REP-E	02-08-038
180- 34-005	REP-P	02-14-119	180- 53-010	REP-E	02-08-038	180- 55-025	REP-E	02-14-114
180- 34-010	REP-P	02-14-119	180- 53-010	REP-E	02-14-114	180- 55-025	REP-P	02-14-117
180- 36	PREP	02-06-060	180- 53-010	REP-P	02-14-117	180- 55-025	REP	02-18-056
180- 37-005	PREP	02-10-051	180- 53-010	REP	02-18-056	180- 55-030	REP-E	02-08-038
180- 37-005	NEW-P	02-14-120	180- 53-020	REP-E	02-08-038	180- 55-030	REP-E	02-14-114
180- 37-005	NEW	02-18-060	180- 53-020	REP-E	02-14-114	180- 55-030	REP-P	02-14-117
180- 37-010	PREP	02-10-051	180- 53-020	REP-P	02-14-117	180- 55-030	REP	02-18-056
180- 37-010	NEW-P	02-14-120	180- 53-020	REP	02-18-056	180- 55-032	NEW-E	02-08-038
180- 37-010	NEW	02-18-060	180- 53-025	REP-E	02-08-038	180- 55-032	NEW-E	02-14-114
180- 38	PREP	02-08-043	180- 53-025	REP-E	02-14-114	180- 55-032	NEW-P	02-14-117
180- 38	AMD-P	02-14-140	180- 53-025	REP-P	02-14-117	180- 55-034	NEW-E	02-08-038
180- 38	AMD-E	02-18-051	180- 53-025	REP	02-18-056	180- 55-034	NEW-E	02-14-114
180- 38-005	AMD-P	02-14-140	180- 53-030	REP-E	02-08-038	180- 55-034	NEW-P	02-14-117
180- 38-005	AMD-E	02-18-051	180- 53-030	REP-E	02-14-114	180- 55-034	NEW	02-18-056

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-55-035	REP-E	02-08-038	180-55-135	REP-P	02-14-117	180-78A-400	AMD-P	02-14-109
180-55-035	REP-E	02-14-114	180-55-135	REP	02-18-056	180-78A-400	AMD	02-18-037
180-55-035	REP-P	02-14-117	180-55-150	NEW-E	02-08-038	180-78A-500	AMD-P	02-14-109
180-55-035	REP	02-18-056	180-55-150	NEW-E	02-14-114	180-78A-500	AMD	02-18-037
180-55-050	REP-E	02-08-038	180-55-150	NEW-P	02-14-117	180-78A-505	PREP	02-06-051
180-55-050	REP-E	02-14-114	180-55-150	NEW	02-18-056	180-78A-505	AMD-P	02-10-085
180-55-050	REP-P	02-14-117	180-57	PREP	02-16-007	180-78A-505	AMD-P	02-14-109
180-55-050	REP	02-18-056	180-72	PREP	02-06-067	180-78A-505	AMD	02-14-111
180-55-070	REP-E	02-08-038	180-77	AMD	02-04-018	180-78A-505	AMD	02-18-037
180-55-070	REP-E	02-14-114	180-77	PREP	02-06-068	180-78A-505	PREP	02-19-015
180-55-070	REP-P	02-14-117	180-77-002	AMD	02-04-018	180-78A-507	NEW-P	02-14-109
180-55-070	REP	02-18-056	180-77-003	AMD	02-04-018	180-78A-507	NEW	02-18-037
180-55-075	REP-E	02-08-038	180-77-005	AMD	02-04-018	180-78A-535	AMD-P	02-14-109
180-55-075	REP-E	02-14-114	180-77-012	AMD	02-04-018	180-78A-535	AMD	02-18-037
180-55-075	REP-P	02-14-117	180-77-014	AMD	02-04-018	180-78A-535	PREP	02-19-015
180-55-075	REP	02-18-056	180-77-020	AMD	02-04-018	180-78A-540	AMD-P	02-14-109
180-55-080	REP-E	02-08-038	180-77-025	AMD	02-04-018	180-78A-540	AMD	02-18-037
180-55-080	REP-E	02-14-114	180-77-031	AMD	02-04-018	180-78A-540	AMD	02-18-037
180-55-080	REP-P	02-14-117	180-77-041	AMD	02-04-018	180-78A-700	PREP	02-15-028
180-55-080	REP	02-18-056	180-77-041	PREP	02-10-048	180-79A	PREP	02-06-071
180-55-085	REP-E	02-08-038	180-77-041	AMD-P	02-14-106	180-79A-015	REP-P	02-14-109
180-55-085	REP-E	02-14-114	180-77-041	AMD	02-18-039	180-79A-015	REP	02-18-037
180-55-085	REP-P	02-14-117	180-77-068	AMD	02-04-018	180-79A-020	REP-P	02-14-109
180-55-085	REP	02-18-056	180-77-070	AMD	02-04-018	180-79A-020	REP	02-18-037
180-55-090	REP-E	02-08-038	180-77-075	AMD	02-04-018	180-79A-022	REP-P	02-14-109
180-55-090	REP-E	02-14-114	180-77-080	AMD	02-04-018	180-79A-022	REP	02-18-037
180-55-090	REP-P	02-14-117	180-77-110	AMD	02-04-018	180-79A-030	AMD	02-04-015
180-55-090	REP	02-18-056	180-77-120	AMD	02-04-018	180-79A-107	NEW-E	02-14-036
180-55-095	REP-E	02-08-038	180-77-122	AMD	02-04-018	180-79A-117	AMD	02-04-018
180-55-095	REP-E	02-14-114	180-77A	AMD	02-04-018	180-79A-130	AMD	02-04-018
180-55-095	REP-P	02-14-117	180-77A	PREP	02-06-069	180-79A-131	AMD-P	02-14-109
180-55-095	REP	02-18-056	180-77A-004	AMD	02-04-018	180-79A-131	AMD	02-18-037
180-55-100	REP-E	02-08-038	180-77A-006	AMD	02-04-018	180-79A-140	AMD	02-04-018
180-55-100	REP-E	02-14-114	180-77A-025	AMD	02-04-018	180-79A-140	AMD	02-13-027
180-55-100	REP-P	02-14-117	180-77A-029	AMD	02-04-018	180-79A-140	AMD-P	02-14-109
180-55-100	REP	02-18-056	180-77A-030	AMD	02-04-018	180-79A-140	AMD	02-18-037
180-55-105	REP-E	02-08-038	180-77A-033	AMD	02-04-018	180-79A-145	AMD-P	02-14-109
180-55-105	REP-E	02-14-114	180-77A-037	AMD	02-04-018	180-79A-145	AMD	02-18-037
180-55-105	REP-P	02-14-117	180-77A-040	AMD	02-04-018	180-79A-150	AMD	02-04-018
180-55-105	REP	02-18-056	180-77A-057	AMD	02-04-018	180-79A-150	PREP	02-10-050
180-55-110	REP-E	02-08-038	180-77A-165	AMD	02-04-018	180-79A-150	AMD-P	02-14-109
180-55-110	REP-E	02-14-114	180-77A-180	AMD	02-04-018	180-79A-150	AMD	02-18-037
180-55-110	REP-P	02-14-117	180-77A-195	AMD	02-04-018	180-79A-155	PREP	02-16-008
180-55-110	REP	02-18-056	180-78A	PREP	02-06-070	180-79A-206	PREP	02-05-061
180-55-115	REP-E	02-08-038	180-78A-010	AMD-P	02-14-109	180-79A-206	AMD-P	02-10-085
180-55-115	REP-E	02-14-114	180-78A-010	AMD	02-18-037	180-79A-206	AMD	02-14-111
180-55-115	REP-P	02-14-117	180-78A-100	AMD-P	02-14-109	180-79A-211	AMD	02-04-018
180-55-115	REP	02-18-056	180-78A-100	AMD	02-18-037	180-79A-211	AMD-P	02-14-109
180-55-120	REP-E	02-08-038	180-78A-100	AMD	02-18-037	180-79A-211	AMD	02-18-037
180-55-120	REP-E	02-14-114	180-78A-200	AMD-P	02-14-109	180-79A-231	AMD	02-13-027
180-55-120	REP-P	02-14-117	180-78A-200	AMD	02-18-037	180-79A-231	PREP	02-16-010
180-55-120	REP	02-18-056	180-78A-209	AMD	02-04-018	180-79A-250	PREP	02-05-060
180-55-125	REP-E	02-08-038	180-78A-220	AMD	02-04-014	180-79A-250	AMD-P	02-10-087
180-55-125	REP-E	02-14-114	180-78A-250	AMD-P	02-14-109	180-79A-250	AMD-W	02-12-123
180-55-125	REP-P	02-14-117	180-78A-250	AMD	02-18-037	180-79A-250	AMD-P	02-14-109
180-55-125	REP	02-18-056	180-78A-255	AMD	02-04-014	180-79A-250	AMD	02-18-037
180-55-130	REP-E	02-08-038	180-78A-261	AMD	02-04-014	180-81	PREP	02-06-072
180-55-130	REP-E	02-14-114	180-78A-264	AMD	02-04-014	180-82	PREP	02-06-073
180-55-130	REP-P	02-14-117	180-78A-270	AMD	02-04-018	180-82-105	AMD	02-04-018
180-55-130	REP	02-18-056	180-78A-270	AMD-P	02-14-109	180-82-105	PREP	02-10-045
180-55-135	REP-E	02-08-038	180-78A-270	AMD	02-18-037	180-82-105	AMD-P	02-14-108
180-55-135	REP-E	02-14-114	180-78A-325	AMD-P	02-14-109	180-82-105	AMD	02-18-038
			180-78A-325	AMD	02-18-037	180-82-110	PREP	02-16-009

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180- 82-120	AMD	02-18-037	180- 86-140	AMD-P	02-14-122	180- 90-135	REP-P	02-14-124
180- 82-202	AMD	02-04-018	180- 86-140	AMD	02-19-050	180- 90-137	REP-E	02-08-037
180- 82-322	AMD	02-04-018	180- 86-145	AMD-P	02-10-052	180- 90-137	REP-P	02-10-088
180- 82-346	AMD	02-04-016	180- 86-145	AMD-P	02-14-122	180- 90-137	REP-W	02-14-110
180- 82-350	AMD	02-04-018	180- 86-145	AMD	02-19-050	180- 90-137	REP-P	02-14-124
180- 82A-002	NEW	02-04-013	180- 86-160	AMD-P	02-10-052	180- 90-141	AMD-E	02-08-037
180- 82A-004	NEW-W	02-13-028	180- 86-160	AMD-P	02-14-122	180- 90-141	AMD-P	02-10-088
180- 82A-200	NEW	02-04-013	180- 86-160	AMD	02-19-050	180- 90-141	AMD-W	02-14-110
180- 82A-201	NEW-W	02-13-028	180- 86-170	AMD-P	02-10-052	180- 90-141	AMD-P	02-14-124
180- 82A-202	NEW	02-04-013	180- 86-170	AMD-P	02-14-122	180- 90-160	AMD-E	02-08-037
180- 82A-204	NEW	02-04-013	180- 86-170	AMD	02-19-050	180- 90-160	AMD-P	02-10-088
180- 82A-206	NEW	02-04-013	180- 86-180	AMD-P	02-10-052	180- 90-160	AMD-W	02-14-110
180- 82A-215	NEW	02-04-013	180- 86-180	AMD-P	02-14-122	180- 90-160	AMD-P	02-14-124
180- 83	PREP	02-06-074	180- 86-180	AMD	02-19-050	180- 95	PREP	02-06-079
180- 85	PREP	02-06-075	180- 86-185	AMD-P	02-10-052	180- 96	PREP	02-06-080
180- 85	PREP	02-15-027	180- 86-185	AMD-P	02-14-122	180- 97	PREP	02-08-040
180- 85-025	AMD-P	02-14-107	180- 86-185	AMD	02-19-050	180- 97-003	AMD-E	02-08-034
180- 85-025	AMD	02-18-050	180- 87	PREP	02-06-077	180- 97-003	AMD-P	02-14-121
180- 85-033	NEW-P	02-14-107	180- 90	PREP	02-06-078	180- 97-003	AMD	02-18-061
180- 85-033	NEW	02-18-050	180- 90-105	AMD-E	02-08-037	180- 97-005	REP-E	02-08-034
180- 85-035	AMD	02-04-017	180- 90-105	AMD-P	02-10-088	180- 97-005	REP-P	02-14-121
180- 85-075	AMD	02-04-017	180- 90-105	AMD-W	02-14-110	180- 97-005	REP	02-18-061
180- 85-075	PREP	02-06-081	180- 90-105	AMD-P	02-14-124	180- 97-010	AMD-E	02-08-034
180- 85-075	AMD-P	02-10-086	180- 90-110	REP-E	02-08-037	180- 97-010	AMD-P	02-14-121
180- 85-075	AMD	02-14-112	180- 90-110	REP-P	02-10-088	180- 97-010	AMD	02-18-061
180- 86	PREP	02-06-076	180- 90-110	REP-W	02-14-110	180- 97-015	REP-E	02-08-034
180- 86-011	AMD-P	02-10-052	180- 90-110	REP-P	02-14-124	180- 97-015	REP-P	02-14-121
180- 86-011	AMD-P	02-14-122	180- 90-112	AMD-E	02-08-037	180- 97-015	REP	02-18-061
180- 86-011	AMD	02-19-050	180- 90-112	AMD-P	02-10-088	180- 97-020	REP-E	02-08-034
180- 86-013	AMD-P	02-10-052	180- 90-112	AMD-W	02-14-110	180- 97-020	REP-P	02-14-121
180- 86-013	AMD-P	02-14-122	180- 90-112	AMD-P	02-14-124	180- 97-020	REP	02-18-061
180- 86-013	AMD	02-19-050	180- 90-115	REP-E	02-08-037	180- 97-040	AMD-E	02-08-034
180- 86-020	PREP	02-03-084	180- 90-115	REP-P	02-10-088	180- 97-040	AMD-P	02-14-121
180- 86-020	REP-P	02-10-052	180- 90-115	REP-W	02-14-110	180- 97-040	AMD	02-18-061
180- 86-020	REP-P	02-14-122	180- 90-115	REP-P	02-14-124	180- 97-050	REP-E	02-08-034
180- 86-020	REP	02-19-050	180- 90-119	REP-E	02-08-037	180- 97-050	REP-P	02-14-121
180- 86-030	AMD-P	02-10-052	180- 90-119	REP-P	02-10-088	180- 97-050	REP	02-18-061
180- 86-030	AMD-P	02-14-122	180- 90-119	REP-W	02-14-110	180- 97-060	AMD-E	02-08-034
180- 86-030	AMD	02-19-050	180- 90-119	REP-P	02-14-124	180- 97-060	AMD-P	02-14-121
180- 86-055	PREP	02-03-084	180- 90-120	REP-E	02-08-037	180- 97-060	AMD	02-18-061
180- 86-055	REP-P	02-10-052	180- 90-120	REP-P	02-10-088	180- 97-070	REP-E	02-08-034
180- 86-055	REP-P	02-14-122	180- 90-120	REP-W	02-14-110	180- 97-070	REP-P	02-14-121
180- 86-055	REP	02-19-050	180- 90-120	REP-P	02-14-124	180- 97-070	REP	02-18-061
180- 86-065	AMD-P	02-10-052	180- 90-123	REP-E	02-08-037	180- 97-080	AMD-E	02-08-034
180- 86-065	AMD-P	02-14-122	180- 90-123	REP-P	02-10-088	180- 97-080	AMD-P	02-14-121
180- 86-065	AMD	02-19-050	180- 90-123	REP-W	02-14-110	180- 97-080	AMD	02-18-061
180- 86-070	AMD-P	02-10-052	180- 90-123	REP-P	02-14-124	180- 97-090	REP-E	02-08-034
180- 86-070	AMD-P	02-14-122	180- 90-125	REP-E	02-08-037	180- 97-090	REP-P	02-14-121
180- 86-070	AMD	02-19-050	180- 90-125	REP-P	02-10-088	180- 97-090	REP	02-18-061
180- 86-075	AMD-P	02-10-052	180- 90-125	REP-W	02-14-110	180- 97-100	REP-E	02-08-034
180- 86-075	AMD-P	02-14-122	180- 90-125	REP-P	02-14-124	180- 97-100	REP-P	02-14-121
180- 86-075	AMD	02-19-050	180- 90-130	AMD-E	02-08-037	180- 97-100	REP	02-18-061
180- 86-100	AMD-P	02-10-052	180- 90-130	AMD-P	02-10-088	181- 01-001	NEW-P	02-17-100
180- 86-100	AMD-P	02-14-122	180- 90-130	AMD-W	02-14-110	181- 01-001	NEW	02-21-014
180- 86-100	AMD	02-19-050	180- 90-130	AMD-P	02-14-124	182	PREP	02-11-034
180- 86-116	AMD-P	02-10-052	180- 90-133	REP-E	02-08-037	182	PREP	02-11-035
180- 86-116	AMD-P	02-14-122	180- 90-133	REP-P	02-10-088	182- 08-190	AMD-P	02-15-178
180- 86-116	AMD	02-19-050	180- 90-133	REP-W	02-14-110	182- 08-190	AMD	02-18-088
180- 86-130	AMD-P	02-10-052	180- 90-133	REP-P	02-14-124	182- 12-111	AMD-P	02-15-177
180- 86-130	AMD-P	02-14-122	180- 90-135	REP-E	02-08-037	182- 12-111	AMD	02-18-087
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182- 12-119	AMD	02-18-087	192-210-020	NEW-E	02-12-127	204- 91A-180	AMD	02-07-056
182- 12-132	AMD-P	02-15-177	192-210-020	NEW	02-19-009	204- 95	PREP	02-11-037
182- 12-132	AMD	02-18-087	192-240-010	NEW-E	02-03-074	204- 95-030	AMD-P	02-16-046
182- 12-220	AMD-P	02-15-178	192-240-015	NEW-E	02-03-074	204- 95-030	AMD	02-21-001
182- 12-220	AMD	02-18-088	192-240-020	NEW-E	02-03-074	204- 95-080	AMD-P	02-16-046
182- 12-230	NEW-P	02-05-078	192-240-025	NEW-E	02-03-074	204- 95-080	AMD	02-21-001
182- 12-230	NEW	02-08-047	192-240-030	NEW-E	02-03-074	208-424-010	NEW-P	02-11-010
182- 12-230	AMD-P	02-15-177	192-240-030	NEW-E	02-07-065	208-424-010	NEW	02-14-038
182- 12-230	AMD	02-18-087	192-240-035	NEW-E	02-03-074	208-424-020	NEW-P	02-11-010
182- 20-250	NEW-P	02-15-179	192-240-040	NEW-E	02-03-074	208-424-020	NEW	02-14-038
182- 20-250	NEW	02-18-089	192-240-040	NEW-E	02-07-065	208-424-030	NEW-P	02-11-010
182- 25-010	PREP	02-18-086	192-240-045	NEW-E	02-07-065	208-424-030	NEW	02-14-038
182- 25-010	AMD-E	02-18-090	196- 09	PREP	02-13-079	208-472	AMD	02-04-094
182- 25-010	AMD-P	02-21-134	196- 24-041	PREP	02-13-079	208-472-010	AMD	02-04-094
182- 25-020	AMD-P	02-15-176	196- 26-020	REP-P	02-08-075	208-472-012	REP	02-04-094
182- 25-020	AMD	02-19-053	196- 26-020	REP	02-13-080	208-472-015	AMD	02-04-094
182- 25-040	AMD-P	02-15-180	196- 26-030	REP-P	02-08-075	208-472-020	AMD	02-04-094
182- 25-040	AMD	02-19-054	196- 26-030	REP	02-13-080	208-472-025	AMD	02-04-094
182- 25-041	NEW-E	02-18-090	196- 26A-010	NEW-P	02-08-075	208-472-030	NEW	02-04-094
182- 25-080	AMD-P	02-15-176	196- 26A-010	NEW	02-13-080	208-472-035	NEW	02-04-094
182- 25-080	AMD	02-19-053	196- 26A-020	NEW-P	02-08-075	208-472-041	REP	02-04-094
182- 25-085	AMD-P	02-15-180	196- 26A-020	NEW	02-13-080	208-472-045	REP	02-04-094
182- 25-085	AMD	02-19-054	196- 26A-025	NEW-P	02-08-075	208-472-050	REP	02-04-094
182- 25-090	AMD-P	02-15-180	196- 26A-025	NEW	02-13-080	208-472-060	REP	02-04-094
182- 25-090	AMD	02-19-054	196- 26A-030	NEW-P	02-08-075	208-472-065	REP	02-04-094
192- 16-013	REP-X	02-08-071	196- 26A-030	NEW	02-13-080	208-472-070	REP	02-04-094
192- 16-013	REP	02-14-035	196- 26A-035	NEW-P	02-08-075	208-472-075	REP	02-04-094
192- 16-021	REP	02-08-072	196- 26A-035	NEW	02-13-080	208-472-080	REP	02-04-094
192- 16-033	REP-E	02-03-074	196- 26A-040	NEW-P	02-08-075	208-620-160	AMD-P	02-12-004
192- 16-033	PREP	02-07-064	196- 26A-040	NEW	02-13-080	208-620-160	AMD	02-21-101
192- 16-033	REP-E	02-07-065	196- 26A-045	NEW-P	02-08-075	208-660-125	AMD-P	02-12-003
192- 16-036	REP-E	02-03-074	196- 26A-045	NEW	02-13-080	208-660-125	AMD	02-21-100
192- 16-036	PREP	02-07-064	196- 26A-050	NEW-P	02-08-075	212- 12-001	PREP	02-07-018
192- 16-036	REP-P	02-07-065	196- 26A-050	NEW	02-13-080	212- 12-001	AMD-P	02-11-038
192- 16-040	REP-E	02-03-074	196- 26A-055	NEW-P	02-08-075	212- 12-001	AMD	02-16-023
192- 16-040	PREP	02-07-064	196- 26A-055	NEW	02-13-080	212- 12-005	PREP	02-07-018
192- 16-040	REP-P	02-07-065	196- 26A-060	NEW-P	02-08-075	212- 12-005	AMD-P	02-11-038
192- 16-042	REP-E	02-03-074	196- 26A-060	NEW	02-13-080	212- 12-005	AMD	02-16-023
192- 16-042	PREP	02-07-064	196- 26A-070	NEW-P	02-08-075	212- 12-010	PREP	02-07-018
192- 16-042	REP-P	02-07-065	196- 26A-070	NEW	02-13-080	212- 12-010	AMD-P	02-11-038
192- 16-045	REP-E	02-03-074	196- 27-010	REP-P	02-15-139	212- 12-010	AMD	02-16-023
192- 16-045	PREP	02-07-064	196- 27-020	REP-P	02-15-139	212- 12-011	PREP	02-07-018
192- 16-045	REP-P	02-07-065	196- 27A-010	NEW-P	02-15-139	212- 12-011	AMD-P	02-11-038
192- 16-047	REP-E	02-03-074	196- 27A-020	NEW-P	02-15-139	212- 12-011	AMD	02-16-023
192- 16-047	PREP	02-07-064	196- 27A-030	NEW-P	02-15-139	212- 12-015	PREP	02-07-018
192- 16-047	REP-P	02-07-065	197- 11	PREP	02-20-080	212- 12-015	PREP	02-07-018
192-150	PREP	02-20-095	197- 11	PREP-W	02-21-030	212- 12-015	AMD-P	02-11-038
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192-150-055	NEW	02-14-035	204- 24-030	AMD	02-19-055	212- 12-020	PREP	02-07-018
192-150-060	NEW	02-08-072	204- 24-050	AMD-P	02-15-072	212- 12-020	AMD-P	02-11-038
192-170	PREP	02-20-095	204- 24-050	AMD	02-19-055	212- 12-020	AMD	02-16-023
192-170-050	NEW	02-08-072	204- 36-030	AMD	02-07-055	212- 12-025	PREP	02-07-018
192-180-010	PREP	02-20-095	204- 36-040	AMD	02-07-055	212- 12-025	AMD-P	02-11-038
192-180-012	NEW	02-08-072	204- 36-060	AMD	02-07-055	212- 12-025	AMD	02-16-023
192-180-015	PREP	02-20-095	204- 91A-010	AMD	02-07-056	212- 12-030	PREP	02-07-018
192-210-005	AMD-P	02-12-126	204- 91A-030	AMD	02-07-056	212- 12-030	AMD-P	02-11-038
192-210-005	AMD-E	02-12-127	204- 91A-060	AMD	02-07-056	212- 12-030	AMD	02-16-023
192-210-005	AMD	02-19-009	204- 91A-090	AMD	02-07-056	212- 12-035	PREP	02-07-018
192-210-015	AMD-P	02-12-126	204- 91A-120	AMD	02-07-056	212- 12-035	AMD-P	02-11-038
192-210-015	AMD-E	02-12-127	204- 91A-130	AMD	02-07-056	212- 12-035	AMD	02-16-023
192-210-015	AMD	02-19-009	204- 91A-140	AMD	02-07-056	212- 12-040	PREP	02-07-018
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212- 12-044	AMD-P	02-11-038	220- 16-780	NEW	02-08-048	220- 32-05100S	REP-E	02-11-085
212- 12-044	AMD	02-16-023	220- 16-780	AMD-P	02-13-088	220- 32-05100S	REP-E	02-11-146
212- 12-200	NEW-E	02-03-060	220- 16-780	NEW-W	02-15-088	220- 32-05100T	NEW-E	02-14-138
212- 12-200	NEW-P	02-17-102	220- 16-780	AMD	02-17-017	220- 32-05100T	REP-E	02-14-138
212- 12-210	NEW-E	02-03-060	220- 16-78000A	NEW-E	02-10-118	220- 32-05100U	NEW-E	02-17-064
212- 12-210	NEW-P	02-17-102	220- 16-790	NEW	02-08-048	220- 32-05100U	REP-E	02-18-079
212- 12-220	NEW-E	02-03-060	220- 16-790	AMD-P	02-13-088	220- 32-05100V	NEW-E	02-18-079
212- 12-220	NEW-P	02-17-102	220- 16-790	NEW-W	02-15-088	220- 32-05100V	REP-E	02-19-074
212- 12-230	NEW-E	02-03-060	220- 16-790	AMD	02-17-017	220- 32-05100W	NEW-E	02-19-074
212- 12-230	NEW-P	02-17-102	220- 16-79000A	NEW-E	02-10-118	220- 32-05100W	REP-E	02-19-074
212- 12-240	NEW-E	02-03-060	220- 16-800	NEW-W	02-15-088	220- 32-05100X	NEW-E	02-20-008
212- 12-240	NEW-P	02-17-102	220- 20-001	NEW-P	02-13-085	220- 32-05100X	REP-E	02-20-008
212- 12-250	NEW-E	02-03-060	220- 20-001	NEW	02-16-069	220- 32-05100Y	NEW-E	02-21-047
212- 12-250	NEW-P	02-17-102	220- 20-010	AMD	02-08-048	220- 32-05100Y	REP-E	02-21-047
212- 12-260	NEW-E	02-03-060	220- 20-015	AMD-X	02-15-025	220- 32-05500E	NEW-E	02-11-146
212- 12-260	NEW-P	02-17-102	220- 20-016	PREP	02-06-107	220- 32-05500E	REP-E	02-11-146
212- 12-270	NEW-E	02-03-060	220- 20-016	AMD-X	02-11-073	220- 32-05700P	NEW-E	02-11-146
212- 12-270	NEW-P	02-17-102	220- 20-016	AMD-C	02-16-002	220- 32-05700P	REP-E	02-11-146
212- 12-280	NEW-E	02-03-060	220- 20-020	AMD-X	02-15-025	220- 32-05700Q	NEW-E	02-20-033
212- 12-280	NEW-P	02-17-102	220- 20-025	AMD	02-08-048	220- 32-05700Q	REP-E	02-20-033
212- 12-290	NEW-E	02-03-060	220- 20-025	AMD-X	02-15-025	220- 32-05700Q	REP-E	02-22-017
212- 12-290	NEW-P	02-17-102	220- 20-075	NEW	02-05-046	220- 32-05700R	NEW-E	02-22-017
212- 12-300	NEW-E	02-03-060	220- 20-080	NEW-P	02-13-134	220- 32-05700R	REP-E	02-22-017
212- 12-300	NEW-P	02-17-102	220- 20-080	NEW-S	02-21-115	220- 33-01000I	NEW-E	02-04-077
212- 12-310	NEW-E	02-03-060	220- 20-08000A	NEW-E	02-14-089	220- 33-01000I	REP-E	02-04-077
212- 12-310	NEW-P	02-17-102	220- 20-08000A	REP-E	02-22-015	220- 33-01000J	NEW-E	02-05-056
212- 12-320	NEW-E	02-03-060	220- 20-08000B	NEW-E	02-22-015	220- 33-01000J	REP-E	02-05-056
212- 12-320	NEW-P	02-17-102	220- 20-100	NEW	02-08-048	220- 33-01000J	REP-E	02-07-010
212- 12-330	NEW-E	02-03-060	220- 20-100	NEW-W	02-15-088	220- 33-01000K	NEW-E	02-07-010
212- 12-330	NEW-P	02-17-102	220- 22-40000D	NEW-E	02-19-040	220- 33-01000K	REP-E	02-07-010
212- 12-340	NEW-E	02-03-060	220- 24-04000B	NEW-E	02-10-078	220- 33-01000K	REP-E	02-07-094
212- 12-340	NEW-P	02-17-102	220- 24-04000B	REP-E	02-10-078	220- 33-01000L	NEW-E	02-07-094
212- 12-350	NEW-E	02-03-060	220- 24-04000B	REP-E	02-10-120	220- 33-01000L	REP-E	02-07-094
212- 12-350	NEW-P	02-17-102	220- 24-04000C	NEW-E	02-10-120	220- 33-01000L	REP-E	02-08-014
212- 12-360	NEW-E	02-03-060	220- 24-04000C	REP-E	02-10-120	220- 33-01000M	NEW-E	02-08-014
212- 12-360	NEW-P	02-17-102	220- 24-04000C	REP-E	02-13-003	220- 33-01000M	REP-E	02-08-025
212- 12-370	NEW-E	02-03-060	220- 24-04000D	NEW-E	02-14-090	220- 33-01000N	NEW-E	02-08-025
212- 12-370	NEW-P	02-17-102	220- 24-04000D	REP-E	02-14-090	220- 33-01000N	REP-E	02-08-025
212- 12-380	NEW-E	02-03-060	220- 24-04000E	NEW-E	02-15-041	220- 33-01000P	NEW-E	02-16-063
212- 12-380	NEW-P	02-17-102	220- 24-04000E	REP-E	02-15-041	220- 33-01000P	REP-E	02-16-063
212- 12-390	NEW-E	02-03-060	220- 24-04000F	NEW-E	02-16-013	220- 33-01000Q	NEW-E	02-17-021
212- 12-390	NEW-P	02-17-102	220- 24-04000F	REP-E	02-16-013	220- 33-01000Q	REP-E	02-17-021
212- 12-400	NEW-E	02-03-060	220- 24-04000G	NEW-E	02-17-010	220- 33-01000R	NEW-E	02-17-063
212- 12-400	NEW-P	02-17-102	220- 24-04000G	REP-E	02-17-010	220- 33-01000R	REP-E	02-17-063
212- 12-410	NEW-E	02-03-060	220- 24-04000H	NEW-E	02-18-010	220- 33-01000R	REP-E	02-19-073
212- 12-410	NEW-P	02-17-102	220- 24-04000H	REP-E	02-18-010	220- 33-01000S	NEW-E	02-19-073
212- 12-420	NEW-E	02-03-060	220- 32-05100K	REP-E	02-04-073	220- 33-01000S	REP-E	02-19-073
212- 12-420	NEW-P	02-17-102	220- 32-05100L	NEW-E	02-04-073	220- 33-01000S	REP-E	02-20-010
220- 12-005	NEW-P	02-13-107	220- 32-05100L	REP-E	02-04-073	220- 33-01000T	NEW-E	02-20-010
220- 12-005	NEW	02-19-007	220- 32-05100L	REP-E	02-07-011	220- 33-01000T	REP-E	02-20-010
220- 12-020	AMD-P	02-21-094	220- 32-05100M	NEW-E	02-07-011	220- 33-01000T	REP-E	02-20-038
220- 12-090	NEW-P	02-13-107	220- 32-05100M	REP-E	02-07-011	220- 33-01000U	NEW-E	02-20-038
220- 12-090	NEW	02-19-007	220- 32-05100M	REP-E	02-07-044	220- 33-01000U	REP-E	02-20-038
220- 12-09000A	NEW-E	02-15-001	220- 32-05100N	NEW-E	02-07-044	220- 33-01000V	NEW-E	02-20-064
220- 16-028	AMD	02-08-048	220- 32-05100N	REP-E	02-07-044	220- 33-01000V	REP-E	02-20-064
220- 16-410	AMD-W	02-05-035	220- 32-05100P	NEW-E	02-10-042	220- 33-01000W	NEW-E	02-21-033
220- 16-480	AMD	02-08-027	220- 32-05100P	REP-E	02-10-042	220- 33-01000W	REP-E	02-21-033
220- 16-760	NEW	02-08-048	220- 32-05100Q	NEW-E	02-11-003	220- 33-01000W	REP-E	02-22-016
220- 16-760	AMD-P	02-13-088	220- 32-05100Q	REP-E	02-11-003	220- 33-01000X	NEW-E	02-22-016
220- 16-760	NEW-W	02-15-088	220- 32-05100R	NEW-E	02-11-049	220- 33-01000X	REP-E	02-22-016

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220-33-03000S	REP-E	02-11-014	220-47-41100C	REP-E	02-22-014	220-52-05100E	REP-E	02-15-104
220-33-04000N	REP-E	02-04-072	220-47-41100D	NEW-E	02-22-014	220-52-05100F	NEW-E	02-15-104
220-33-04000P	NEW-E	02-04-072	220-47-41100D	REP-E	02-22-014	220-52-05100F	REP-E	02-16-011
220-33-04000P	REP-E	02-04-072	220-47-41100D	REP-E	02-22-062	220-52-05100G	NEW-E	02-16-011
220-33-04000P	REP-E	02-04-102	220-47-41100E	NEW-E	02-22-062	220-52-05100G	REP-E	02-16-049
220-33-04000Q	NEW-E	02-04-102	220-47-42700B	NEW-E	02-17-042	220-52-05100H	NEW-E	02-16-049
220-33-04000Q	REP-E	02-04-102	220-47-428	AMD-X	02-11-073	220-52-05100H	REP-E	02-17-020
220-33-04000Q	REP-E	02-06-036	220-47-428	AMD	02-16-004	220-52-05100I	NEW-E	02-17-020
220-33-04000R	NEW-E	02-06-036	220-47-430	AMD-X	02-11-073	220-52-05100I	REP-E	02-17-037
220-33-04000R	REP-E	02-06-036	220-47-430	AMD	02-16-004	220-52-05100J	NEW-E	02-17-037
220-36-02300B	NEW-E	02-16-050	220-47-901	NEW-E	02-16-056	220-52-05100J	REP-E	02-18-021
220-36-02300B	REP-E	02-16-103	220-47-902	NEW-E	02-18-007	220-52-05100K	NEW-E	02-18-021
220-36-02300C	NEW-E	02-16-103	220-47-902	REP-E	02-18-007	220-52-05100K	REP-E	02-18-059
220-36-02300C	REP-E	02-19-038	220-48-005	AMD	02-08-026	220-52-05100L	NEW-E	02-18-059
220-36-02300D	NEW-E	02-19-038	220-48-015	AMD-W	02-15-086	220-52-05100L	REP-E	02-19-002
220-36-02300D	REP-E	02-22-031	220-48-01500P	NEW-E	02-17-012	220-52-05100M	NEW-E	02-19-002
220-36-02300E	NEW-E	02-22-031	220-48-029	AMD-P	02-13-108	220-52-05100M	REP-E	02-19-111
220-36-02300E	REP-E	02-22-031	220-48-029	AMD-W	02-15-086	220-52-05100N	NEW-E	02-19-111
220-40-02100W	NEW-E	02-15-040	220-48-02900A	NEW-E	02-21-093	220-52-05100N	REP-E	02-21-058
220-40-02100W	REP-E	02-15-040	220-48-032	AMD-P	02-13-108	220-52-05100Y	NEW-E	02-09-021
220-40-027	AMD-X	02-11-072	220-48-03200A	NEW-E	02-21-093	220-52-05100Y	REP-E	02-09-067
220-40-027	AMD	02-16-021	220-48-05100Q	NEW-E	02-19-051	220-52-05100Z	NEW-E	02-09-067
220-40-02700A	NEW-E	02-20-065	220-48-06200A	NEW-E	02-21-093	220-52-05100Z	REP-E	02-10-004
220-40-02700A	REP-E	02-20-065	220-49-013	AMD	02-08-026	220-52-071	AMD-P	02-13-090
220-40-02700Z	NEW-E	02-20-018	220-49-02000M	NEW-E	02-21-093	220-52-071	AMD	02-17-016
220-40-02700Z	REP-E	02-20-018	220-49-056	AMD	02-08-026	220-52-07100W	NEW-E	02-15-002
220-44-05000H	REP-E	02-04-060	220-49-05600A	NEW-E	02-21-093	220-52-07100W	REP-E	02-16-012
220-44-05000I	NEW-E	02-04-060	220-52-03000R	NEW-E	02-11-043	220-52-07100X	NEW-E	02-16-012
220-44-05000I	REP-E	02-07-093	220-52-03000R	REP-E	02-11-043	220-52-07100X	REP-E	02-17-066
220-44-05000J	NEW-E	02-07-093	220-52-04000F	REP-E	02-03-068	220-52-07100Y	NEW-E	02-17-066
220-44-05000J	REP-E	02-11-042	220-52-04000G	NEW-E	02-15-124	220-52-07100Y	REP-E	02-18-022
220-44-05000K	NEW-E	02-11-042	220-52-04000G	REP-E	02-15-124	220-52-07100Z	NEW-E	02-18-022
220-44-05000K	REP-E	02-15-036	220-52-04000H	NEW-E	02-19-040	220-52-07100Z	REP-E	02-20-047
220-44-05000L	NEW-E	02-15-036	220-52-04000H	REP-E	02-21-068	220-52-073	AMD-P	02-13-090
220-44-05000L	REP-E	02-16-019	220-52-04600A	REP-E	02-03-024	220-52-073	AMD	02-17-016
220-44-05000M	NEW-E	02-16-019	220-52-04600B	NEW-E	02-03-024	220-52-07300Q	REP-E	02-03-025
220-44-05000M	REP-E	02-18-081	220-52-04600B	REP-E	02-03-050	220-52-07300R	NEW-E	02-03-025
220-44-05000N	NEW-E	02-18-081	220-52-04600C	NEW-E	02-03-050	220-52-07300R	REP-E	02-03-067
220-44-05000N	REP-E	02-20-009	220-52-04600C	REP-E	02-04-093	220-52-07300S	NEW-E	02-03-067
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220-47-301	AMD-X	02-11-073	220-52-04600D	REP-E	02-07-037	220-52-07300T	NEW-E	02-03-090
220-47-301	AMD-W	02-16-003	220-52-04600E	NEW-E	02-07-037	220-52-07300T	REP-E	02-04-035
220-47-311	AMD-X	02-11-073	220-52-04600E	REP-E	02-07-075	220-52-07300U	NEW-E	02-04-035
220-47-311	AMD	02-16-004	220-52-04600F	NEW-E	02-07-075	220-52-07300U	REP-E	02-04-078
220-47-31100C	NEW-E	02-21-009	220-52-04600F	REP-E	02-08-070	220-52-07300V	NEW-E	02-04-078
220-47-31100C	REP-E	02-21-009	220-52-04600G	NEW-E	02-08-070	220-52-07300V	REP-E	02-07-046
220-47-31100C	REP-E	02-21-085	220-52-04600G	REP-E	02-08-070	220-52-07300W	NEW-E	02-07-092
220-47-31100D	NEW-E	02-21-085	220-52-04600H	NEW-E	02-19-040	220-52-07300W	REP-E	02-07-092
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220-47-31100D	REP-E	02-22-014	220-52-04600I	NEW-E	02-22-042	220-52-07500D	NEW-E	02-09-021
220-47-31100E	NEW-E	02-22-014	220-52-04700J	NEW-E	02-19-040	220-52-07500D	REP-E	02-10-004
220-47-31100E	REP-E	02-22-014	220-52-050	AMD-W	02-11-026	220-52-07500E	NEW-E	02-10-004
220-47-31100E	REP-E	02-22-062	220-52-05000E	NEW-E	02-15-013	220-55-001	AMD-P	02-13-084
220-47-31100F	NEW-E	02-22-062	220-52-05100A	NEW-E	02-10-004	220-55-001	AMD	02-16-070
220-47-401	AMD-X	02-11-073	220-52-05100A	REP-E	02-10-043	220-55-00100A	NEW-E	02-10-106
220-47-401	AMD	02-16-004	220-52-05100B	NEW-E	02-10-043	220-55-100	AMD-P	02-13-084
220-47-40100D	NEW-E	02-19-039	220-52-05100B	REP-E	02-13-023	220-55-100	AMD	02-16-070
220-47-40100D	REP-E	02-19-039	220-52-05100C	NEW-E	02-13-023	220-55-200	NEW-P	02-12-130
220-47-411	AMD-X	02-11-073	220-52-05100C	REP-E	02-14-068	220-55-200	NEW	02-15-038
220-47-411	AMD	02-16-004	220-52-05100D	NEW-E	02-14-068	220-55-20000A	REP-P	02-12-130
220-47-41100C	NEW-E	02-21-010	220-52-05100D	REP-E	02-15-031	220-55-20000A	REP	02-15-038

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220-56-100	AMD	02-08-048	220-56-28500B	NEW-E	02-05-010	220-56-33000Q	NEW-E	02-19-003
220-56-105	AMD	02-08-048	220-56-28500B	REP-E	02-10-063	220-56-335	AMD	02-08-048
220-56-105	AMD-P	02-21-094	220-56-28500C	NEW-E	02-11-006	220-56-350	AMD	02-08-048
220-56-115	AMD	02-09-001	220-56-28500C	REP-E	02-11-006	220-56-350	AMD-P	02-13-091
220-56-116	AMD	02-08-048	220-56-28500C	REP-E	02-11-039	220-56-350	AMD	02-17-019
220-56-124	AMD-X	02-10-127	220-56-28500D	NEW-E	02-11-039	220-56-350	AMD-P	02-21-094
220-56-124	AMD	02-15-097	220-56-307	REP	02-08-048	220-56-35000J	REP-E	02-06-035
220-56-128	AMD	02-08-048	220-56-310	AMD	02-08-048	220-56-35000K	NEW-E	02-06-035
220-56-129	NEW-P	02-21-094	220-56-31000U	NEW-E	02-09-003	220-56-35000K	REP-E	02-10-029
220-56-15600A	NEW-E	02-10-108	220-56-31000U	REP-E	02-09-003	220-56-35000L	NEW-E	02-10-029
220-56-175	AMD-P	02-21-059	220-56-315	AMD	02-08-048	220-56-35000L	REP-E	02-13-011
220-56-193	NEW-P	02-10-124	220-56-315	AMD-P	02-15-106	220-56-35000M	NEW-E	02-13-011
220-56-193	NEW	02-13-026	220-56-315	AMD	02-19-014	220-56-35000M	REP-E	02-20-011
220-56-194	NEW-P	02-10-124	220-56-31500A	NEW-E	02-09-003	220-56-355	AMD	02-08-048
220-56-194	NEW	02-13-026	220-56-31500A	REP-E	02-09-003	220-56-355	AMD-P	02-13-091
220-56-195	AMD-X	02-10-127	220-56-31500B	NEW-E	02-11-020	220-56-355	AMD	02-17-019
220-56-195	AMD	02-15-097	220-56-31500C	NEW-E	02-19-037	220-56-35500B	NEW-E	02-07-076
220-56-19500I	NEW-E	02-11-086	220-56-320	AMD-P	02-21-094	220-56-35500C	NEW-E	02-15-120
220-56-19500I	REP-E	02-11-086	220-56-325	AMD-P	02-21-094	220-56-36000L	NEW-E	02-03-053
220-56-19500J	NEW-E	02-17-038	220-56-32500A	NEW-E	02-15-125	220-56-36000L	REP-E	02-03-053
220-56-19500J	REP-E	02-17-038	220-56-32500A	REP-E	02-16-044	220-56-36000L	REP-E	02-04-039
220-56-210	AMD	02-08-048	220-56-32500B	NEW-E	02-16-044	220-56-36000M	NEW-E	02-04-039
220-56-230	AMD-P	02-21-094	220-56-32500B	REP-E	02-21-058	220-56-36000M	REP-E	02-04-039
220-56-235	AMD	02-09-001	220-56-32500T	NEW-E	02-08-028	220-56-36000N	NEW-E	02-07-012
220-56-235	AMD-P	02-21-094	220-56-32500T	REP-E	02-09-003	220-56-36000N	REP-E	02-07-012
220-56-23500L	NEW-E	02-03-002	220-56-32500U	NEW-E	02-10-028	220-56-36000P	NEW-E	02-10-012
220-56-23500L	REP-E	02-07-004	220-56-32500U	REP-E	02-11-013	220-56-36000P	REP-E	02-10-012
220-56-23500M	NEW-E	02-07-004	220-56-32500V	NEW-E	02-11-013	220-56-36000Q	NEW-E	02-11-012
220-56-23500M	REP-E	02-15-003	220-56-32500V	REP-E	02-11-041	220-56-36000Q	REP-E	02-11-012
220-56-23500N	NEW-E	02-15-003	220-56-32500W	NEW-E	02-11-041	220-56-380	AMD	02-08-048
220-56-23500P	NEW-E	02-21-092	220-56-32500W	REP-E	02-11-134	220-56-380	AMD-P	02-21-094
220-56-250	AMD-P	02-21-094	220-56-32500X	NEW-E	02-11-134	220-56-38000C	REP-E	02-06-035
220-56-25000C	NEW-E	02-15-105	220-56-32500X	REP-E	02-12-054	220-56-38000D	NEW-E	02-06-035
220-56-25000D	NEW-E	02-07-025	220-56-32500Y	NEW-E	02-12-054	220-56-38000D	REP-E	02-10-029
220-56-25000D	REP-E	02-07-025	220-56-32500Y	REP-E	02-14-004	220-56-38000E	NEW-E	02-10-029
220-56-255	AMD-W	02-15-087	220-56-32500Z	NEW-E	02-14-004	220-69	PREP	02-10-105
220-56-255	AMD-P	02-21-094	220-56-32500Z	REP-E	02-15-125	220-69-240	AMD-P	02-13-134
220-56-25500A	NEW-E	02-14-139	220-56-33000D	NEW-E	02-03-051	220-69-240	AMD-S	02-21-115
220-56-25500A	REP-E	02-15-024	220-56-33000D	REP-E	02-05-001	220-69-24000A	NEW-E	02-10-004
220-56-25500B	NEW-E	02-15-024	220-56-33000E	NEW-E	02-05-001	220-69-24000A	REP-E	02-10-043
220-56-25500B	REP-E	02-15-105	220-56-33000E	REP-E	02-07-037	220-69-24000B	NEW-E	02-10-043
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220-56-25500Y	NEW-E	02-12-014	220-56-33000H	NEW-E	02-08-070	220-69-24000E	NEW-E	02-19-040
220-56-25500Y	REP-E	02-13-044	220-56-33000H	REP-E	02-11-050	220-69-241	AMD-P	02-13-134
220-56-25500Z	NEW-E	02-13-044	220-56-33000H	REP-E	02-11-094	220-69-241	AMD-S	02-21-115
220-56-25500Z	REP-E	02-14-139	220-56-33000I	NEW-E	02-11-050	220-74-020	AMD-P	02-06-109
220-56-265	AMD	02-08-048	220-56-33000I	REP-E	02-11-094	220-74-020	AMD	02-10-023
220-56-265	AMD-P	02-21-094	220-56-33000J	NEW-E	02-11-094	220-76-100	NEW-P	02-21-114
220-56-270	AMD	02-08-048	220-56-33000J	REP-E	02-11-132	220-76-110	NEW-P	02-21-114
220-56-27000L	REP-E	02-06-036	220-56-33000K	NEW-E	02-11-132	220-76-120	NEW-P	02-21-114
220-56-27000M	NEW-E	02-06-036	220-56-33000K	REP-E	02-13-002	220-76-130	NEW-P	02-21-114
220-56-27000M	REP-E	02-06-036	220-56-33000L	NEW-E	02-13-002	220-76-140	NEW-P	02-21-114
220-56-282	AMD	02-08-048	220-56-33000L	REP-E	02-14-025	220-76-150	NEW-P	02-21-114
220-56-28200D	NEW-E	02-06-017	220-56-33000M	NEW-E	02-14-025	220-77-020	AMD	02-06-018
220-56-28200D	REP-E	02-06-017	220-56-33000M	REP-E	02-15-039	220-77-040	AMD	02-06-018
220-56-28200E	NEW-E	02-10-119	220-56-33000N	NEW-E	02-15-039	220-77-09000A	NEW-E	02-04-069
220-56-28200F	NEW-E	02-15-014	220-56-33000N	REP-E	02-18-004	220-77-09000A	REP-E	02-04-089
220-56-28200F	REP-E	02-15-095	220-56-33000P	NEW-E	02-18-004	220-77-09000B	NEW-E	02-04-089

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220- 77-095	AMD	02-17-015	230- 04-315	REP	02-18-043	232- 12-117	AMD-P	02-21-131
220- 77-100	NEW-W	02-11-027	230- 08-017	AMD-P	02-17-032	232- 12-147	REP	02-08-048
220- 77-105	NEW-W	02-11-027	230- 08-255	AMD-P	02-06-037	232- 12-151	REP	02-08-048
220- 88C-04000	NEW-E	02-13-051	230- 08-255	AMD	02-10-002	232- 12-168	AMD	02-08-048
220- 88C-04000	REP-E	02-19-072	230- 12-045	NEW-P	02-07-081	232- 12-16800B	NEW-E	02-07-095
220- 88C-04000	NEW-E	02-19-071	230- 12-045	NEW	02-11-084	232- 12-16800B	REP-E	02-07-095
220- 88C-04000	REP-E	02-19-072	230- 12-050	AMD-P	02-07-081	232- 12-181	AMD-P	02-17-118
220- 88C-04000	NEW-E	02-19-072	230- 12-050	AMD	02-11-084	232- 12-243	AMD-P	02-13-133
220- 88C-04000	REP-E	02-20-019	230- 12-090	AMD-P	02-13-111	232- 12-243	AMD	02-17-013
220- 95-100	AMD-P	02-13-086	230- 12-090	AMD	02-17-035	232- 12-245	NEW-W	02-11-025
220- 95-100	AMD	02-17-014	230- 12-330	AMD-P	02-06-038	232- 12-253	NEW	02-05-021
220- 95-110	AMD-P	02-13-086	230- 12-330	AMD	02-10-003	232- 12-253	AMD-P	02-10-125
220- 95-110	AMD	02-17-014	230- 12-340	AMD-P	02-06-038	232- 12-253	AMD	02-16-043
220-130-040	AMD-W	02-02-089	230- 12-340	AMD	02-10-003	232- 12-267	AMD-P	02-10-128
222- 10-040	AMD-P	02-05-087	230- 20-002	NEW-P	02-13-111	232- 12-267	AMD	02-15-018
222- 10-040	AMD	02-11-075	230- 20-002	NEW	02-17-035	232- 12-272	NEW	02-08-048
222- 10-041	AMD-P	02-05-087	230- 20-005	NEW-P	02-13-111	232- 12-619	AMD	02-08-048
222- 10-041	AMD	02-11-075	230- 20-005	NEW	02-17-035	232- 12-619	AMD-P	02-21-059
222- 16-050	AMD-E	02-05-086	230- 20-070	AMD-P	02-13-111	232- 12-619	AMD-P	02-21-094
222- 16-050	PREP	02-07-023	230- 20-070	AMD	02-17-035	232- 12-828	AMD-P	02-13-135
222- 16-050	AMD-P	02-11-138	230- 20-104	AMD-P	02-13-111	232- 28-02220	AMD-P	02-06-124
222- 16-050	AMD-E	02-15-083	230- 20-104	AMD	02-17-035	232- 28-02220	AMD	02-11-069
222- 16-050	AMD	02-17-099	230- 20-111	REP-P	02-07-081	232- 28-02240	AMD-P	02-06-124
222- 21	PREP	02-17-098	230- 20-111	REP	02-11-084	232- 28-02240	AMD	02-11-069
222- 21-010	AMD	02-05-084	230- 20-125	REP-P	02-07-081	232- 28-248	AMD-P	02-06-124
222- 21-010	AMD-P	02-22-051	230- 20-125	REP	02-11-084	232- 28-248	AMD	02-11-069
222- 21-020	AMD	02-05-084	230- 20-170	AMD-P	02-13-111	232- 28-266	AMD-P	02-06-121
222- 21-030	AMD-P	02-22-051	230- 20-170	AMD	02-17-035	232- 28-266	AMD-W	02-19-087
222- 21-035	AMD-P	02-22-051	230- 20-230	REP-P	02-07-081	232- 28-271	AMD-P	02-21-131
222- 21-040	AMD-P	02-22-051	230- 20-230	REP	02-11-084	232- 28-273	AMD-P	02-06-121
222- 21-045	AMD	02-05-084	230- 20-244	AMD	02-06-006	232- 28-273	AMD	02-11-069
222- 21-045	AMD-P	02-22-051	230- 20-246	AMD	02-06-006	232- 28-275	AMD-P	02-21-131
222- 21-050	AMD	02-05-084	230- 20-249	AMD	02-06-006	232- 28-276	AMD-P	02-10-128
222- 21-050	AMD-P	02-22-051	230- 30-033	AMD	02-06-007	232- 28-276	AMD	02-15-018
222- 21-061	NEW	02-05-084	230- 30-045	AMD	02-06-007	232- 28-277	AMD-P	02-06-125
226- 01-040	AMD-X	02-03-038	230- 30-072	AMD	02-06-007	232- 28-277	REP-P	02-10-128
226- 01-040	AMD	02-08-076	230- 30-106	AMD-P	02-06-038	232- 28-277	AMD	02-11-069
226- 01-050	AMD-X	02-03-038	230- 30-106	AMD	02-10-003	232- 28-277	REP	02-15-019
226- 01-050	AMD	02-08-076	230- 40-120	AMD-W	02-14-103	232- 28-277	AMD-P	02-06-126
226- 12-080	AMD-X	02-03-038	230- 40-610	AMD-P	02-12-076	232- 28-278	AMD	02-11-069
226- 12-080	AMD	02-08-076	230- 40-610	AMD	02-17-033	232- 28-278	AMD	02-11-069
226- 16-160	AMD-X	02-03-038	230- 40-800	AMD-P	02-07-081	232- 28-279	AMD-P	02-06-123
226- 16-160	AMD	02-08-076	230- 40-800	AMD	02-11-084	232- 28-279	AMD	02-11-069
226- 20-010	AMD-X	02-03-038	230- 40-897	REP-P	02-07-081	232- 28-279	AMD-P	02-13-138
226- 20-010	AMD	02-08-076	230- 40-897	REP	02-11-084	232- 28-279	AMD	02-18-005
230- 02-145	REP-P	02-07-081	230- 50-010	AMD-P	02-13-111	232- 28-282	NEW-P	02-10-128
230- 02-145	REP	02-11-084	230- 50-010	AMD	02-17-035	232- 28-282	NEW	02-15-019
230- 02-205	AMD-S	02-03-077	232- 12-011	AMD-P	02-06-122	232- 28-282	AMD-P	02-21-130
230- 02-205	AMD-W	02-16-083	232- 12-011	AMD	02-08-048	232- 28-291	AMD-P	02-21-131
230- 04-064	AMD-P	02-06-037	232- 12-011	AMD	02-11-069	232- 28-299	AMD-P	02-10-128
230- 04-064	AMD	02-10-002	232- 12-014	AMD-P	02-06-122	232- 28-299	AMD	02-15-018
230- 04-180	AMD-P	02-13-112	232- 12-014	AMD	02-11-069	232- 28-425	REP-P	02-13-137
230- 04-180	AMD	02-17-034	232- 12-016	NEW-P	02-13-107	232- 28-425	REP	02-18-005
230- 04-202	AMD-W	02-02-090	232- 12-016	NEW	02-19-007	232- 28-42500C	NEW-E	02-03-052
230- 04-202	AMD-P	02-13-111	232- 12-01600A	NEW-E	02-15-001	232- 28-42500C	REP-E	02-03-052
230- 04-202	AMD-W	02-16-024	232- 12-017	AMD-P	02-13-107	232- 28-426	NEW-P	02-13-137
230- 04-202	AMD-P	02-17-032	232- 12-017	AMD	02-19-007	232- 28-426	NEW	02-18-005
230- 04-203	AMD-P	02-13-111	232- 12-019	AMD	02-08-048	232- 28-42600A	NEW-E	02-21-046
230- 04-203	AMD-W	02-16-024	232- 12-019	AMD	02-08-048	232- 28-42600A	REP-E	02-21-046
230- 04-203	AMD-P	02-17-032	232- 12-073	NEW-P	02-13-089	232- 28-619	AMD	02-08-048
230- 04-204	AMD-P	02-17-032	232- 12-104	AMD-P	02-21-131	232- 28-619	AMD-X	02-10-127
			232- 12-106	AMD-P	02-21-131	232- 28-619	AMD-P	02-13-088

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232- 28-619	AMD	02-15-097	232- 28-61900N	REP-E	02-11-071	232- 28-61900Z	REP-E	02-16-022
232- 28-619	AMD-P	02-15-106	232- 28-61900N	NEW-E	02-20-048	232- 28-620	AMD-X	02-10-127
232- 28-619	AMD	02-20-082	232- 28-61900N	REP-E	02-20-048	232- 28-620	AMD	02-15-097
232- 28-619	AMD-P	02-21-094	232- 28-61900P	NEW-E	02-04-103	232- 28-62000D	NEW-E	02-11-086
232- 28-61900A	NEW-E	02-08-022	232- 28-61900P	REP-E	02-12-013	232- 28-62000D	REP-E	02-11-086
232- 28-61900A	REP-E	02-11-001	232- 28-61900P	NEW-E	02-21-023	232- 28-62000D	REP-E	02-15-121
232- 28-61900A	NEW-E	02-15-159	232- 28-61900P	REP-E	02-21-023	232- 28-62000E	NEW-E	02-15-121
232- 28-61900A	REP-E	02-15-159	232- 28-61900Q	NEW-E	02-05-007	232- 28-62000E	REP-E	02-17-011
232- 28-61900B	NEW-E	02-08-004	232- 28-61900Q	REP-E	02-11-040	232- 28-62000F	NEW-E	02-17-011
232- 28-61900B	REP-E	02-08-004	232- 28-61900Q	NEW-E	02-11-086	232- 28-62000F	REP-E	02-17-065
232- 28-61900B	NEW-E	02-16-001	232- 28-61900Q	REP-E	02-11-086	232- 28-62000G	NEW-E	02-17-065
232- 28-61900B	REP-E	02-16-001	232- 28-61900Q	REP-E	02-12-013	232- 28-62000G	REP-E	02-18-009
232- 28-61900C	NEW-E	02-09-023	232- 28-61900Q	NEW-E	02-21-043	232- 28-62000H	NEW-E	02-18-009
232- 28-61900C	REP-E	02-09-023	232- 28-61900R	NEW-E	02-05-008	232- 28-62000H	REP-E	02-18-080
232- 28-61900C	NEW-E	02-16-022	232- 28-61900R	REP-E	02-05-008	232- 28-62000I	NEW-E	02-18-080
232- 28-61900C	REP-E	02-17-041	232- 28-61900R	NEW-E	02-11-114	232- 28-62000I	REP-E	02-19-006
232- 28-61900D	REP-E	02-05-075	232- 28-61900R	REP-E	02-11-114	232- 28-62000J	NEW-E	02-19-006
232- 28-61900D	NEW-E	02-09-009	232- 28-61900R	NEW-E	02-21-045	232- 28-621	AMD	02-08-048
232- 28-61900D	REP-E	02-10-063	232- 28-61900S	NEW-E	02-05-010	232- 28-621	AMD-X	02-10-127
232- 28-61900D	NEW-E	02-17-036	232- 28-61900S	REP-E	02-09-009	232- 28-621	AMD	02-15-097
232- 28-61900D	REP-E	02-19-075	232- 28-61900S	NEW-E	02-12-013	232- 28-621	AMD-P	02-21-094
232- 28-61900E	NEW-E	02-10-024	232- 28-61900S	REP-E	02-13-052	232- 28-62100G	NEW-E	02-11-086
232- 28-61900E	REP-E	02-10-024	232- 28-61900S	NEW-E	02-21-078	232- 28-62100G	REP-E	02-11-086
232- 28-61900E	NEW-E	02-17-041	232- 28-61900S	REP-E	02-21-078	232- 28-62100G	REP-E	02-14-069
232- 28-61900E	REP-E	02-20-012	232- 28-61900T	NEW-E	02-05-075	232- 28-62100H	NEW-E	02-14-069
232- 28-61900F	NEW-E	02-10-077	232- 28-61900T	REP-E	02-07-096	232- 28-62100H	REP-E	02-15-033
232- 28-61900F	NEW-E	02-18-008	232- 28-61900T	NEW-E	02-12-019	232- 28-62100I	NEW-E	02-15-033
232- 28-61900F	REP-E	02-18-011	232- 28-61900T	REP-E	02-12-019	232- 28-62100I	REP-E	02-15-096
232- 28-61900F	REP-E	02-21-045	232- 28-61900T	NEW-E	02-21-079	232- 28-62100J	NEW-E	02-15-096
232- 28-61900G	NEW-E	02-10-062	232- 28-61900T	REP-E	02-22-012	236- 48	PREP	02-16-025
232- 28-61900G	NEW-E	02-18-011	232- 28-61900U	REP-E	02-03-022	236- 48-002	PREP	02-16-025
232- 28-61900H	REP-E	02-03-014	232- 28-61900U	NEW-E	02-06-100	236- 48-003	PREP	02-16-025
232- 28-61900H	NEW-E	02-10-063	232- 28-61900U	REP-E	02-06-100	236- 48-123	PREP	02-19-048
232- 28-61900H	REP-E	02-11-006	232- 28-61900U	NEW-E	02-13-052	236- 49	PREP	02-16-026
232- 28-61900H	NEW-E	02-18-058	232- 28-61900U	REP-E	02-14-046	236- 56	PREP	02-19-049
232- 28-61900H	REP-E	02-18-058	232- 28-61900U	NEW-E	02-21-086	236- 70	PREP	02-13-127
232- 28-61900I	NEW-E	02-03-022	232- 28-61900U	REP-E	02-21-086	246- 12-040	AMD-X	02-09-042
232- 28-61900I	REP-E	02-03-022	232- 28-61900V	NEW-E	02-06-099	246- 12-040	AMD-W	02-22-033
232- 28-61900I	NEW-E	02-11-001	232- 28-61900V	REP-E	02-06-099	246- 50	PREP-W	02-09-027
232- 28-61900I	NEW-E	02-18-057	232- 28-61900V	NEW-E	02-14-046	246-100-011	AMD-P	02-16-102
232- 28-61900J	NEW-E	02-03-023	232- 28-61900V	REP-E	02-15-032	246-100-011	AMD-S	02-22-107
232- 28-61900J	NEW-E	02-11-006	232- 28-61900V	NEW-E	02-22-013	246-100-036	AMD-P	02-16-102
232- 28-61900J	REP-E	02-11-039	232- 28-61900W	NEW-E	02-07-061	246-100-036	AMD-S	02-22-107
232- 28-61900J	NEW-E	02-18-073	232- 28-61900W	REP-E	02-07-061	246-100-040	NEW-P	02-16-102
232- 28-61900K	NEW-E	02-03-014	232- 28-61900W	NEW-E	02-15-030	246-100-040	NEW-S	02-22-107
232- 28-61900K	NEW-E	02-11-039	232- 28-61900W	REP-E	02-18-008	246-100-045	NEW-P	02-16-102
232- 28-61900K	REP-E	02-11-039	232- 28-61900W	NEW-E	02-22-012	246-100-045	NEW-S	02-22-107
232- 28-61900K	NEW-E	02-19-005	232- 28-61900W	REP-E	02-22-032	246-100-050	NEW-P	02-16-102
232- 28-61900K	REP-E	02-19-005	232- 28-61900X	NEW-E	02-07-019	246-100-050	NEW-S	02-22-107
232- 28-61900L	NEW-E	02-03-015	232- 28-61900X	REP-E	02-07-019	246-100-055	NEW-P	02-16-102
232- 28-61900L	REP-E	02-03-015	232- 28-61900X	NEW-E	02-15-032	246-100-055	NEW-S	02-22-107
232- 28-61900L	NEW-E	02-11-040	232- 28-61900X	REP-E	02-17-036	246-100-060	NEW-P	02-16-102
232- 28-61900L	NEW-E	02-19-075	232- 28-61900X	NEW-E	02-22-032	246-100-060	NEW-S	02-22-107
232- 28-61900L	REP-E	02-22-013	232- 28-61900Y	NEW-E	02-07-066	246-100-065	NEW-P	02-16-102
232- 28-61900M	NEW-E	02-03-066	232- 28-61900Y	REP-E	02-07-066	246-100-065	NEW-S	02-22-107
232- 28-61900M	REP-E	02-10-063	232- 28-61900Y	NEW-E	02-15-037	246-100-070	NEW-P	02-16-102
232- 28-61900M	NEW-E	02-11-068	232- 28-61900Y	REP-E	02-15-037	246-100-070	NEW-S	02-22-107
232- 28-61900M	REP-E	02-11-068	232- 28-61900Y	NEW-E	02-22-038	246-100-166	PREP	02-10-066
232- 28-61900M	NEW-E	02-20-012	232- 28-61900Y	REP-E	02-22-038	246-100-166	AMD-E	02-14-075
232- 28-61900N	NEW-E	02-04-019	232- 28-61900Z	NEW-E	02-07-096	246-100-206	AMD-P	02-08-018
232- 28-61900N	REP-E	02-04-019	232- 28-61900Z	REP-E	02-07-096	246-100-206	AMD	02-12-106
232- 28-61900N	NEW-E	02-11-071	232- 28-61900Z	NEW-E	02-15-095	246-100-207	AMD-P	02-08-018

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246-100-208	AMD-P	02-08-018	246-224-0040	NEW-P	02-07-021	246-229-060	REP-P	02-07-021
246-100-208	AMD	02-12-106	246-224-0040	NEW	02-14-050	246-229-060	REP	02-14-050
246-101-505	AMD-P	02-16-102	246-224-0050	NEW-P	02-07-021	246-229-070	REP-P	02-07-021
246-101-505	AMD-S	02-22-107	246-224-0050	NEW	02-14-050	246-229-070	REP	02-14-050
246-145-001	NEW	02-11-109	246-224-0060	NEW-P	02-07-021	246-229-080	REP-P	02-07-021
246-145-010	NEW	02-11-109	246-224-0060	NEW	02-14-050	246-229-080	REP	02-14-050
246-145-020	NEW	02-11-109	246-224-0070	NEW-P	02-07-021	246-229-090	REP-P	02-07-021
246-145-030	NEW	02-11-109	246-224-0070	NEW	02-14-050	246-229-090	REP	02-14-050
246-145-040	NEW	02-11-109	246-224-0080	NEW-P	02-07-021	246-229-100	REP-P	02-07-021
246-205-010	AMD-P	02-21-127	246-224-0080	NEW	02-14-050	246-229-100	REP	02-14-050
246-205-020	REP-P	02-21-127	246-224-0090	NEW-P	02-07-021	246-229-110	REP-P	02-07-021
246-205-021	NEW-P	02-21-127	246-224-0090	NEW	02-14-050	246-229-110	REP	02-14-050
246-205-030	REP-P	02-21-127	246-224-010	REP-P	02-07-021	246-252-030	AMD-X	02-11-021
246-205-031	NEW-P	02-21-127	246-224-010	REP	02-14-050	246-252-030	AMD	02-17-005
246-205-040	REP-P	02-21-127	246-224-0100	NEW-P	02-07-021	246-254-053	AMD-P	02-04-034
246-205-041	NEW-P	02-21-127	246-224-0100	NEW	02-14-050	246-254-053	AMD	02-07-085
246-205-050	REP-P	02-21-127	246-224-0110	NEW-P	02-07-021	246-254-070	AMD	02-04-025
246-205-051	NEW-P	02-21-127	246-224-0110	NEW	02-14-050	246-254-080	AMD	02-04-025
246-205-060	REP-P	02-21-127	246-224-0120	NEW-P	02-07-021	246-254-090	AMD	02-04-025
246-205-061	NEW-P	02-21-127	246-224-0120	NEW	02-14-050	246-254-100	AMD	02-04-025
246-205-070	REP-P	02-21-127	246-224-020	REP-P	02-07-021	246-254-120	AMD	02-04-025
246-205-071	NEW-P	02-21-127	246-224-020	REP	02-14-050	246-272	PREP	02-03-137
246-205-080	REP-P	02-21-127	246-224-050	REP-P	02-07-021	246-282-990	AMD-P	02-12-102
246-205-081	NEW-P	02-21-127	246-224-050	REP	02-14-050	246-282-990	AMD	02-15-094
246-205-090	REP-P	02-21-127	246-224-060	REP-P	02-07-021	246-290	PREP	02-19-061
246-205-091	NEW-P	02-21-127	246-224-060	REP	02-14-050	246-291	PREP	02-19-060
246-205-100	REP-P	02-21-127	246-224-070	REP-P	02-07-021	246-310	PREP	02-14-047
246-205-101	NEW-P	02-21-127	246-224-070	REP	02-14-050	246-310-990	AMD-P	02-10-064
246-205-110	REP-P	02-21-127	246-224-090	REP-P	02-07-021	246-310-990	AMD	02-14-051
246-205-111	NEW-P	02-21-127	246-224-090	REP	02-14-050	246-320	PREP	02-11-076
246-205-120	REP-P	02-21-127	246-224-100	REP-P	02-07-021	246-320	PREP-W	02-17-056
246-205-121	NEW-P	02-21-127	246-224-100	REP	02-14-050	246-320-990	AMD-P	02-10-131
246-205-131	NEW-P	02-21-127	246-229-0001	NEW-P	02-07-021	246-320-990	AMD	02-13-061
246-205-510	NEW-P	02-21-127	246-229-0001	NEW	02-14-050	246-322-990	AMD-P	02-10-131
246-205-520	AMD-P	02-21-127	246-229-001	REP-P	02-07-021	246-322-990	AMD	02-13-061
246-205-530	AMD-P	02-21-127	246-229-001	REP	02-14-050	246-323-990	AMD-P	02-13-058
246-205-531	NEW-P	02-21-127	246-229-0010	NEW-P	02-07-021	246-323-990	AMD	02-16-068
246-205-540	AMD-P	02-21-127	246-229-0010	NEW	02-14-050	246-324-990	AMD-P	02-10-131
246-205-541	NEW-P	02-21-127	246-229-0020	NEW-P	02-07-021	246-324-990	AMD	02-13-061
246-205-550	AMD-P	02-21-127	246-229-0020	NEW	02-14-050	246-325-990	AMD-P	02-13-059
246-205-560	AMD-P	02-21-127	246-229-0030	NEW-P	02-07-021	246-325-990	AMD	02-20-040
246-205-570	AMD-P	02-21-127	246-229-0030	NEW	02-14-050	246-326-990	AMD-P	02-13-059
246-205-580	AMD-P	02-21-127	246-229-0040	NEW-P	02-07-021	246-326-990	AMD	02-20-040
246-205-590	NEW-P	02-21-127	246-229-0040	NEW	02-14-050	246-327-010	REP-P	02-12-103
246-215-150	AMD-P	02-04-091	246-229-0050	NEW-P	02-07-021	246-327-010	REP	02-18-026
246-215-150	AMD	02-09-028	246-229-0050	NEW	02-14-050	246-327-025	REP-P	02-12-103
246-217-010	PREP	02-20-075	246-229-0060	NEW-P	02-07-021	246-327-025	REP	02-18-026
246-217-015	PREP	02-20-075	246-229-0060	NEW	02-14-050	246-327-030	REP-P	02-12-103
246-217-025	AMD-P	02-18-031	246-229-0070	NEW-P	02-07-021	246-327-030	REP	02-18-026
246-217-025	AMD	02-22-079	246-229-0070	NEW	02-14-050	246-327-035	REP-P	02-12-103
246-224	AMD-P	02-07-021	246-229-0080	NEW-P	02-07-021	246-327-035	REP	02-18-026
246-224	AMD	02-14-050	246-229-0080	NEW	02-14-050	246-327-065	REP-P	02-12-103
246-224-0001	NEW-P	02-07-021	246-229-0090	NEW-P	02-07-021	246-327-065	REP	02-18-026
246-224-0001	NEW	02-14-050	246-229-0090	NEW	02-14-050	246-327-077	REP-P	02-12-103
246-224-001	REP-P	02-07-021	246-229-0100	NEW-P	02-07-021	246-327-077	REP	02-18-026
246-224-001	REP	02-14-050	246-229-0100	NEW	02-14-050	246-327-085	REP-P	02-12-103
246-224-0010	NEW-P	02-07-021	246-229-020	REP-P	02-07-021	246-327-085	REP	02-18-026
246-224-0010	NEW	02-14-050	246-229-020	REP	02-14-050	246-327-090	REP-P	02-12-103
246-224-0020	NEW-P	02-07-021	246-229-030	REP-P	02-07-021	246-327-090	REP	02-18-026
246-224-0020	NEW	02-14-050	246-229-030	REP	02-14-050	246-327-095	REP-P	02-12-103
246-224-0030	NEW-P	02-07-021	246-229-050	REP-P	02-07-021	246-327-095	REP	02-18-026

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-327-105	REP-P	02-12-103	246-335-001	NEW-P	02-12-103	246-335-160	NEW-P	02-12-103
246-327-105	REP	02-18-026	246-335-001	NEW	02-18-026	246-335-160	NEW	02-18-026
246-327-115	REP-P	02-12-103	246-335-010	NEW-P	02-12-103	246-335-165	NEW-P	02-12-103
246-327-115	REP	02-18-026	246-335-010	NEW	02-18-026	246-335-165	NEW	02-18-026
246-327-125	REP-P	02-12-103	246-335-015	NEW-P	02-12-103	246-335-170	NEW-P	02-12-103
246-327-125	REP	02-18-026	246-335-015	NEW	02-18-026	246-335-170	NEW	02-18-026
246-327-135	REP-P	02-12-103	246-335-020	NEW-P	02-12-103	246-335-175	NEW-P	02-12-103
246-327-135	REP	02-18-026	246-335-020	NEW	02-18-026	246-335-175	NEW	02-18-026
246-327-145	REP-P	02-12-103	246-335-025	NEW-P	02-12-103	246-335-180	NEW-P	02-12-103
246-327-145	REP	02-18-026	246-335-025	NEW	02-18-026	246-335-180	NEW	02-18-026
246-327-165	REP-P	02-12-103	246-335-030	NEW-P	02-12-103	246-335-185	NEW-P	02-12-103
246-327-165	REP	02-18-026	246-335-030	NEW	02-18-026	246-335-185	NEW	02-18-026
246-327-185	REP-P	02-12-103	246-335-035	NEW-P	02-12-103	246-335-190	NEW-P	02-12-103
246-327-185	REP	02-18-026	246-335-035	NEW	02-18-026	246-335-190	NEW	02-18-026
246-327-990	REP-P	02-12-103	246-335-040	NEW-P	02-12-103	246-335-195	NEW-P	02-12-103
246-327-990	REP	02-18-026	246-335-040	NEW	02-18-026	246-335-195	NEW	02-18-026
246-328-200	REP-X	02-14-054	246-335-045	NEW-P	02-12-103	246-335-200	NEW-P	02-12-103
246-328-200	REP	02-20-078	246-335-045	NEW	02-18-026	246-335-200	NEW	02-18-026
246-328-990	REP-X	02-14-054	246-335-050	NEW-P	02-12-103	246-335-205	NEW-P	02-12-103
246-328-990	REP	02-20-078	246-335-050	NEW	02-18-026	246-335-205	NEW	02-18-026
246-329-990	AMD-P	02-10-131	246-335-055	NEW-P	02-12-103	246-335-210	NEW-P	02-12-103
246-329-990	AMD	02-13-061	246-335-055	NEW	02-18-026	246-335-210	NEW	02-18-026
246-331-010	REP-P	02-12-103	246-335-060	NEW-P	02-12-103	246-335-220	NEW-P	02-12-103
246-331-010	REP	02-18-026	246-335-060	NEW	02-18-026	246-335-220	NEW	02-18-026
246-331-025	REP-P	02-12-103	246-335-065	NEW-P	02-12-103	246-335-225	NEW-P	02-12-103
246-331-025	REP	02-18-026	246-335-065	NEW	02-18-026	246-335-225	NEW	02-18-026
246-331-030	REP-P	02-12-103	246-335-070	NEW-P	02-12-103	246-335-230	NEW-P	02-12-103
246-331-030	REP	02-18-026	246-335-070	NEW	02-18-026	246-335-230	NEW	02-18-026
246-331-035	REP-P	02-12-103	246-335-075	NEW-P	02-12-103	246-335-235	NEW-P	02-12-103
246-331-035	REP	02-18-026	246-335-075	NEW	02-18-026	246-335-235	NEW	02-18-026
246-331-065	REP-P	02-12-103	246-335-080	NEW-P	02-12-103	246-335-240	NEW-P	02-12-103
246-331-065	REP	02-18-026	246-335-080	NEW	02-18-026	246-335-240	NEW	02-18-026
246-331-077	REP-P	02-12-103	246-335-085	NEW-P	02-12-103	246-335-245	NEW-P	02-12-103
246-331-077	REP	02-18-026	246-335-085	NEW	02-18-026	246-335-245	NEW	02-18-026
246-331-085	REP-P	02-12-103	246-335-090	NEW-P	02-12-103	246-335-250	NEW-P	02-12-103
246-331-085	REP	02-18-026	246-335-090	NEW	02-18-026	246-335-250	NEW	02-18-026
246-331-095	REP-P	02-12-103	246-335-095	NEW-P	02-12-103	246-335-255	NEW-P	02-12-103
246-331-095	REP	02-18-026	246-335-095	NEW	02-18-026	246-335-255	NEW	02-18-026
246-331-100	REP-P	02-12-103	246-335-100	NEW-P	02-12-103	246-335-260	NEW-P	02-12-103
246-331-100	REP	02-18-026	246-335-100	NEW	02-18-026	246-335-260	NEW	02-18-026
246-331-105	REP-P	02-12-103	246-335-105	NEW-P	02-12-103	246-335-265	NEW-P	02-12-103
246-331-105	REP	02-18-026	246-335-105	NEW	02-18-026	246-335-265	NEW	02-18-026
246-331-115	REP-P	02-12-103	246-335-110	NEW-P	02-12-103	246-335-270	NEW-P	02-12-103
246-331-115	REP	02-18-026	246-335-110	NEW	02-18-026	246-335-270	NEW	02-18-026
246-331-125	REP-P	02-12-103	246-335-115	NEW-P	02-12-103	246-335-275	NEW-P	02-12-103
246-331-125	REP	02-18-026	246-335-115	NEW	02-18-026	246-335-275	NEW	02-18-026
246-331-135	REP-P	02-12-103	246-335-120	NEW-P	02-12-103	246-335-280	NEW-P	02-12-103
246-331-135	REP	02-18-026	246-335-120	NEW	02-18-026	246-335-280	NEW	02-18-026
246-331-165	REP-P	02-12-103	246-335-125	NEW-P	02-12-103	246-335-285	NEW-P	02-12-103
246-331-165	REP	02-18-026	246-335-125	NEW	02-18-026	246-335-285	NEW	02-18-026
246-331-185	REP-P	02-12-103	246-335-130	NEW-P	02-12-103	246-335-290	NEW-P	02-12-103
246-331-185	REP	02-18-026	246-335-130	NEW	02-18-026	246-335-290	NEW	02-18-026
246-331-990	REP-P	02-12-103	246-335-135	NEW-P	02-12-103	246-335-295	NEW-P	02-12-103
246-331-990	REP	02-18-026	246-335-135	NEW	02-18-026	246-335-295	NEW	02-18-026
246-333-010	REP-X	02-10-132	246-335-140	NEW-P	02-12-103	246-335-990	NEW-P	02-12-103
246-333-010	REP	02-15-164	246-335-140	NEW	02-18-026	246-335-990	NEW	02-18-026
246-333-020	REP-X	02-10-132	246-335-145	NEW-P	02-12-103	246-336-010	REP-P	02-12-103
246-333-020	REP	02-15-164	246-335-145	NEW	02-18-026	246-336-010	REP	02-18-026
246-333-030	REP-X	02-10-132	246-335-150	NEW-P	02-12-103	246-336-025	REP-P	02-12-103
246-333-030	REP	02-15-164	246-335-150	NEW	02-18-026	246-336-025	REP	02-18-026
246-333-040	REP-X	02-10-132	246-335-155	NEW-P	02-12-103	246-336-030	REP-P	02-12-103
246-333-040	REP	02-15-164	246-335-155	NEW	02-18-026	246-336-030	REP	02-18-026

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-336-035	REP-P	02-12-103	246-388-110	REP	02-17-001	246-388-420	REP	02-17-001
246-336-035	REP	02-18-026	246-388-120	REP-P	02-13-075	246-388-430	REP-P	02-13-075
246-336-065	REP-P	02-12-103	246-388-120	REP	02-17-001	246-388-430	REP	02-17-001
246-336-065	REP	02-18-026	246-388-130	REP-P	02-13-075	246-388-440	REP-P	02-13-075
246-336-077	REP-P	02-12-103	246-388-130	REP	02-17-001	246-388-440	REP	02-17-001
246-336-077	REP	02-18-026	246-388-140	REP-P	02-13-075	246-388-450	REP-P	02-13-075
246-336-085	REP-P	02-12-103	246-388-140	REP	02-17-001	246-388-450	REP	02-17-001
246-336-085	REP	02-18-026	246-388-150	REP-P	02-13-075	246-388-990	REP-P	02-13-075
246-336-095	REP-P	02-12-103	246-388-150	REP	02-17-001	246-388-990	REP	02-17-001
246-336-095	REP	02-18-026	246-388-160	REP-P	02-13-075	246-455	PREP	02-18-114
246-336-100	REP-P	02-12-103	246-388-160	REP	02-17-001	246-491-001	NEW-P	02-16-100
246-336-100	REP	02-18-026	246-388-170	REP-P	02-13-075	246-491-001	NEW	02-20-092
246-336-105	REP-P	02-12-103	246-388-170	REP	02-17-001	246-491-010	NEW-P	02-16-100
246-336-105	REP	02-18-026	246-388-180	REP-P	02-13-075	246-491-010	NEW	02-20-092
246-336-115	REP-P	02-12-103	246-388-180	REP	02-17-001	246-491-029	AMD-P	02-16-100
246-336-115	REP	02-18-026	246-388-190	REP-P	02-13-075	246-491-029	AMD	02-20-092
246-336-125	REP-P	02-12-103	246-388-190	REP	02-17-001	246-491-039	AMD-P	02-16-100
246-336-125	REP	02-18-026	246-388-200	REP-P	02-13-075	246-491-039	AMD	02-20-092
246-336-135	REP-P	02-12-103	246-388-200	REP	02-17-001	246-491-149	AMD-P	02-16-100
246-336-135	REP	02-18-026	246-388-210	REP-P	02-13-075	246-491-149	AMD	02-20-092
246-336-165	REP-P	02-12-103	246-388-210	REP	02-17-001	246-562-080	PREP	02-12-100
246-336-165	REP	02-18-026	246-388-220	REP-P	02-13-075	246-562-080	AMD-P	02-15-161
246-336-990	REP-P	02-12-103	246-388-220	REP	02-17-001	246-562-080	AMD	02-19-084
246-336-990	REP	02-18-026	246-388-230	REP-P	02-13-075	246-562-160	AMD-P	02-15-161
246-338-020	PREP	02-03-138	246-388-230	REP	02-17-001	246-562-160	AMD	02-19-084
246-338-020	AMD-P	02-09-026	246-388-240	REP-P	02-13-075	246-650	PREP	02-03-136
246-338-020	AMD	02-12-105	246-388-240	REP	02-17-001	246-650	PREP-W	02-04-024
246-338-990	PREP	02-03-138	246-388-250	REP-P	02-13-075	246-680-001	AMD-P	02-22-078
246-338-990	AMD-P	02-09-026	246-388-250	REP	02-17-001	246-680-010	AMD-P	02-22-078
246-338-990	AMD	02-12-105	246-388-260	REP-P	02-13-075	246-680-020	AMD-P	02-22-078
246-360-990	AMD-P	02-12-104	246-388-260	REP	02-17-001	246-760-001	AMD-P	02-15-163
246-360-990	AMD	02-18-115	246-388-270	REP-P	02-13-075	246-760-001	AMD	02-20-079
246-361-010	AMD-X	02-17-054	246-388-270	REP	02-17-001	246-760-020	AMD-P	02-15-163
246-361-025	AMD-X	02-17-054	246-388-280	REP-P	02-13-075	246-760-020	AMD	02-20-079
246-380-990	AMD-P	02-13-059	246-388-280	REP	02-17-001	246-760-030	AMD-P	02-15-163
246-380-990	AMD	02-20-040	246-388-290	REP-P	02-13-075	246-760-030	AMD	02-20-079
246-388	PREP	02-08-017	246-388-290	REP	02-17-001	246-760-040	AMD-P	02-15-163
246-388-001	REP-P	02-13-075	246-388-300	REP-P	02-13-075	246-760-040	AMD	02-20-079
246-388-001	REP	02-17-001	246-388-300	REP	02-17-001	246-760-050	AMD-P	02-15-163
246-388-010	REP-P	02-13-075	246-388-310	REP-P	02-13-075	246-760-050	AMD	02-20-079
246-388-010	REP	02-17-001	246-388-310	REP	02-17-001	246-760-060	AMD-P	02-15-163
246-388-020	REP-P	02-13-075	246-388-320	REP-P	02-13-075	246-760-060	AMD	02-20-079
246-388-020	REP	02-17-001	246-388-320	REP	02-17-001	246-760-070	AMD-P	02-15-163
246-388-030	REP-P	02-13-075	246-388-330	REP-P	02-13-075	246-760-070	AMD	02-20-079
246-388-030	REP	02-17-001	246-388-330	REP	02-17-001	246-760-080	AMD-P	02-15-163
246-388-040	REP-P	02-13-075	246-388-340	REP-P	02-13-075	246-760-080	AMD	02-20-079
246-388-040	REP	02-17-001	246-388-340	REP	02-17-001	246-760-090	AMD-P	02-15-163
246-388-050	REP-P	02-13-075	246-388-350	REP-P	02-13-075	246-760-090	AMD	02-20-079
246-388-050	REP	02-17-001	246-388-350	REP	02-17-001	246-760-100	AMD-P	02-15-163
246-388-060	REP-P	02-13-075	246-388-360	REP-P	02-13-075	246-760-100	AMD	02-20-079
246-388-060	REP	02-17-001	246-388-360	REP	02-17-001	246-762-001	AMD-P	02-15-162
246-388-070	REP-P	02-13-075	246-388-370	REP-P	02-13-075	246-762-001	AMD	02-20-076
246-388-070	REP	02-17-001	246-388-370	REP	02-17-001	246-762-010	AMD-P	02-15-162
246-388-072	REP-P	02-13-075	246-388-380	REP-P	02-13-075	246-762-010	AMD	02-20-076
246-388-072	REP	02-17-001	246-388-380	REP	02-17-001	246-762-020	AMD-P	02-15-162
246-388-080	REP-P	02-13-075	246-388-390	REP-P	02-13-075	246-762-020	AMD	02-20-076
246-388-080	REP	02-17-001	246-388-390	REP	02-17-001	246-762-030	AMD-P	02-15-162
246-388-090	REP-P	02-13-075	246-388-400	REP-P	02-13-075	246-762-030	AMD	02-20-076
246-388-090	REP	02-17-001	246-388-400	REP	02-17-001	246-762-040	AMD-P	02-15-162
246-388-100	REP-P	02-13-075	246-388-410	REP-P	02-13-075	246-762-040	AMD	02-20-076
246-388-100	REP	02-17-001	246-388-410	REP	02-17-001	246-762-050	AMD-P	02-15-162
246-388-110	REP-P	02-13-075	246-388-420	REP-P	02-13-075	246-762-050	AMD	02-20-076

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-790-010	AMD-P	02-07-020	246-811-230	NEW	02-07-084	246-843-180	AMD-P	02-11-106
246-790-010	AMD	02-11-107	246-811-240	NEW	02-07-084	246-843-220	PREP-W	02-11-105
246-790-050	AMD-P	02-07-020	246-811-250	NEW	02-07-084	246-843-330	AMD-P	02-11-106
246-790-050	AMD	02-11-107	246-811-260	NEW	02-07-084	246-851	PREP-W	02-11-105
246-790-065	AMD-P	02-07-020	246-811-270	NEW	02-07-084	246-851-150	AMD-C	02-04-090
246-790-065	AMD	02-11-107	246-811-990	AMD	02-07-083	246-851-150	AMD	02-10-065
246-790-070	AMD-P	02-07-020	246-814-010	NEW-P	02-16-101	246-851-160	AMD-C	02-04-090
246-790-070	AMD	02-11-107	246-814-010	NEW	02-21-128	246-851-160	AMD	02-10-065
246-790-080	AMD-P	02-07-020	246-814-020	NEW-P	02-16-101	246-851-200	REP	02-10-134
246-790-080	AMD	02-11-107	246-814-020	NEW	02-21-128	246-851-250	AMD-C	02-04-090
246-790-085	AMD-P	02-07-020	246-814-030	NEW-P	02-16-101	246-851-250	AMD	02-10-065
246-790-085	AMD	02-11-107	246-814-030	NEW	02-21-128	246-851-300	AMD-C	02-04-090
246-790-090	AMD-P	02-07-020	246-814-040	NEW-P	02-16-101	246-851-300	AMD	02-10-065
246-790-090	AMD	02-11-107	246-814-040	NEW	02-21-128	246-851-310	AMD-C	02-04-090
246-790-100	AMD-P	02-07-020	246-814-990	NEW-P	02-16-101	246-851-310	AMD	02-10-065
246-790-100	AMD	02-11-107	246-814-990	NEW	02-21-128	246-851-330	AMD-C	02-04-090
246-790-120	AMD-P	02-07-020	246-815-020	PREP	02-19-083	246-851-330	AMD	02-10-065
246-790-120	AMD	02-11-107	246-815-050	PREP	02-19-083	246-851-390	REP-X	02-22-080
246-790-130	AMD-P	02-07-020	246-815-100	PREP	02-19-083	246-851-520	AMD-C	02-04-090
246-790-130	AMD	02-11-107	246-815-110	PREP	02-19-083	246-851-520	AMD	02-10-065
246-808-101	REP-W	02-11-105	246-815-115	PREP	02-19-083	246-873-090	PREP	02-12-101
246-808-320	REP-W	02-11-105	246-817-110	PREP	02-15-160	246-883-020	AMD-X	02-07-086
246-808-330	REP-W	02-11-105	246-817-120	PREP	02-15-160	246-883-020	AMD	02-14-049
246-808-340	REP-W	02-11-105	246-824-010	AMD-P	02-13-062	246-883-050	REP-W	02-11-105
246-808-350	REP-W	02-11-105	246-824-010	AMD	02-18-025	246-887-160	PREP-W	02-11-105
246-808-360	REP-W	02-11-105	246-824-020	AMD-P	02-13-062	246-887-160	AMD-X	02-13-060
246-808-370	REP-W	02-11-105	246-824-020	AMD	02-18-025	246-889-020	AMD-X	02-11-152
246-808-380	REP-W	02-11-105	246-824-070	AMD-P	02-13-062	246-889-020	AMD	02-18-024
246-808-390	REP-W	02-11-105	246-824-070	AMD	02-18-025	246-904-010	PREP-W	02-11-105
246-808-640	REP-W	02-11-105	246-824-071	AMD-P	02-13-062	246-918-990	AMD	02-05-009
246-808-700	REP-W	02-11-105	246-824-071	AMD	02-18-025	246-919-990	AMD	02-05-009
246-809-600	NEW	02-11-108	246-826-080	PREP-W	02-11-105	246-924-485	PREP-W	02-11-105
246-809-610	NEW	02-11-108	246-826-100	AMD	02-06-115	246-926-100	PREP	02-20-074
246-809-620	NEW	02-11-108	246-826-300	NEW	02-06-115	246-935	AMD	02-10-135
246-809-630	NEW	02-11-108	246-826-301	NEW	02-06-115	246-935-010	AMD	02-10-135
246-809-640	NEW	02-11-108	246-826-302	NEW	02-06-115	246-935-020	AMD	02-10-135
246-809-650	NEW	02-11-108	246-826-303	NEW	02-06-115	246-935-030	AMD	02-10-135
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246-810-321	REP	02-09-041	246-828-080	PREP-W	02-11-105	246-935-100	AMD	02-10-135
246-810-332	REP	02-09-041	246-828-090	PREP-W	02-11-105	246-935-120	AMD	02-10-135
246-810-340	REP	02-09-041	246-828-100	PREP-W	02-11-105	246-937	AMD	02-11-022
246-810-520	REP	02-09-041	246-828-290	AMD	02-14-052	246-937-010	AMD	02-11-022
246-810-521	REP	02-09-041	246-828-320	PREP-W	02-11-105	246-937-020	AMD	02-11-022
246-810-532	REP	02-09-041	246-834	PREP	02-17-052	246-937-030	AMD	02-11-022
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246-811-082	NEW	02-07-083	246-840-715	REP	02-06-117	246-976-550	AMD	02-12-107
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246-976-610	AMD	02-12-107	251- 06-090	AMD	02-15-051	251- 14-082	REP-E	02-12-052
246-976-650	AMD-P	02-09-043	251- 06-091	NEW-E	02-12-047	251- 14-082	REP-P	02-12-111
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246-976-720	AMD	02-12-107	251- 08-005	AMD-E	02-12-049	251- 14-083	REP-P	02-12-111
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260- 34-090	PREP	02-22-022	284- 18A-310	NEW	02-21-123	284- 24A-045	NEW	02-19-013
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263- 12-060	AMD-P	02-19-088	284- 18A-400	NEW	02-21-123	292-120-035	NEW	02-04-003
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263- 12-093	AMD-P	02-19-088	284- 18A-410	NEW	02-21-123	296- 05-007	AMD	02-10-083
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296-17-880	AMD-S	02-20-046	296-17-90472	REP-P	02-17-105	296-20-19000	NEW-P	02-16-086
296-17-885	AMD-P	02-19-101	296-17-90475	REP-P	02-17-105	296-20-19000	NEW	02-21-105
296-17-885	AMD-S	02-20-046	296-17-90478	REP-P	02-17-105	296-20-19010	NEW-P	02-16-086
296-17-890	AMD-P	02-19-101	296-17-90481	REP-P	02-17-105	296-20-19010	NEW	02-21-105
296-17-890	AMD-S	02-20-046	296-17-90484	AMD-P	02-17-105	296-20-19020	NEW-P	02-16-086
296-17-895	AMD-P	02-19-101	296-17-90486	NEW-P	02-17-105	296-20-19020	NEW	02-21-105
296-17-895	AMD-S	02-20-046	296-17-90490	AMD-P	02-17-105	296-20-19030	NEW-P	02-16-086
296-17-89502	AMD-P	02-19-101	296-17-90491	REP-P	02-17-105	296-20-19030	NEW	02-21-105
296-17-89502	AMD-S	02-20-046	296-17-90492	AMD-P	02-19-101	296-23-170	REP-X	02-14-149
296-17-90100	REP-P	02-19-101	296-17-90492	AMD-S	02-20-046	296-23-170	REP	02-21-108
296-17-90100	REP-S	02-20-046	296-17-90493	AMD-P	02-19-101	296-23-175	REP-X	02-14-149
296-17-90110	REP-P	02-19-101	296-17-90493	AMD-S	02-20-046	296-23-175	REP	02-21-108
296-17-90110	REP-S	02-20-046	296-17-90494	AMD-P	02-19-101	296-23-185	REP-X	02-14-149
296-17-90120	REP-P	02-19-101	296-17-90494	AMD-S	02-20-046	296-23-185	REP	02-21-108
296-17-90120	REP-S	02-20-046	296-17-90495	AMD-P	02-19-101	296-23-220	AMD-P	02-05-076
296-17-90130	REP-P	02-19-101	296-17-90495	AMD-S	02-20-046	296-23-220	AMD	02-10-129
296-17-90130	REP-S	02-20-046	296-17-90496	AMD-P	02-19-101	296-23-225	REP-X	02-14-149
296-17-90140	REP-P	02-19-101	296-17-90496	AMD-S	02-20-046	296-23-225	REP	02-21-108
296-17-90140	REP-S	02-20-046	296-17-90497	AMD-P	02-19-101	296-23-230	AMD-P	02-05-076
296-17-90150	REP-P	02-19-101	296-17-90497	AMD-S	02-20-046	296-23-230	AMD	02-10-129
296-17-90150	REP-S	02-20-046	296-17-920	AMD-P	02-19-101	296-24	PREP	02-04-107
296-17-90401	AMD-P	02-17-105	296-17-920	AMD-S	02-20-046	296-24	PREP	02-04-108
296-17-90402	AMD-P	02-17-105	296-19A-010	AMD-P	02-21-102	296-24	PREP	02-09-091
296-17-90403	REP-P	02-17-105	296-19A-020	AMD-P	02-21-102	296-24-012	AMD-X	02-05-077
296-17-90404	NEW-P	02-17-105	296-19A-025	NEW-P	02-21-102	296-24-012	AMD	02-12-098
296-17-90405	NEW-P	02-17-105	296-19A-030	AMD-P	02-21-102	296-24-102	REP-X	02-08-080
296-17-90406	REP-P	02-17-105	296-19A-040	AMD-P	02-21-102	296-24-102	REP	02-16-087
296-17-90407	NEW-P	02-17-105	296-19A-060	AMD-P	02-21-102	296-24-10203	REP-X	02-08-080
296-17-90408	REP-P	02-17-105	296-19A-065	NEW-P	02-21-102	296-24-10203	REP	02-16-087
296-17-90409	AMD-P	02-17-105	296-19A-070	AMD-P	02-21-102	296-24-125	REP-X	02-17-107
296-17-90410	NEW-P	02-17-105	296-19A-090	AMD-P	02-21-102	296-24-12501	REP-X	02-17-107
296-17-90411	NEW-P	02-17-105	296-19A-100	AMD-P	02-21-102	296-24-12503	REP-X	02-17-107
296-17-90412	REP-P	02-17-105	296-19A-110	AMD-P	02-21-102	296-24-12504	REP-X	02-17-107
296-17-90413	NEW-P	02-17-105	296-19A-125	NEW-P	02-21-102	296-24-12505	REP-X	02-17-107
296-17-90414	NEW-P	02-17-105	296-19A-130	AMD-P	02-21-102	296-24-12507	REP-X	02-17-107
296-17-90415	REP-P	02-17-105	296-19A-135	NEW-P	02-21-102	296-24-12509	REP-X	02-17-107
296-17-90418	REP-P	02-17-105	296-19A-137	NEW-P	02-21-102	296-24-12511	REP-X	02-17-107
296-17-90421	AMD-P	02-17-105	296-19A-140	AMD-P	02-21-102	296-24-12513	REP-X	02-17-107
296-17-90422	NEW-P	02-17-105	296-19A-170	AMD-P	02-21-102	296-24-12515	REP-X	02-17-107
296-17-90424	REP-P	02-17-105	296-19A-180	AMD-P	02-21-102	296-24-12517	REP-X	02-17-107
296-17-90425	NEW-P	02-17-105	296-19A-190	AMD-P	02-21-102	296-24-12519	REP-X	02-17-107
296-17-90427	REP-P	02-17-105	296-19A-191	NEW-P	02-21-102	296-24-12521	REP-X	02-17-107
296-17-90428	NEW-P	02-17-105	296-19A-192	NEW-P	02-21-102	296-24-12523	REP-X	02-17-107
296-17-90430	REP-P	02-17-105	296-19A-193	NEW-P	02-21-102	296-24-14001	AMD-X	02-05-077
296-17-90431	NEW-P	02-17-105	296-19A-200	AMD-P	02-21-102	296-24-14001	AMD	02-12-098
296-17-90433	REP-P	02-17-105	296-19A-210	AMD-P	02-21-102	296-24-145	PREP	02-09-088
296-17-90434	REP-P	02-17-105	296-19A-240	AMD-P	02-21-102	296-24-145	REP-P	02-13-118
296-17-90436	REP-P	02-17-105	296-19A-245	NEW-P	02-21-102	296-24-145	REP	02-22-027
296-17-90437	NEW-P	02-17-105	296-19A-260	AMD-P	02-21-102	296-24-14501	REP-P	02-13-118
296-17-90438	NEW-P	02-17-105	296-19A-270	AMD-P	02-21-102	296-24-14501	REP	02-22-027

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-24-14503	REP-P	02-13-118	296-28-005	REP	02-17-106	296-52-457	REP	02-03-125
296-24-14503	REP	02-22-027	296-28-010	REP-P	02-07-101	296-52-461	REP	02-03-125
296-24-14505	REP-P	02-13-118	296-28-010	REP	02-17-106	296-52-465	REP	02-03-125
296-24-14505	REP	02-22-027	296-28-015	REP-P	02-07-101	296-52-469	REP	02-03-125
296-24-14507	REP-P	02-13-118	296-28-015	REP	02-17-106	296-52-477	REP	02-03-125
296-24-14507	REP	02-22-027	296-28-020	REP-P	02-07-101	296-52-481	REP	02-03-125
296-24-14509	REP-P	02-13-118	296-28-020	REP	02-17-106	296-52-485	REP	02-03-125
296-24-14509	REP	02-22-027	296-28-025	REP-P	02-07-101	296-52-487	REP	02-03-125
296-24-14511	REP-P	02-13-118	296-28-025	REP	02-17-106	296-52-489	REP	02-03-125
296-24-14511	REP	02-22-027	296-28-030	REP-P	02-07-101	296-52-493	REP	02-03-125
296-24-14513	REP-P	02-13-118	296-28-030	REP	02-17-106	296-52-497	REP	02-03-125
296-24-14513	REP	02-22-027	296-28-035	REP-P	02-07-101	296-52-501	REP	02-03-125
296-24-14515	REP-P	02-13-118	296-28-035	REP	02-17-106	296-52-505	REP	02-03-125
296-24-14515	REP	02-22-027	296-28-040	REP-P	02-07-101	296-52-509	REP	02-03-125
296-24-14517	REP-P	02-13-118	296-28-040	REP	02-17-106	296-52-510	REP	02-03-125
296-24-14517	REP	02-22-027	296-28-045	REP-P	02-07-101	296-52-550	REP	02-03-125
296-24-14519	REP-P	02-13-118	296-28-045	REP	02-17-106	296-52-552	REP	02-03-125
296-24-14519	REP	02-22-027	296-28-050	REP-P	02-07-101	296-52-555	REP	02-03-125
296-24-23003	AMD-X	02-05-077	296-28-050	REP	02-17-106	296-52-600	NEW-W	02-06-102
296-24-23003	AMD	02-12-098	296-30	PREP	02-18-092	296-52-60005	NEW	02-03-125
296-24-405	REP-P	02-07-100	296-32	AMD-S	02-10-025	296-52-60010	NEW	02-03-125
296-24-405	REP	02-15-102	296-32	AMD-W	02-15-132	296-52-60015	NEW	02-03-125
296-24-40501	REP-P	02-07-100	296-32-240	AMD-P	02-05-080	296-52-60020	NEW	02-03-125
296-24-40501	REP	02-15-102	296-32-240	AMD-W	02-15-132	296-52-60020	AMD-X	02-15-165
296-24-40503	REP-P	02-07-100	296-32-250	AMD-X	02-05-077	296-52-60020	AMD-W	02-22-006
296-24-40503	REP	02-15-102	296-32-250	AMD	02-12-098	296-52-60025	NEW-W	02-06-102
296-24-40505	REP-P	02-07-100	296-32-280	AMD-X	02-05-077	296-52-60030	NEW	02-03-125
296-24-40505	REP	02-15-102	296-32-280	AMD	02-12-098	296-52-60035	NEW	02-03-125
296-24-40507	REP-P	02-07-100	296-33-010	NEW	02-06-024	296-52-60040	NEW-W	02-06-102
296-24-40507	REP	02-15-102	296-400A	PREP	02-04-106	296-52-60045	NEW	02-03-125
296-24-40509	REP-P	02-07-100	296-401B	PREP	02-04-106	296-52-60050	NEW	02-03-125
296-24-40509	REP	02-15-102	296-401B	PREP	02-15-167	296-52-60055	NEW	02-03-125
296-24-40511	REP-P	02-07-100	296-402A	PREP	02-15-167	296-52-60060	NEW	02-03-125
296-24-40511	REP	02-15-102	296-45	AMD-S	02-10-025	296-52-60065	NEW	02-03-125
296-24-40513	REP-P	02-07-100	296-45	AMD-W	02-15-132	296-52-60070	NEW-W	02-06-102
296-24-40513	REP	02-15-102	296-45-52530	AMD-P	02-05-080	296-52-60075	NEW	02-03-125
296-24-40515	REP-P	02-07-100	296-45-52530	AMD-W	02-15-132	296-52-60080	NEW	02-03-125
296-24-40515	REP	02-15-102	296-46A	PREP	02-04-106	296-52-60085	NEW	02-03-125
296-24-51009	AMD-X	02-05-077	296-46A	PREP	02-15-167	296-52-60090	NEW	02-03-125
296-24-51009	AMD	02-12-098	296-46A-910	AMD-P	02-09-095	296-52-60095	NEW	02-03-125
296-24-51011	AMD-X	02-05-077	296-46A-910	AMD	02-12-022	296-52-60100	NEW	02-03-125
296-24-51011	AMD	02-12-098	296-46A-915	AMD-P	02-09-095	296-52-60105	NEW	02-03-125
296-24-51015	AMD-X	02-05-077	296-46A-915	AMD	02-12-022	296-52-60110	NEW-W	02-06-102
296-24-51015	AMD	02-12-098	296-46A-950	AMD-P	02-18-093	296-52-60115	NEW	02-03-125
296-24-60205	AMD-X	02-05-077	296-46A-950	AMD	02-21-104	296-52-60120	NEW	02-03-125
296-24-60205	AMD	02-12-098	296-52	AMD	02-03-125	296-52-60125	NEW	02-03-125
296-24-63499	AMD-X	02-05-077	296-52-401	REP	02-03-125	296-52-60130	NEW	02-03-125
296-24-63499	AMD	02-12-098	296-52-405	REP	02-03-125	296-52-60130	AMD-X	02-15-165
296-24-67513	AMD-X	02-05-077	296-52-409	REP	02-03-125	296-52-60130	AMD-W	02-22-006
296-24-67513	AMD	02-12-098	296-52-413	REP	02-03-125	296-52-61005	NEW	02-03-125
296-24-67515	AMD-X	02-05-077	296-52-417	REP	02-03-125	296-52-61010	NEW	02-03-125
296-24-67515	AMD	02-12-098	296-52-419	REP	02-03-125	296-52-61015	NEW	02-03-125
296-27	PREP	02-20-099	296-52-421	REP	02-03-125	296-52-61020	NEW	02-03-125
296-27-01113	AMD-X	02-17-104	296-52-423	REP	02-03-125	296-52-61025	NEW	02-03-125
296-27-01113	AMD	02-22-029	296-52-425	REP	02-03-125	296-52-61030	NEW	02-03-125
296-27-01117	AMD-X	02-17-104	296-52-429	REP	02-03-125	296-52-61035	NEW	02-03-125
296-27-01117	AMD	02-22-029	296-52-433	REP	02-03-125	296-52-61040	NEW	02-03-125
296-27-01119	AMD-X	02-17-104	296-52-437	REP	02-03-125	296-52-61045	NEW	02-03-125
296-27-01119	AMD	02-22-029	296-52-441	REP	02-03-125	296-52-61050	NEW	02-03-125
296-28-001	REP-P	02-07-101	296-52-445	REP	02-03-125	296-52-62005	NEW	02-03-125
296-28-001	REP	02-17-106	296-52-449	REP	02-03-125	296-52-62010	NEW	02-03-125
296-28-005	REP-P	02-07-101	296-52-453	REP	02-03-125	296-52-62020	NEW-W	02-06-102

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296- 52-62025	NEW	02-03-125	296- 52-67060	NEW	02-03-125	296- 52-69005	NEW	02-03-125
296- 52-62030	NEW	02-03-125	296- 52-67065	NEW	02-03-125	296- 52-69010	NEW	02-03-125
296- 52-62035	NEW	02-03-125	296- 52-67065	AMD-X	02-15-165	296- 52-69010	AMD-X	02-15-165
296- 52-62040	NEW	02-03-125	296- 52-67065	AMD-W	02-22-006	296- 52-69010	AMD-W	02-22-006
296- 52-62045	NEW	02-03-125	296- 52-67070	NEW	02-03-125	296- 52-69015	NEW	02-03-125
296- 52-63005	NEW	02-03-125	296- 52-67075	NEW	02-03-125	296- 52-69015	AMD-X	02-15-165
296- 52-63010	NEW	02-03-125	296- 52-67080	NEW	02-03-125	296- 52-69015	AMD-W	02-22-006
296- 52-63015	NEW-W	02-06-102	296- 52-67085	NEW	02-03-125	296- 52-69020	NEW	02-03-125
296- 52-63020	NEW	02-03-125	296- 52-67090	NEW	02-03-125	296- 52-69025	NEW	02-03-125
296- 52-63025	NEW	02-03-125	296- 52-67095	NEW	02-03-125	296- 52-69030	NEW	02-03-125
296- 52-63030	NEW	02-03-125	296- 52-67100	NEW	02-03-125	296- 52-69035	NEW	02-03-125
296- 52-64005	NEW	02-03-125	296- 52-67105	NEW	02-03-125	296- 52-69040	NEW	02-03-125
296- 52-64010	NEW-W	02-06-102	296- 52-67110	NEW	02-03-125	296- 52-69045	NEW	02-03-125
296- 52-64015	NEW-W	02-06-102	296- 52-67115	NEW	02-03-125	296- 52-69050	NEW	02-03-125
296- 52-64020	NEW	02-03-125	296- 52-67120	NEW-W	02-06-102	296- 52-69055	NEW	02-03-125
296- 52-64025	NEW-W	02-06-102	296- 52-67125	NEW	02-03-125	296- 52-69060	NEW	02-03-125
296- 52-64030	NEW	02-03-125	296- 52-67130	NEW	02-03-125	296- 52-69065	NEW	02-03-125
296- 52-64035	NEW	02-03-125	296- 52-67135	NEW	02-03-125	296- 52-69070	NEW	02-03-125
296- 52-64040	NEW	02-03-125	296- 52-67140	NEW	02-03-125	296- 52-69075	NEW-W	02-06-102
296- 52-64045	NEW	02-03-125	296- 52-67145	NEW	02-03-125	296- 52-69080	NEW	02-03-125
296- 52-64050	NEW	02-03-125	296- 52-67150	NEW-W	02-06-102	296- 52-69085	NEW	02-03-125
296- 52-64055	NEW	02-03-125	296- 52-67155	NEW-W	02-06-102	296- 52-69090	NEW	02-03-125
296- 52-64060	NEW-W	02-06-102	296- 52-67160	NEW	02-03-125	296- 52-69095	NEW	02-03-125
296- 52-64065	NEW	02-03-125	296- 52-67160	AMD-X	02-15-165	296- 52-69095	AMD-X	02-15-165
296- 52-64070	NEW-W	02-06-102	296- 52-67160	AMD-W	02-22-006	296- 52-69095	AMD-W	02-22-006
296- 52-64075	NEW	02-03-125	296- 52-67165	NEW	02-03-125	296- 52-69100	NEW-W	02-06-102
296- 52-64080	NEW	02-03-125	296- 52-67170	NEW	02-03-125	296- 52-69105	NEW	02-03-125
296- 52-64085	NEW	02-03-125	296- 52-67175	NEW-W	02-06-102	296- 52-69110	NEW	02-03-125
296- 52-64090	NEW	02-03-125	296- 52-67180	NEW	02-03-125	296- 52-69115	NEW	02-03-125
296- 52-64095	NEW	02-03-125	296- 52-67185	NEW	02-03-125	296- 52-69120	NEW	02-03-125
296- 52-64100	NEW	02-03-125	296- 52-67190	NEW	02-03-125	296- 52-69125	NEW	02-03-125
296- 52-650	NEW	02-03-125	296- 52-67195	NEW	02-03-125	296- 52-69125	AMD-X	02-15-165
296- 52-65005	NEW	02-03-125	296- 52-67200	NEW	02-03-125	296- 52-69125	AMD-W	02-22-006
296- 52-65010	NEW	02-03-125	296- 52-67205	NEW-W	02-06-102	296- 52-69130	NEW-X	02-15-165
296- 52-65015	NEW	02-03-125	296- 52-67210	NEW	02-03-125	296- 52-69130	NEW-W	02-22-006
296- 52-65020	NEW	02-03-125	296- 52-67215	NEW	02-03-125	296- 52-700	NEW	02-03-125
296- 52-65025	NEW	02-03-125	296- 52-67220	NEW	02-03-125	296- 52-70005	NEW	02-03-125
296- 52-65030	NEW	02-03-125	296- 52-67225	NEW	02-03-125	296- 52-70010	NEW	02-03-125
296- 52-660	NEW	02-03-125	296- 52-67230	NEW	02-03-125	296- 52-70010	AMD-X	02-15-165
296- 52-66005	NEW	02-03-125	296- 52-67235	NEW	02-03-125	296- 52-70010	AMD-W	02-22-006
296- 52-66010	NEW	02-03-125	296- 52-67240	NEW	02-03-125	296- 52-70015	NEW	02-03-125
296- 52-66015	NEW	02-03-125	296- 52-67245	NEW	02-03-125	296- 52-70020	NEW	02-03-125
296- 52-66020	NEW	02-03-125	296- 52-67250	NEW-W	02-06-102	296- 52-70025	NEW	02-03-125
296- 52-66025	NEW-W	02-06-102	296- 52-68005	NEW-W	02-06-102	296- 52-70030	NEW	02-03-125
296- 52-66030	NEW	02-03-125	296- 52-68010	NEW	02-03-125	296- 52-70035	NEW	02-03-125
296- 52-66035	NEW	02-03-125	296- 52-68015	NEW	02-03-125	296- 52-70040	NEW	02-03-125
296- 52-66040	NEW	02-03-125	296- 52-68020	NEW	02-03-125	296- 52-70045	NEW	02-03-125
296- 52-66045	NEW	02-03-125	296- 52-68025	NEW	02-03-125	296- 52-70050	NEW	02-03-125
296- 52-66050	NEW	02-03-125	296- 52-68030	NEW	02-03-125	296- 52-70055	NEW	02-03-125
296- 52-66055	NEW	02-03-125	296- 52-68035	NEW-W	02-06-102	296- 52-70060	NEW	02-03-125
296- 52-66060	NEW	02-03-125	296- 52-68040	NEW	02-03-125	296- 52-70065	NEW	02-03-125
296- 52-67005	NEW-W	02-06-102	296- 52-68045	NEW	02-03-125	296- 52-70070	NEW	02-03-125
296- 52-67010	NEW	02-03-125	296- 52-68050	NEW	02-03-125	296- 52-70075	NEW-W	02-06-102
296- 52-67015	NEW-W	02-06-102	296- 52-68055	NEW	02-03-125	296- 52-70080	NEW	02-03-125
296- 52-67020	NEW	02-03-125	296- 52-68060	NEW	02-03-125	296- 52-70085	NEW	02-03-125
296- 52-67025	NEW	02-03-125	296- 52-68060	AMD-X	02-15-165	296- 52-710	NEW	02-03-125
296- 52-67030	NEW	02-03-125	296- 52-68060	AMD-W	02-22-006	296- 52-710	AMD-X	02-15-165
296- 52-67035	NEW	02-03-125	296- 52-68065	NEW	02-03-125	296- 52-710	AMD-W	02-22-006
296- 52-67040	NEW	02-03-125	296- 52-68070	NEW-W	02-06-102	296- 52-71005	NEW-W	02-06-102
296- 52-67045	NEW	02-03-125	296- 52-68075	NEW	02-03-125	296- 52-71010	NEW-W	02-06-102
296- 52-67050	NEW	02-03-125	296- 52-68080	NEW	02-03-125	296- 52-71015	NEW	02-03-125
296- 52-67055	NEW	02-03-125	296- 52-68085	NEW	02-03-125	296- 52-71020	NEW	02-03-125

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296-52-71020	AMD-X	02-15-165	296-62-14105	AMD	02-12-098	296-86A-040	REP	02-12-022
296-52-71020	AMD-W	02-22-006	296-62-14110	AMD-X	02-05-077	296-86A-060	REP-P	02-09-095
296-52-71025	NEW	02-03-125	296-62-14110	AMD	02-12-098	296-86A-060	REP	02-12-022
296-52-71030	NEW-W	02-06-102	296-62-14155	AMD-X	02-05-077	296-86A-065	REP-P	02-09-095
296-52-71035	NEW	02-03-125	296-62-14155	AMD	02-12-098	296-86A-065	REP	02-12-022
296-52-71040	NEW	02-03-125	296-62-14171	AMD-X	02-05-077	296-86A-070	REP-P	02-09-095
296-52-71040	AMD-X	02-15-165	296-62-14171	AMD	02-12-098	296-86A-070	REP	02-12-022
296-52-71040	AMD-W	02-22-006	296-62-410	REP	02-11-141	296-86A-073	REP-P	02-09-095
296-52-71045	NEW	02-03-125	296-62-41001	REP	02-11-141	296-86A-073	REP	02-12-022
296-52-71045	AMD-X	02-15-165	296-62-41003	REP	02-11-141	296-86A-074	REP-P	02-09-095
296-52-71045	AMD-W	02-22-006	296-62-41010	REP	02-11-141	296-86A-074	REP	02-12-022
296-52-71050	NEW-W	02-06-102	296-62-41011	REP	02-11-141	296-86A-075	REP-P	02-09-095
296-52-71055	NEW	02-03-125	296-62-41013	REP	02-11-141	296-86A-075	REP	02-12-022
296-52-71060	NEW	02-03-125	296-62-41015	REP	02-11-141	296-86A-080	REP-P	02-09-095
296-52-71065	NEW	02-03-125	296-62-41017	REP	02-11-141	296-86A-080	REP	02-12-022
296-52-71070	NEW-W	02-06-102	296-62-41019	REP	02-11-141	296-96	PREP	02-04-106
296-52-71075	NEW	02-03-125	296-62-41020	REP	02-11-141	296-96	PREP	02-09-090
296-52-71080	NEW	02-03-125	296-62-41021	REP	02-11-141	296-96-01010	AMD-P	02-09-095
296-52-71085	NEW-W	02-06-102	296-62-41023	REP	02-11-141	296-96-01010	AMD	02-12-022
296-52-71090	NEW	02-03-125	296-62-41025	REP	02-11-141	296-96-01012	NEW-P	02-09-095
296-52-71095	NEW	02-03-125	296-62-41030	REP	02-11-141	296-96-01012	NEW	02-12-022
296-52-71100	NEW	02-03-125	296-62-41031	REP	02-11-141	296-96-01015	REP-P	02-09-095
296-52-71105	NEW	02-03-125	296-62-41033	REP	02-11-141	296-96-01015	REP	02-12-022
296-52-720	NEW	02-03-125	296-62-41035	REP	02-11-141	296-96-01025	AMD-P	02-09-095
296-52-725	NEW	02-03-125	296-62-41040	REP	02-11-141	296-96-01025	AMD	02-12-022
296-62	PREP	02-04-107	296-62-41041	REP	02-11-141	296-96-01027	AMD-P	02-09-095
296-62	PREP	02-10-130	296-62-41042	REP	02-11-141	296-96-01027	AMD	02-12-022
296-62	PREP	02-13-114	296-62-41043	REP	02-11-141	296-96-01030	AMD-P	02-09-095
296-62	PREP	02-13-116	296-62-41044	REP	02-11-141	296-96-01030	AMD	02-12-022
296-62	PREP	02-20-099	296-62-41045	REP	02-11-141	296-96-01035	AMD-P	02-09-095
296-62-054	AMD-P	02-18-094	296-62-41046	REP	02-11-141	296-96-01035	AMD	02-12-022
296-62-055	NEW-P	02-18-094	296-62-41047	REP	02-11-141	296-96-01040	AMD-P	02-09-095
296-62-05510	NEW-P	02-18-094	296-62-41060	REP	02-11-141	296-96-01040	AMD	02-12-022
296-62-05520	NEW-P	02-18-094	296-62-41061	REP	02-11-141	296-96-01045	AMD-P	02-09-095
296-62-060	AMD-P	02-09-092	296-62-41063	REP	02-11-141	296-96-01045	AMD	02-12-022
296-62-060	AMD	02-16-047	296-62-41080	REP	02-11-141	296-96-01050	AMD-P	02-09-095
296-62-070	AMD-P	02-09-092	296-62-41081	REP	02-11-141	296-96-01050	AMD	02-12-022
296-62-070	AMD	02-16-047	296-62-41082	REP	02-11-141	296-96-01055	AMD-P	02-09-095
296-62-071	PREP	02-11-140	296-62-41084	REP	02-11-141	296-96-01055	AMD	02-12-022
296-62-07302	AMD-X	02-05-077	296-62-41085	REP	02-11-141	296-96-01060	AMD-P	02-09-095
296-62-07302	AMD	02-12-098	296-62-41086	REP	02-11-141	296-96-01060	AMD	02-12-022
296-62-07304	AMD-X	02-05-077	296-67-053	AMD-X	02-15-166	296-96-01065	AMD-P	02-09-095
296-62-07304	AMD	02-12-098	296-67-053	AMD	02-20-034	296-96-01065	AMD	02-12-022
296-62-07312	AMD-X	02-05-077	296-67-291	AMD-X	02-15-166	296-104	PREP	02-04-105
296-62-07312	AMD	02-12-098	296-67-291	AMD	02-20-034	296-104	PREP	02-08-090
296-62-07314	AMD-X	02-05-077	296-78-56501	AMD	02-03-124	296-104-010	AMD-P	02-17-120
296-62-07314	AMD	02-12-098	296-78-56505	AMD	02-03-124	296-104-020	AMD-P	02-17-120
296-62-07421	AMD-X	02-05-077	296-78-71015	AMD-P	02-07-100	296-104-021	NEW-P	02-17-120
296-62-07421	AMD	02-12-098	296-78-71015	AMD	02-15-102	296-104-050	AMD-P	02-17-120
296-62-07501	AMD-X	02-05-077	296-79-140	AMD-X	02-05-077	296-104-055	AMD-P	02-09-094
296-62-07501	AMD	02-12-098	296-79-140	AMD	02-12-098	296-104-055	AMD	02-12-021
296-62-07527	AMD-X	02-05-077	296-86A-010	REP-P	02-09-095	296-104-060	AMD-P	02-09-094
296-62-07527	AMD	02-12-098	296-86A-010	REP	02-12-022	296-104-060	AMD	02-12-021
296-62-07540	AMD-X	02-05-077	296-86A-020	REP-P	02-09-095	296-104-060	AMD-P	02-17-120
296-62-07540	AMD	02-12-098	296-86A-020	REP	02-12-022	296-104-125	AMD-P	02-17-120
296-62-080	AMD-P	02-09-092	296-86A-025	REP-P	02-09-095	296-104-140	AMD-P	02-17-120
296-62-080	AMD	02-16-047	296-86A-025	REP	02-12-022	296-104-145	AMD-P	02-17-120
296-62-11021	AMD-P	02-07-100	296-86A-028	REP-P	02-09-095	296-104-150	AMD-P	02-17-120
296-62-11021	AMD	02-15-102	296-86A-028	REP	02-12-022	296-104-151	AMD-P	02-17-120
296-62-130	AMD-P	02-09-092	296-86A-030	REP-P	02-09-095	296-104-155	AMD-P	02-17-120
296-62-130	AMD	02-16-047	296-86A-030	REP	02-12-022	296-104-170	AMD-P	02-17-120
296-62-14105	AMD-X	02-05-077	296-86A-040	REP-P	02-09-095	296-104-200	AMD-P	02-17-120

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
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296-104-240	REP-P	02-17-120	296-150V-3000	AMD	02-12-022	296-155-706	NEW-P	02-06-114
296-104-256	RECOD-P	02-17-120	296-155	PREP	02-09-091	296-155-706	NEW	02-13-115
296-104-260	A/R-P	02-17-120	296-155	AMD-S	02-10-025	296-155-707	NEW-P	02-06-114
296-104-265	RECOD-P	02-17-120	296-155	AMD-W	02-15-132	296-155-707	NEW	02-13-115
296-104-270	A/R-P	02-17-120	296-155-110	AMD-P	02-05-080	296-155-708	NEW-P	02-06-114
296-104-273	A/R-P	02-17-120	296-155-110	AMD-W	02-15-132	296-155-708	NEW	02-13-115
296-104-300	RECOD-P	02-17-120	296-155-165	AMD-P	02-05-080	296-155-709	NEW-P	02-06-114
296-104-305	RECOD-P	02-17-120	296-155-165	AMD-W	02-15-132	296-155-709	NEW	02-13-115
296-104-307	RECOD-P	02-17-120	296-155-200	AMD-P	02-05-080	296-155-710	REP-P	02-06-114
296-104-310	RECOD-P	02-17-120	296-155-200	AMD-W	02-15-132	296-155-710	REP	02-13-115
296-104-320	RECOD-P	02-17-120	296-155-24525	AMD-X	02-05-077	296-155-711	NEW-P	02-06-114
296-104-502	AMD-P	02-17-120	296-155-24525	AMD	02-12-098	296-155-711	NEW	02-13-115
296-104-700	AMD-P	02-09-094	296-155-441	AMD-X	02-05-077	296-155-714	NEW-P	02-06-114
296-104-700	AMD	02-12-021	296-155-441	AMD	02-12-098	296-155-714	NEW	02-13-115
296-104-700	AMD-P	02-17-120	296-155-525	AMD-X	02-05-077	296-155-715	REP-P	02-06-114
296-130	PREP	02-11-139	296-155-525	AMD	02-12-098	296-155-715	REP	02-13-115
296-130-010	AMD-P	02-21-106	296-155-530	AMD-X	02-05-077	296-155-716	NEW-P	02-06-114
296-130-020	AMD-P	02-21-106	296-155-530	AMD	02-12-098	296-155-716	NEW	02-13-115
296-130-030	AMD-P	02-21-106	296-155-601	NEW-P	02-05-080	296-155-717	NEW-P	02-06-114
296-130-035	AMD-P	02-21-106	296-155-601	NEW-W	02-15-132	296-155-717	NEW	02-13-115
296-130-040	AMD-P	02-21-106	296-155-602	NEW-P	02-05-080	296-155-720	REP-P	02-06-114
296-130-050	AMD-P	02-21-106	296-155-602	NEW-W	02-15-132	296-155-720	REP	02-13-115
296-130-060	AMD-P	02-21-106	296-155-603	NEW-P	02-05-080	296-155-72401	NEW-P	02-06-114
296-130-065	AMD-P	02-21-106	296-155-603	NEW-W	02-15-132	296-155-72401	NEW-W	02-13-115
296-130-070	AMD-P	02-21-106	296-155-604	NEW-P	02-05-080	296-155-72402	NEW-P	02-06-114
296-130-080	AMD-P	02-21-106	296-155-604	NEW-W	02-15-132	296-155-72402	NEW-W	02-13-115
296-130-100	NEW-P	02-21-106	296-155-605	AMD-P	02-05-080	296-155-72403	NEW-P	02-06-114
296-130-500	REP-P	02-21-106	296-155-605	AMD-W	02-15-132	296-155-72403	NEW-W	02-13-115
296-150C-0800	AMD-P	02-09-095	296-155-606	NEW-P	02-05-080	296-155-72404	NEW-P	02-06-114
296-150C-0800	AMD	02-12-022	296-155-606	NEW-W	02-15-132	296-155-72404	NEW-W	02-13-115
296-150C-3000	AMD-P	02-09-095	296-155-607	NEW-P	02-05-080	296-155-72405	NEW-P	02-06-114
296-150C-3000	AMD	02-12-022	296-155-607	NEW-W	02-15-132	296-155-72405	NEW-W	02-13-115
296-150F-3000	AMD-E	02-14-073	296-155-608	NEW-P	02-05-080	296-155-72406	NEW-P	02-06-114
296-150F-3000	AMD-E	02-21-109	296-155-608	NEW-W	02-15-132	296-155-72406	NEW-W	02-13-115
296-150M-0020	AMD	02-03-048	296-155-609	NEW-P	02-05-080	296-155-960	AMD-X	02-05-077
296-150M-0020	AMD-E	02-14-073	296-155-609	NEW-W	02-15-132	296-155-960	AMD	02-12-098
296-150M-0020	AMD-E	02-21-109	296-155-610	AMD-P	02-05-080	296-200A-080	AMD-P	02-09-095
296-150M-0049	NEW	02-03-048	296-155-610	AMD-W	02-15-132	296-200A-080	AMD	02-12-022
296-150M-0049	AMD-E	02-14-073	296-155-611	NEW-P	02-05-080	296-200A-900	AMD-P	02-09-095
296-150M-0049	AMD-E	02-21-109	296-155-611	NEW-W	02-15-132	296-200A-900	AMD	02-12-022
296-150M-0050	AMD-E	02-14-073	296-155-612	NEW-P	02-05-080	296-304-01001	AMD-X	02-21-107
296-150M-0050	AMD-E	02-21-109	296-155-612	NEW-W	02-15-132	296-304-01003	AMD-X	02-21-107
296-150M-0051	NEW-E	02-14-073	296-155-615	AMD-P	02-05-080	296-304-02007	AMD-X	02-21-107
296-150M-0051	NEW-E	02-21-109	296-155-615	AMD-W	02-15-132	296-304-02009	AMD-X	02-21-107
296-150M-0140	AMD	02-03-048	296-155-655	AMD-P	02-05-080	296-304-03007	AMD-X	02-21-107
296-150M-0302	NEW	02-03-048	296-155-655	AMD-W	02-15-132	296-304-04001	AMD-X	02-21-107
296-150M-0304	NEW-W	02-09-070	296-155-66405	AMD-X	02-05-077	296-304-05001	AMD-X	02-21-107
296-150M-0320	AMD-E	02-14-073	296-155-66405	AMD	02-12-098	296-304-05003	AMD-X	02-21-107
296-150M-0320	AMD-E	02-21-109	296-155-66411	AMD-X	02-05-077	296-304-05005	AMD-X	02-21-107
296-150M-0322	NEW-E	02-14-073	296-155-66411	AMD	02-12-098	296-304-05009	AMD-X	02-21-107
296-150M-0322	NEW-E	02-21-109	296-155-700	REP-P	02-06-114	296-304-05013	AMD-X	02-21-107
296-150M-3000	AMD-E	02-14-073	296-155-700	REP	02-13-115	296-304-06003	AMD-X	02-21-107
296-150M-3000	AMD-E	02-21-109	296-155-701	NEW-P	02-06-114	296-304-07009	AMD-X	02-21-107
296-150P-3000	AMD-P	02-09-095	296-155-701	NEW	02-13-115	296-304-07011	AMD-X	02-21-107
296-150P-3000	AMD	02-12-022	296-155-702	NEW-P	02-06-114	296-304-07013	AMD-X	02-21-107
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296-150T-3000	AMD-P	02-09-095	296-155-703	NEW	02-13-115	296-304-09021	AMD-X	02-21-107
296-150T-3000	AMD	02-12-022	296-155-704	NEW-P	02-06-114	296-304-09023	AMD-X	02-21-107
296-150V-0800	AMD-P	02-09-095	296-155-704	NEW	02-13-115	296-304-10003	AMD-X	02-21-107
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296-305-04001	AMD-X	02-05-077	296-400A-140	AMD	02-14-074	296-403A-180	NEW	02-21-103
296-305-04001	AMD	02-12-098	296-400A-430	NEW-P	02-09-096	296-403A-190	NEW-P	02-09-097
296-305-05003	AMD-X	02-05-077	296-400A-430	NEW	02-14-074	296-403A-190	NEW	02-21-103
296-305-05003	AMD	02-12-098	296-401B-340	AMD-P	02-18-093	296-403A-195	NEW-P	02-09-097
296-305-05011	AMD-X	02-15-166	296-401B-340	AMD	02-21-104	296-403A-195	NEW	02-21-103
296-305-05011	AMD	02-20-034	296-401B-700	AMD-P	02-09-095	296-403A-200	NEW-P	02-09-097
296-307	PREP	02-04-107	296-401B-700	AMD	02-12-022	296-403A-200	NEW	02-21-103
296-307	PREP	02-20-099	296-402A-040	AMD-P	02-09-097	296-403A-210	NEW-P	02-09-097
296-307-039	AMD-X	02-05-077	296-402A-040	AMD	02-21-103	296-403A-210	NEW	02-21-103
296-307-039	AMD	02-12-098	296-402A-410	AMD-P	02-09-097	296-403A-220	NEW-P	02-09-097
296-307-08009	AMD-X	02-05-077	296-402A-410	AMD	02-21-103	296-403A-220	NEW	02-21-103
296-307-08009	AMD	02-12-098	296-402A-630	AMD-P	02-09-097	296-403A-230	NEW-P	02-09-097
296-307-14520	PREP	02-07-103	296-402A-630	AMD	02-21-103	296-403A-230	NEW	02-21-103
296-307-16303	AMD-X	02-17-109	296-403-010	REP-P	02-09-097	296-403A-240	NEW-P	02-09-097
296-307-452	NEW	02-11-141	296-403-010	REP	02-21-103	296-403A-240	NEW	02-21-103
296-307-45210	NEW	02-11-141	296-403-020	REP-P	02-09-097	296-800	PREP	02-04-107
296-307-45220	NEW	02-11-141	296-403-020	REP	02-21-103	296-800	PREP	02-20-099
296-307-45230	NEW	02-11-141	296-403-030	REP-P	02-09-097	296-800-110	AMD-P	02-09-092
296-307-45240	NEW	02-11-141	296-403-030	REP	02-21-103	296-800-110	AMD	02-16-047
296-307-45400	NEW	02-11-141	296-403-040	REP-P	02-09-097	296-800-11040	NEW-P	02-09-092
296-307-45410	NEW	02-11-141	296-403-040	REP	02-21-103	296-800-11040	NEW	02-16-047
296-307-45420	NEW	02-11-141	296-403-050	REP-P	02-09-097	296-800-11045	NEW-P	02-09-092
296-307-45430	NEW	02-11-141	296-403-050	REP	02-21-103	296-800-11045	NEW	02-16-047
296-307-45440	NEW	02-11-141	296-403-060	REP-P	02-09-097	296-800-130	AMD-P	02-09-092
296-307-45450	NEW	02-11-141	296-403-060	REP	02-21-103	296-800-130	AMD	02-16-047
296-307-45600	NEW	02-11-141	296-403-070	REP-P	02-09-097	296-800-13005	REP-P	02-09-092
296-307-45610	NEW	02-11-141	296-403-070	REP	02-21-103	296-800-13005	REP	02-16-047
296-307-45620	NEW	02-11-141	296-403-080	REP-P	02-09-097	296-800-13010	REP-P	02-09-092
296-307-45800	NEW	02-11-141	296-403-080	REP	02-21-103	296-800-13010	REP	02-16-047
296-307-46000	NEW	02-11-141	296-403-090	REP-P	02-09-097	296-800-13015	REP-P	02-09-092
296-400A	PREP	02-09-089	296-403-090	REP	02-21-103	296-800-13015	REP	02-16-047
296-400A	AMD-P	02-09-096	296-403-100	REP-P	02-09-097	296-800-13020	NEW-P	02-09-092
296-400A	AMD	02-14-074	296-403-100	REP	02-21-103	296-800-13020	NEW	02-16-047
296-400A-005	AMD-P	02-09-096	296-403-110	REP-P	02-09-097	296-800-13025	NEW-P	02-09-092
296-400A-005	AMD	02-14-074	296-403-110	REP	02-21-103	296-800-13025	NEW	02-16-047
296-400A-020	AMD-P	02-09-096	296-403-120	REP-P	02-09-097	296-800-13030	NEW-P	02-09-092
296-400A-020	AMD	02-14-074	296-403-120	REP	02-21-103	296-800-13030	NEW-W	02-22-034
296-400A-025	AMD-P	02-09-096	296-403-130	REP-P	02-09-097	296-800-13035	NEW-P	02-09-092
296-400A-025	AMD-W	02-22-035	296-403-130	REP	02-21-103	296-800-13035	NEW-W	02-22-034
296-400A-026	AMD-P	02-09-096	296-403-140	REP-P	02-09-097	296-800-13040	NEW-P	02-09-092
296-400A-026	AMD-W	02-22-035	296-403-140	REP	02-21-103	296-800-13040	NEW-W	02-22-034
296-400A-030	AMD-P	02-09-096	296-403-150	REP-P	02-09-097	296-800-150	AMD-P	02-09-092
296-400A-030	AMD	02-14-074	296-403-150	REP	02-21-103	296-800-150	AMD	02-16-047
296-400A-031	AMD-P	02-09-096	296-403-160	REP-P	02-09-097	296-800-15030	NEW-P	02-09-092
296-400A-031	AMD	02-14-074	296-403-160	REP	02-21-103	296-800-15030	NEW	02-16-047
296-400A-035	AMD-P	02-09-096	296-403A-100	NEW-P	02-09-097	296-800-15035	NEW-P	02-09-092
296-400A-035	AMD	02-14-074	296-403A-100	NEW	02-21-103	296-800-15035	NEW	02-16-047
296-400A-045	AMD-P	02-09-096	296-403A-110	NEW-P	02-09-097	296-800-15040	NEW-P	02-09-092
296-400A-045	AMD	02-14-074	296-403A-110	NEW	02-21-103	296-800-15040	NEW	02-16-047
296-400A-070	AMD-P	02-09-096	296-403A-120	NEW-P	02-09-097	296-800-16050	AMD-P	02-09-092
296-400A-070	AMD	02-14-074	296-403A-120	NEW	02-21-103	296-800-16050	AMD	02-16-047
296-400A-100	AMD-P	02-09-096	296-403A-130	NEW-P	02-09-097	296-800-16070	AMD-P	02-09-092
296-400A-100	AMD	02-14-074	296-403A-130	NEW	02-21-103	296-800-16070	AMD	02-16-047
296-400A-120	AMD-P	02-09-096	296-403A-140	NEW-P	02-09-097	296-800-170	AMD-P	02-09-092
296-400A-120	AMD	02-14-074	296-403A-140	NEW	02-21-103	296-800-170	AMD	02-16-047
296-400A-121	AMD-P	02-09-096	296-403A-150	NEW-P	02-09-097	296-800-17020	AMD-P	02-09-092
296-400A-121	AMD	02-14-074	296-403A-150	NEW	02-21-103	296-800-17020	AMD	02-16-047
296-400A-122	NEW-P	02-09-096	296-403A-160	NEW-P	02-09-097	296-800-17025	AMD-P	02-09-092
296-400A-122	NEW	02-14-074	296-403A-160	NEW	02-21-103	296-800-17025	AMD	02-16-047
296-400A-130	AMD-P	02-09-096	296-403A-170	NEW-P	02-09-097	296-800-17030	AMD-P	02-09-092

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296-800-17030	AMD	02-16-047	296-824-12050	AMD-X	02-15-166	296-832-100	NEW	02-16-087
296-800-18010	AMD-P	02-09-092	296-824-12050	AMD	02-20-034	296-832-10000	NEW-X	02-08-080
296-800-18010	AMD	02-16-047	296-824-12060	NEW	02-11-141	296-832-10000	NEW-W	02-21-053
296-800-18015	AMD-P	02-09-092	296-824-12060	AMD-X	02-15-166	296-832-10005	NEW-X	02-08-080
296-800-18015	AMD	02-16-047	296-824-12060	AMD	02-20-034	296-832-10005	NEW-W	02-21-053
296-800-20005	AMD-P	02-09-092	296-824-13010	NEW	02-11-141	296-832-10010	NEW-X	02-08-080
296-800-20005	AMD	02-16-047	296-824-13010	AMD-X	02-15-166	296-832-10010	NEW-W	02-21-053
296-800-23010	AMD-P	02-09-092	296-824-13010	AMD	02-20-034	296-832-10015	NEW-X	02-08-080
296-800-23010	AMD	02-16-047	296-824-13020	NEW	02-11-141	296-832-10015	NEW-W	02-21-053
296-800-23020	AMD-P	02-09-092	296-824-13020	AMD-X	02-15-166	296-832-10020	NEW-X	02-08-080
296-800-23020	AMD	02-16-047	296-824-13020	AMD	02-20-034	296-832-10020	NEW-W	02-21-053
296-800-25015	AMD-P	02-09-092	296-824-13030	NEW	02-11-141	296-832-10025	NEW-X	02-08-080
296-800-25015	AMD	02-16-047	296-824-13030	AMD-X	02-15-166	296-832-10025	NEW-W	02-21-053
296-800-28040	AMD-P	02-09-092	296-824-13030	AMD	02-20-034	296-832-200	NEW	02-16-087
296-800-28040	AMD	02-16-047	296-824-14010	NEW	02-11-141	296-832-20005	NEW	02-16-087
296-800-28045	AMD-P	02-09-092	296-824-14010	AMD-X	02-15-166	296-832-20010	NEW	02-16-087
296-800-28045	AMD	02-16-047	296-824-14010	AMD	02-20-034	296-832-300	NEW	02-16-087
296-800-32025	AMD-P	02-09-092	296-824-15010	NEW	02-11-141	296-832-30005	NEW	02-16-087
296-800-32025	AMD	02-16-047	296-824-15010	AMD-X	02-15-166	296-832-30010	NEW	02-16-087
296-800-35030	AMD-P	02-09-092	296-824-15010	AMD	02-20-034	296-832-30015	NEW	02-16-087
296-800-35030	AMD	02-16-047	296-824-200	NEW-X	02-15-166	296-833-100	NEW-X	02-17-107
296-800-35040	AMD-P	02-09-092	296-824-200	NEW	02-20-034	296-833-10010	NEW-X	02-17-107
296-800-35040	AMD	02-16-047	296-824-20005	NEW-X	02-15-166	296-833-200	NEW-X	02-17-107
296-800-35056	AMD-P	02-09-092	296-824-20005	NEW	02-20-034	296-833-20005	NEW-X	02-17-107
296-800-35056	AMD	02-16-047	296-824-300	NEW-X	02-15-166	296-833-20010	NEW-X	02-17-107
296-800-35076	AMD-P	02-09-092	296-824-300	NEW	02-20-034	296-833-300	NEW-X	02-17-107
296-800-35076	AMD	02-16-047	296-824-30005	NEW-X	02-15-166	296-833-30005	NEW-X	02-17-107
296-800-370	AMD-P	02-09-092	296-824-30005	NEW	02-20-034	296-833-30010	NEW-X	02-17-107
296-800-370	AMD	02-16-047	296-824-400	NEW-X	02-15-166	296-833-30015	NEW-X	02-17-107
296-817	PREP	02-13-114	296-824-400	NEW	02-20-034	296-833-30020	NEW-X	02-17-107
296-824	PREP	02-20-099	296-824-40005	NEW-X	02-15-166	296-833-400	NEW-X	02-17-107
296-824-100	NEW	02-11-141	296-824-40005	NEW	02-20-034	296-833-40005	NEW-X	02-17-107
296-824-100	AMD-X	02-15-166	296-824-40010	NEW-X	02-15-166	296-833-40010	NEW-X	02-17-107
296-824-100	AMD	02-20-034	296-824-40010	NEW	02-20-034	296-833-500	NEW-X	02-17-107
296-824-110	NEW	02-11-141	296-824-500	NEW-X	02-15-166	296-833-50005	NEW-X	02-17-107
296-824-110	AMD-X	02-15-166	296-824-500	NEW	02-20-034	296-833-50010	NEW-X	02-17-107
296-824-110	AMD	02-20-034	296-824-50005	NEW-X	02-15-166	296-833-600	NEW-X	02-17-107
296-824-11010	NEW	02-11-141	296-824-50005	NEW	02-20-034	296-833-60005	NEW-X	02-17-107
296-824-11010	AMD-X	02-15-166	296-824-50010	NEW-X	02-15-166	296-833-60010	NEW-X	02-17-107
296-824-11010	AMD	02-20-034	296-824-50010	NEW	02-20-034	296-835-100	NEW-P	02-07-100
296-824-11020	NEW	02-11-141	296-824-50015	NEW-X	02-15-166	296-835-100	NEW	02-15-102
296-824-11020	AMD-X	02-15-166	296-824-50015	NEW	02-20-034	296-835-110	NEW-P	02-07-100
296-824-11020	AMD	02-20-034	296-824-50020	NEW-X	02-15-166	296-835-110	NEW	02-15-102
296-824-11050	NEW	02-11-141	296-824-50020	NEW	02-20-034	296-835-11005	NEW-P	02-07-100
296-824-11050	AMD-X	02-15-166	296-824-50025	NEW-X	02-15-166	296-835-11005	NEW	02-15-102
296-824-11050	AMD	02-20-034	296-824-50025	NEW	02-20-034	296-835-11010	NEW-P	02-07-100
296-824-11060	NEW	02-11-141	296-824-50030	NEW-X	02-15-166	296-835-11010	NEW	02-15-102
296-824-11060	AMD-X	02-15-166	296-824-50030	NEW	02-20-034	296-835-11015	NEW-P	02-07-100
296-824-11060	AMD	02-20-034	296-824-600	NEW-X	02-15-166	296-835-11015	NEW	02-15-102
296-824-12010	NEW	02-11-141	296-824-600	NEW	02-20-034	296-835-11020	NEW-P	02-07-100
296-824-12010	AMD-X	02-15-166	296-824-60005	NEW-X	02-15-166	296-835-11020	NEW	02-15-102
296-824-12010	AMD	02-20-034	296-824-60005	NEW	02-20-034	296-835-11025	NEW-P	02-07-100
296-824-12020	NEW	02-11-141	296-824-60010	NEW-X	02-15-166	296-835-11025	NEW	02-15-102
296-824-12020	AMD-X	02-15-166	296-824-60010	NEW	02-20-034	296-835-11030	NEW-P	02-07-100
296-824-12020	AMD	02-20-034	296-824-60015	NEW-X	02-15-166	296-835-11030	NEW	02-15-102
296-824-12030	NEW	02-11-141	296-824-60015	NEW	02-20-034	296-835-11035	NEW-P	02-07-100
296-824-12030	AMD-X	02-15-166	296-824-700	NEW-X	02-15-166	296-835-11035	NEW	02-15-102
296-824-12030	AMD	02-20-034	296-824-700	NEW	02-20-034	296-835-11040	NEW-P	02-07-100
296-824-12040	NEW	02-11-141	296-824-70005	NEW-X	02-15-166	296-835-11040	NEW	02-15-102
296-824-12040	AMD-X	02-15-166	296-824-70005	NEW	02-20-034	296-835-11045	NEW-P	02-07-100
296-824-12040	AMD	02-20-034	296-824-800	NEW-X	02-15-166	296-835-11045	NEW	02-15-102
296-824-12050	NEW	02-11-141	296-824-800	NEW	02-20-034	296-835-11050	NEW-P	02-07-100

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296-835-11050	NEW	02-15-102	296-860-10030	NEW-P	02-07-101	296-878-18010	NEW	02-22-027
296-835-120	NEW-P	02-07-100	296-860-10040	NEW-P	02-07-101	296-878-18015	NEW-P	02-13-118
296-835-120	NEW	02-15-102	296-860-10050	NEW-P	02-07-101	296-878-18015	NEW	02-22-027
296-835-12005	NEW-P	02-07-100	296-860-10060	NEW-P	02-07-101	296-878-18020	NEW-P	02-13-118
296-835-12005	NEW	02-15-102	296-860-10070	NEW-P	02-07-101	296-878-18020	NEW	02-22-027
296-835-12010	NEW-P	02-07-100	296-860-10100	NEW-P	02-07-101	296-878-190	NEW-P	02-13-118
296-835-12010	NEW	02-15-102	296-860-200	NEW	02-17-106	296-878-190	NEW	02-22-027
296-835-12015	NEW-P	02-07-100	296-860-20010	NEW	02-17-106	296-878-19005	NEW-P	02-13-118
296-835-12015	NEW	02-15-102	296-860-20020	NEW	02-17-106	296-878-19005	NEW	02-22-027
296-835-12020	NEW-P	02-07-100	296-860-20030	NEW	02-17-106	296-878-19010	NEW-P	02-13-118
296-835-12020	NEW	02-15-102	296-860-20040	NEW	02-17-106	296-878-19010	NEW	02-22-027
296-835-12025	NEW-P	02-07-100	296-860-20050	NEW	02-17-106	296-878-200	NEW-P	02-13-118
296-835-12025	NEW	02-15-102	296-860-20060	NEW	02-17-106	296-878-200	NEW	02-22-027
296-835-12030	NEW-P	02-07-100	296-860-20070	NEW	02-17-106	296-878-20005	NEW-P	02-13-118
296-835-12030	NEW-W	02-20-091	296-860-20080	NEW	02-17-106	296-878-20005	NEW	02-22-027
296-835-12035	NEW-P	02-07-100	296-860-300	NEW	02-17-106	296-878-20010	NEW-P	02-13-118
296-835-12035	NEW	02-15-102	296-878-100	NEW-P	02-13-118	296-878-20010	NEW	02-22-027
296-835-12040	NEW-P	02-07-100	296-878-100	NEW	02-22-027	296-878-20015	NEW-P	02-13-118
296-835-12040	NEW	02-15-102	296-878-10005	NEW-P	02-13-118	296-878-20015	NEW	02-22-027
296-835-12045	NEW-P	02-07-100	296-878-10005	NEW	02-22-027	296-878-210	NEW-P	02-13-118
296-835-12045	NEW	02-15-102	296-878-110	NEW-P	02-13-118	296-878-210	NEW	02-22-027
296-835-12050	NEW-P	02-07-100	296-878-110	NEW	02-22-027	296-878-21005	NEW-P	02-13-118
296-835-12050	NEW	02-15-102	296-878-11005	NEW-P	02-13-118	296-878-21005	NEW	02-22-027
296-835-12055	NEW-P	02-07-100	296-878-11005	NEW	02-22-027	296-878-220	NEW-P	02-13-118
296-835-12055	NEW	02-15-102	296-878-120	NEW-P	02-13-118	296-878-220	NEW	02-22-027
296-835-12060	NEW-P	02-07-100	296-878-120	NEW	02-22-027	308-08-085	AMD-X	02-14-001
296-835-12060	NEW	02-15-102	296-878-12005	NEW-P	02-13-118	308-08-085	AMD	02-19-035
296-835-12065	NEW-P	02-07-100	296-878-12005	NEW	02-22-027	308-08-600	AMD	02-11-011
296-835-12065	NEW	02-15-102	296-878-130	NEW-P	02-13-118	308-12-010	AMD-P	02-04-114
296-835-130	NEW-P	02-07-100	296-878-130	NEW	02-22-027	308-12-010	AMD	02-11-082
296-835-130	NEW	02-15-102	296-878-13005	NEW-P	02-13-118	308-12-031	AMD-P	02-04-114
296-835-13005	NEW-P	02-07-100	296-878-13005	NEW	02-22-027	308-12-031	AMD	02-11-082
296-835-13005	NEW	02-15-102	296-878-13010	NEW-P	02-13-118	308-12-050	AMD-P	02-04-114
296-835-13010	NEW-P	02-07-100	296-878-13010	NEW	02-22-027	308-12-050	AMD	02-11-082
296-835-13010	NEW	02-15-102	296-878-140	NEW-P	02-13-118	308-12-081	AMD-P	02-04-114
296-835-13015	NEW-P	02-07-100	296-878-140	NEW	02-22-027	308-12-081	AMD	02-11-082
296-835-13015	NEW	02-15-102	296-878-14005	NEW-P	02-13-118	308-12-085	AMD-P	02-04-114
296-835-13020	NEW-P	02-07-100	296-878-14005	NEW	02-22-027	308-12-085	AMD	02-11-082
296-835-13020	NEW	02-15-102	296-878-150	NEW-P	02-13-118	308-12-115	AMD-P	02-04-114
296-835-13025	NEW-P	02-07-100	296-878-150	NEW	02-22-027	308-12-115	AMD	02-11-082
296-835-13025	NEW	02-15-102	296-878-15005	NEW-P	02-13-118	308-12-150	AMD-P	02-04-114
296-835-13030	NEW-P	02-07-100	296-878-15005	NEW	02-22-027	308-12-150	AMD	02-11-082
296-835-13030	NEW	02-15-102	296-878-15010	NEW-P	02-13-118	308-12-210	AMD-P	02-04-114
296-835-140	NEW-P	02-07-100	296-878-15015	NEW-P	02-13-118	308-12-210	AMD	02-11-082
296-835-140	NEW	02-15-102	296-878-15015	NEW	02-22-027	308-12-220	AMD-P	02-04-114
296-839-100	NEW-P	02-18-094	296-878-15020	NEW-P	02-13-118	308-12-220	AMD	02-11-082
296-839-200	NEW-P	02-18-094	296-878-15020	NEW	02-22-027	308-12-230	AMD-P	02-04-114
296-839-20005	NEW-P	02-18-094	296-878-15025	NEW-P	02-13-118	308-12-230	AMD	02-11-082
296-839-20010	NEW-P	02-18-094	296-878-15025	NEW	02-22-027	308-12-240	AMD-P	02-04-114
296-839-300	NEW-P	02-18-094	296-878-160	NEW-P	02-13-118	308-12-240	AMD	02-11-082
296-839-30005	NEW-P	02-18-094	296-878-160	NEW	02-22-027	308-12-320	AMD-P	02-04-114
296-839-30010	NEW-P	02-18-094	296-878-16005	NEW-P	02-13-118	308-12-320	AMD	02-11-082
296-839-30015	NEW-P	02-18-094	296-878-16005	NEW	02-22-027	308-12-321	REP-P	02-04-114
296-839-400	NEW-P	02-18-094	296-878-170	NEW-P	02-13-118	308-12-321	REP	02-11-082
296-839-40005	NEW-P	02-18-094	296-878-170	NEW	02-22-027	308-12-322	REP-P	02-04-114
296-839-500	NEW-P	02-18-094	296-878-17005	NEW-P	02-13-118	308-12-322	REP	02-11-082
296-860-100	NEW-P	02-07-101	296-878-17005	NEW	02-22-027	308-12-323	REP-P	02-04-114
296-860-100	NEW	02-17-106	296-878-180	NEW-P	02-13-118	308-12-323	REP	02-11-082
296-860-10005	NEW-P	02-07-101	296-878-180	NEW	02-22-027	308-12-324	REP-P	02-04-114
296-860-10010	NEW-P	02-07-101	296-878-18005	NEW-P	02-13-118	308-12-324	REP	02-11-082
296-860-10020	NEW-P	02-07-101	296-878-18005	NEW	02-22-027	308-12-325	REP-P	02-04-114
296-860-10025	NEW-P	02-07-101	296-878-18010	NEW-P	02-13-118	308-12-325	REP	02-11-082

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308- 12-330	NEW-P	02-04-114	308- 20-122	NEW	02-04-012	308- 48-720	REP-P	02-14-059
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308- 13-005	AMD-P	02-04-113	308- 20-150	REP	02-04-012	308- 48-730	REP-P	02-14-059
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308- 14-120	AMD-W	02-11-057	308- 48-010	AMD-P	02-14-059	308- 56A-060	PREP	02-05-019
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308- 61-168	AMD	02-20-035	308- 93-530	AMD	02-05-059	308- 96A-136	AMD-P	02-08-036
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308-103-150	NEW	02-11-011	314- 11-015	AMD	02-11-054	315- 37-110	NEW	02-07-073
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388- 02-0645	AMD	02-21-061	388- 15-001	NEW-P	02-03-118	388- 15-077	NEW	02-17-045
388- 02-0650	AMD-P	02-17-091	388- 15-001	NEW	02-15-098	388- 15-081	NEW-P	02-03-118
388- 02-0650	AMD	02-21-061	388- 15-001	NEW	02-17-045	388- 15-081	NEW	02-15-098
388- 14A-2000	PREP	02-03-010	388- 15-005	NEW-P	02-03-118	388- 15-081	NEW	02-17-045
388- 14A-2025	PREP	02-03-010	388- 15-005	NEW	02-15-098	388- 15-085	NEW-P	02-03-118
388- 14A-2080	PREP	02-03-010	388- 15-005	NEW	02-17-045	388- 15-085	NEW	02-15-098
388- 14A-2105	AMD	02-07-091	388- 15-009	NEW-P	02-03-118	388- 15-085	NEW	02-17-045
388- 14A-2107	NEW	02-07-091	388- 15-009	NEW	02-15-098	388- 15-089	NEW-P	02-03-118
388- 14A-2110	AMD	02-07-091	388- 15-009	NEW	02-17-045	388- 15-089	NEW	02-15-098
388- 14A-2112	NEW	02-07-091	388- 15-011	NEW-P	02-03-118	388- 15-089	NEW	02-17-045
388- 14A-2114	NEW	02-07-091	388- 15-011	NEW	02-15-098	388- 15-093	NEW-P	02-03-118
388- 14A-2115	AMD	02-07-091	388- 15-011	NEW	02-17-045	388- 15-093	NEW	02-15-098
388- 14A-2116	NEW	02-07-091	388- 15-013	NEW-P	02-03-118	388- 15-093	NEW	02-17-045
388- 14A-2120	AMD	02-07-091	388- 15-013	NEW	02-15-098	388- 15-097	NEW-P	02-03-118
388- 14A-2125	AMD	02-07-091	388- 15-013	NEW	02-17-045	388- 15-097	NEW	02-15-098
388- 14A-2130	NEW	02-07-091	388- 15-017	NEW-P	02-03-118	388- 15-097	NEW	02-17-045
388- 14A-2135	NEW	02-07-091	388- 15-017	NEW	02-15-098	388- 15-101	NEW-P	02-03-118
388- 14A-2140	NEW	02-07-091	388- 15-017	NEW	02-17-045	388- 15-101	NEW	02-15-098
388- 14A-3100	PREP	02-13-042	388- 15-021	NEW-P	02-03-118	388- 15-101	NEW	02-17-045
388- 14A-3100	AMD-E	02-13-043	388- 15-021	NEW	02-15-098	388- 15-105	NEW-P	02-03-118
388- 14A-3100	AMD-E	02-21-020	388- 15-021	NEW	02-17-045	388- 15-105	NEW	02-15-098
388- 14A-3102	PREP	02-13-042	388- 15-025	NEW-P	02-03-118	388- 15-105	NEW	02-17-045
388- 14A-3102	AMD-E	02-13-043	388- 15-025	NEW	02-15-098	388- 15-109	NEW-P	02-03-118
388- 14A-3102	AMD-E	02-21-020	388- 15-025	NEW	02-17-045	388- 15-109	NEW	02-15-098
388- 14A-3110	PREP	02-13-042	388- 15-029	NEW-P	02-03-118	388- 15-109	NEW	02-17-045
388- 14A-3110	AMD-E	02-13-043	388- 15-029	NEW	02-15-098	388- 15-113	NEW-P	02-03-118
388- 14A-3110	AMD-E	02-21-020	388- 15-029	NEW	02-17-045	388- 15-113	NEW	02-15-098
388- 14A-3115	PREP	02-13-042	388- 15-033	NEW-P	02-03-118	388- 15-113	NEW	02-17-045
388- 14A-3115	AMD-E	02-13-043	388- 15-033	NEW	02-15-098	388- 15-117	NEW-P	02-03-118
388- 14A-3115	AMD-E	02-21-020	388- 15-033	NEW	02-17-045	388- 15-117	NEW	02-15-098
388- 14A-3120	PREP	02-13-042	388- 15-037	NEW-P	02-03-118	388- 15-117	NEW	02-17-045
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388-15-121	NEW	02-17-045	388-15-652	PREP-W	02-15-058	388-71-0445	PREP-W	02-05-066
388-15-125	NEW-P	02-03-118	388-15-653	PREP	02-15-056	388-71-0445	AMD-P	02-16-080
388-15-125	NEW	02-15-098	388-15-653	PREP-W	02-15-058	388-71-0445	PREP	02-20-017
388-15-125	NEW	02-17-045	388-15-654	PREP	02-15-056	388-71-0445	AMD	02-21-098
388-15-129	NEW-P	02-03-118	388-15-654	PREP-W	02-15-058	388-71-0450	PREP	02-04-096
388-15-129	NEW	02-15-098	388-15-655	PREP	02-15-056	388-71-0450	AMD-P	02-16-080
388-15-129	NEW	02-17-045	388-15-655	PREP-W	02-15-058	388-71-0450	PREP	02-20-017
388-15-130	REP-P	02-03-118	388-15-656	PREP	02-15-056	388-71-0450	AMD	02-21-098
388-15-130	REP	02-15-098	388-15-656	PREP-W	02-15-058	388-71-0455	PREP	02-20-017
388-15-130	REP	02-17-045	388-15-657	PREP	02-15-056	388-71-0460	PREP	02-20-017
388-15-131	REP-P	02-03-118	388-15-657	PREP-W	02-15-058	388-71-0465	PREP	02-20-017
388-15-131	REP	02-15-098	388-15-658	PREP	02-15-056	388-71-0470	PREP	02-20-017
388-15-131	REP	02-17-045	388-15-658	PREP-W	02-15-058	388-71-0475	PREP	02-20-017
388-15-132	REP-P	02-03-118	388-15-659	PREP	02-15-056	388-71-0480	PREP	02-20-017
388-15-132	REP	02-15-098	388-15-659	PREP-W	02-15-058	388-71-0500	PREP	02-04-096
388-15-132	REP	02-17-045	388-15-660	PREP	02-15-056	388-71-0500	AMD	02-10-117
388-15-133	NEW-P	02-03-118	388-15-660	PREP-W	02-15-058	388-71-0500	AMD-P	02-16-080
388-15-133	NEW	02-15-098	388-15-661	PREP	02-15-056	388-71-0500	AMD	02-21-098
388-15-133	NEW	02-17-045	388-15-661	PREP-W	02-15-058	388-71-0515	PREP	02-04-096
388-15-134	REP-P	02-03-118	388-15-662	PREP	02-15-056	388-71-0515	AMD-P	02-16-080
388-15-134	REP	02-15-098	388-15-662	PREP-W	02-15-058	388-71-0515	AMD	02-21-098
388-15-134	REP	02-17-045	388-15-880	PREP-W	02-05-064	388-71-0520	AMD	02-10-117
388-15-135	NEW-P	02-03-118	388-15-890	PREP-W	02-05-064	388-71-0525	REP	02-10-117
388-15-135	NEW	02-15-098	388-27-0225	AMD-P	02-15-136	388-71-0530	REP	02-10-117
388-15-135	NEW	02-17-045	388-27-0375	AMD-P	02-15-136	388-71-0535	REP	02-10-117
388-15-141	NEW-P	02-03-118	388-71	PREP	02-11-064	388-71-0540	AMD	02-10-117
388-15-141	NEW	02-15-098	388-71	PREP	02-15-056	388-71-05910	NEW	02-10-117
388-15-141	NEW	02-17-045	388-71	PREP-W	02-15-058	388-71-05911	NEW	02-10-117
388-15-194	PREP-W	02-05-066	388-71	AMD-P	02-16-080	388-71-05912	NEW	02-10-117
388-15-194	REP-P	02-16-080	388-71	PREP	02-21-012	388-71-05913	NEW	02-10-117
388-15-194	REP	02-21-098	388-71	AMD	02-21-098	388-71-05914	NEW	02-10-117
388-15-202	PREP	02-04-096	388-71-0194	NEW-P	02-16-080	388-71-05915	NEW	02-10-117
388-15-202	PREP-W	02-05-064	388-71-0194	NEW	02-21-098	388-71-05916	NEW	02-10-117
388-15-202	PREP-W	02-05-065	388-71-0202	NEW-P	02-16-080	388-71-05917	NEW	02-10-117
388-15-202	PREP-W	02-05-066	388-71-0202	NEW	02-21-098	388-71-05918	NEW	02-10-117
388-15-202	REP-P	02-16-080	388-71-0203	NEW-P	02-16-080	388-71-05919	NEW	02-10-117
388-15-202	REP	02-21-098	388-71-0203	NEW	02-21-098	388-71-05920	NEW	02-10-117
388-15-203	PREP	02-04-096	388-71-0205	NEW-P	02-16-080	388-71-05921	NEW	02-10-117
388-15-203	PREP-W	02-05-065	388-71-0205	NEW	02-21-098	388-71-05922	NEW	02-10-117
388-15-203	PREP-W	02-05-066	388-71-0400	PREP	02-20-017	388-71-05923	NEW	02-10-117
388-15-203	REP-P	02-16-080	388-71-0405	PREP	02-20-017	388-71-05924	NEW	02-10-117
388-15-203	REP	02-21-098	388-71-0410	PREP	02-04-096	388-71-05925	NEW	02-10-117
388-15-204	PREP	02-04-096	388-71-0410	PREP-W	02-05-066	388-71-05926	NEW	02-10-117
388-15-204	PREP-W	02-05-066	388-71-0410	AMD-P	02-16-080	388-71-05927	NEW	02-10-117
388-15-204	REP-P	02-16-080	388-71-0410	PREP	02-20-017	388-71-05928	NEW	02-10-117
388-15-204	REP	02-21-098	388-71-0410	AMD	02-21-098	388-71-05929	NEW	02-10-117
388-15-205	PREP-W	02-05-065	388-71-0415	PREP	02-20-017	388-71-05930	NEW	02-10-117
388-15-205	PREP-W	02-05-066	388-71-0420	PREP	02-20-017	388-71-05931	NEW	02-10-117
388-15-205	REP-P	02-16-080	388-71-0425	PREP	02-20-017	388-71-05932	NEW	02-10-117
388-15-205	REP	02-21-098	388-71-0430	PREP	02-04-096	388-71-05933	NEW	02-10-117
388-15-207	PREP-W	02-05-064	388-71-0430	AMD-P	02-16-080	388-71-05934	NEW	02-10-117
388-15-214	PREP-W	02-05-064	388-71-0430	PREP	02-20-017	388-71-05935	NEW	02-10-117
388-15-215	PREP-W	02-05-064	388-71-0430	AMD	02-21-098	388-71-05936	NEW	02-10-117
388-15-219	PREP-W	02-05-064	388-71-0435	PREP	02-04-096	388-71-05937	NEW	02-10-117
388-15-600	PREP-W	02-05-064	388-71-0435	AMD-P	02-16-080	388-71-05938	NEW	02-10-117
388-15-620	PREP-W	02-05-064	388-71-0435	PREP	02-20-017	388-71-05939	NEW	02-10-117
388-15-630	PREP-W	02-05-064	388-71-0435	AMD	02-21-098	388-71-05940	NEW	02-10-117
388-15-650	PREP	02-15-056	388-71-0440	PREP	02-04-096	388-71-05941	NEW	02-10-117
388-15-650	PREP-W	02-15-058	388-71-0440	PREP-W	02-05-066	388-71-05942	NEW	02-10-117
388-15-651	PREP	02-15-056	388-71-0440	AMD-P	02-19-024	388-71-05943	NEW	02-10-117
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388-71-05947	NEW	02-10-117	388-76-64040	NEW	02-20-005	388-97-202	AMD	02-14-063
388-71-05948	NEW	02-10-117	388-76-64045	NEW-S	02-14-161	388-97-203	NEW-P	02-07-116
388-71-05949	NEW-S	02-11-129	388-76-64045	NEW	02-20-005	388-97-203	NEW	02-14-063
388-71-05949	NEW	02-15-064	388-76-64050	NEW-S	02-14-161	388-97-204	NEW-P	02-07-116
388-71-05950	NEW	02-10-117	388-76-64050	NEW	02-20-005	388-97-204	NEW	02-14-063
388-71-05951	NEW	02-10-117	388-76-64055	NEW-S	02-14-161	388-97-205	AMD-P	02-07-116
388-71-05952	NEW	02-10-117	388-76-64055	NEW	02-20-005	388-97-205	AMD	02-14-063
388-71-05953	NEW-W	02-10-036	388-76-650	PREP	02-21-013	388-97-260	AMD-P	02-07-116
388-71-0600	PREP	02-04-096	388-76-655	AMD-S	02-11-032	388-97-260	AMD	02-14-063
388-71-0600	AMD-P	02-16-080	388-76-655	AMD	02-15-065	388-97-285	AMD-P	02-07-116
388-71-0600	AMD	02-21-098	388-76-655	PREP	02-21-013	388-97-285	AMD	02-14-063
388-71-0805	PREP	02-18-082	388-76-660	AMD-S	02-11-032	388-97-35040	AMD-P	02-07-116
388-71-0810	PREP	02-18-082	388-76-660	AMD	02-15-065	388-97-35040	AMD	02-14-063
388-71-0815	PREP	02-18-082	388-76-680	PREP	02-21-013	388-97-550	PREP	02-11-126
388-71-0820	PREP	02-04-096	388-76-685	PREP	02-21-013	388-97-550	AMD-E	02-14-082
388-71-0820	AMD-P	02-12-067	388-76-695	PREP	02-21-013	388-97-550	AMD-P	02-17-094
388-71-0820	AMD	02-15-138	388-76-710	AMD-P	02-03-117	388-97-550	AMD	02-20-058
388-71-0820	PREP	02-18-082	388-76-710	AMD	02-15-081	388-97-550	AMD-E	02-21-052
388-71-0840	PREP	02-18-082	388-76-715	PREP	02-21-013	388-97-555	PREP	02-11-126
388-76-535	AMD-P	02-03-117	388-76-765	REP-P	02-15-135	388-97-555	AMD-E	02-14-082
388-76-535	AMD	02-15-081	388-76-765	REP	02-20-004	388-97-555	AMD-P	02-17-094
388-76-540	PREP	02-04-096	388-76-76505	NEW-P	02-15-135	388-97-555	AMD	02-20-058
388-76-540	AMD-P	02-16-080	388-76-76505	NEW	02-20-004	388-97-555	AMD-E	02-21-052
388-76-540	AMD	02-21-098	388-76-76510	NEW-P	02-15-135	388-97-565	AMD-P	02-07-116
388-76-550	PREP	02-21-013	388-76-76510	NEW	02-20-004	388-97-565	AMD	02-14-063
388-76-560	PREP	02-21-013	388-76-76515	NEW-P	02-15-135	388-97-570	AMD-P	02-07-116
388-76-565	PREP	02-21-013	388-76-76515	NEW	02-20-004	388-97-570	PREP	02-11-066
388-76-570	AMD-S	02-11-032	388-76-76520	NEW-P	02-15-135	388-97-570	AMD	02-14-063
388-76-570	AMD	02-15-065	388-76-76520	NEW	02-20-004	388-97-570	AMD-P	02-20-103
388-76-59100	REP-S	02-11-032	388-78A-050	AMD-S	02-11-031	388-97-575	AMD-P	02-07-116
388-76-59100	REP	02-15-065	388-78A-050	AMD	02-15-066	388-97-575	AMD	02-14-063
388-76-59110	REP-S	02-11-032	388-78A-060	AMD-W	02-11-059	388-97-580	AMD-P	02-07-116
388-76-59110	REP	02-15-065	388-78A-265	PREP	02-09-047	388-97-580	AMD	02-14-063
388-76-59120	REP-S	02-11-032	388-78A-265	AMD-P	02-14-062	388-97-585	AMD-P	02-07-116
388-76-59120	REP	02-15-065	388-78A-265	AMD	02-17-027	388-97-585	AMD	02-14-063
388-76-61510	AMD-P	02-03-117	388-79-010	AMD-P	02-11-067	388-97-585	AMD	02-14-063
388-76-61510	AMD	02-15-081	388-79-020	AMD-P	02-11-067	388-97-595	AMD-P	02-07-116
388-76-640	REP-P	02-03-117	388-79-030	AMD-P	02-11-067	388-97-595	AMD	02-14-063
388-76-640	REP-S	02-14-161	388-79-040	AMD-P	02-11-067	388-97-605	NEW-P	02-07-116
388-76-640	REP	02-20-005	388-96-713	AMD-E	02-04-011	388-97-605	NEW	02-14-063
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388-76-64005	NEW-S	02-14-161	388-97	PREP	02-11-066	388-97-610	NEW	02-14-063
388-76-64005	NEW	02-20-005	388-97-005	AMD-P	02-07-116	388-97-615	NEW-P	02-07-116
388-76-64010	NEW-P	02-03-117	388-97-005	AMD	02-14-063	388-97-615	NEW	02-14-063
388-76-64010	NEW-S	02-14-161	388-97-043	AMD-P	02-07-116	388-97-620	NEW-P	02-07-116
388-76-64010	NEW	02-20-005	388-97-043	AMD	02-14-063	388-97-620	NEW	02-14-063
388-76-64015	NEW-P	02-03-117	388-97-07005	AMD-P	02-07-116	388-97-625	NEW-P	02-07-116
388-76-64015	NEW-S	02-14-161	388-97-07005	AMD	02-14-063	388-97-625	NEW	02-14-063
388-76-64015	NEW	02-20-005	388-97-07040	AMD-P	02-07-116	388-97-630	NEW-P	02-07-116
388-76-64020	NEW-P	02-03-117	388-97-07040	AMD	02-14-063	388-97-630	NEW	02-14-063
388-76-64020	NEW-S	02-14-161	388-97-07050	AMD-P	02-07-116	388-97-635	NEW-P	02-07-116
388-76-64020	NEW	02-20-005	388-97-07050	AMD	02-14-063	388-97-635	NEW	02-14-063
388-76-64025	NEW-P	02-03-117	388-97-076	AMD-P	02-07-116	388-97-640	NEW-P	02-07-116
388-76-64025	NEW-S	02-14-161	388-97-076	AMD	02-14-063	388-97-640	NEW	02-14-063
388-76-64025	NEW	02-20-005	388-97-143	NEW-P	02-20-103	388-97-645	NEW-P	02-07-116
388-76-64030	NEW-P	02-03-117	388-97-160	AMD-P	02-07-116	388-97-645	NEW	02-14-063
388-76-64030	NEW-S	02-14-161	388-97-160	AMD	02-14-063	388-97-650	NEW-P	02-07-116
388-76-64030	NEW	02-20-005	388-97-162	AMD-P	02-07-116	388-97-650	NEW	02-14-063
388-76-64035	NEW-P	02-03-117	388-97-162	AMD	02-14-063	388-97-650	AMD-P	02-20-103
388-76-64035	NEW-S	02-14-161	388-97-180	AMD-P	02-07-116	388-97-655	NEW-P	02-07-116
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388-97-660	NEW	02-14-063	388-105-0035	NEW	02-22-058	388-112-0110	NEW-S	02-11-032
388-97-665	NEW-P	02-07-116	388-105-0040	NEW-E	02-14-081	388-112-0110	NEW	02-15-065
388-97-665	NEW	02-14-063	388-105-0040	NEW-P	02-18-099	388-112-0115	NEW-S	02-11-032
388-97-670	NEW-P	02-07-116	388-105-0040	NEW-E	02-21-051	388-112-0115	NEW	02-15-065
388-97-670	NEW	02-14-063	388-105-0040	NEW	02-22-058	388-112-0120	NEW-S	02-11-032
388-97-675	NEW-P	02-07-116	388-110-020	PREP	02-04-096	388-112-0120	NEW	02-15-065
388-97-675	NEW	02-14-063	388-110-020	AMD-P	02-16-080	388-112-0125	NEW-S	02-11-032
388-97-680	NEW-P	02-07-116	388-110-020	AMD	02-21-098	388-112-0125	NEW	02-15-065
388-97-680	NEW	02-14-063	388-110-110	REP-S	02-11-032	388-112-0130	NEW-S	02-11-032
388-97-685	NEW-P	02-07-116	388-110-110	REP	02-15-065	388-112-0130	NEW	02-15-065
388-97-685	NEW	02-14-063	388-110-210	PREP	02-04-096	388-112-0135	NEW-S	02-11-032
388-97-690	NEW-P	02-07-116	388-110-210	REP-P	02-16-080	388-112-0135	NEW	02-15-065
388-97-690	NEW	02-14-063	388-110-210	REP	02-21-098	388-112-0140	NEW-S	02-11-032
388-97-695	NEW-P	02-07-116	388-110-230	PREP	02-04-096	388-112-0140	NEW	02-15-065
388-97-695	NEW	02-14-063	388-110-230	REP-P	02-16-080	388-112-0145	NEW-S	02-11-032
388-98-001	REP-P	02-07-116	388-110-230	REP	02-21-098	388-112-0145	NEW	02-15-065
388-98-001	REP	02-14-063	388-110-250	REP-P	02-16-080	388-112-0150	NEW-S	02-11-032
388-98-003	REP-P	02-07-116	388-110-250	REP	02-21-098	388-112-0150	NEW	02-15-065
388-98-003	REP	02-14-063	388-112-0001	NEW-S	02-11-032	388-112-0155	NEW-S	02-11-032
388-98-010	REP-P	02-07-116	388-112-0001	NEW	02-15-065	388-112-0155	NEW	02-15-065
388-98-010	REP	02-14-063	388-112-0005	NEW-S	02-11-032	388-112-0160	NEW-S	02-11-032
388-98-015	REP-P	02-07-116	388-112-0005	NEW	02-15-065	388-112-0160	NEW	02-15-065
388-98-015	REP	02-14-063	388-112-0010	NEW-S	02-11-032	388-112-0165	NEW-S	02-11-032
388-98-020	REP-P	02-07-116	388-112-0010	NEW	02-15-065	388-112-0165	NEW	02-15-065
388-98-020	REP	02-14-063	388-112-0015	NEW-S	02-11-032	388-112-0170	NEW-S	02-11-032
388-98-300	REP-P	02-07-116	388-112-0015	NEW	02-15-065	388-112-0170	NEW	02-15-065
388-98-300	REP	02-14-063	388-112-0020	NEW-S	02-11-032	388-112-0175	NEW-S	02-11-032
388-98-320	REP-P	02-07-116	388-112-0020	NEW	02-15-065	388-112-0175	NEW	02-15-065
388-98-320	REP	02-14-063	388-112-0025	NEW-S	02-11-032	388-112-0180	NEW-S	02-11-032
388-98-330	REP-P	02-07-116	388-112-0025	NEW	02-15-065	388-112-0180	NEW	02-15-065
388-98-330	REP	02-14-063	388-112-0030	NEW-S	02-11-032	388-112-0185	NEW-S	02-11-032
388-98-340	REP-P	02-07-116	388-112-0030	NEW	02-15-065	388-112-0185	NEW	02-15-065
388-98-340	REP	02-14-063	388-112-0035	NEW-S	02-11-032	388-112-0190	NEW-S	02-11-032
388-98-700	REP-P	02-07-116	388-112-0035	NEW	02-15-065	388-112-0190	NEW	02-15-065
388-98-700	REP	02-14-063	388-112-0040	NEW-S	02-11-032	388-112-0195	NEW-S	02-11-032
388-98-750	REP-P	02-07-116	388-112-0040	NEW	02-15-065	388-112-0195	NEW	02-15-065
388-98-750	REP	02-14-063	388-112-0045	NEW-S	02-11-032	388-112-0200	NEW-S	02-11-031
388-98-810	REP-P	02-07-116	388-112-0045	NEW	02-15-065	388-112-0200	NEW	02-15-066
388-98-810	REP	02-14-063	388-112-0050	NEW-S	02-11-032	388-112-0205	NEW-S	02-11-031
388-98-830	REP-P	02-07-116	388-112-0050	NEW	02-15-065	388-112-0205	NEW	02-15-066
388-98-830	REP	02-14-063	388-112-0055	NEW-S	02-11-032	388-112-0210	NEW-S	02-11-031
388-98-870	REP-P	02-07-116	388-112-0055	NEW	02-15-065	388-112-0210	NEW	02-15-066
388-98-870	REP	02-14-063	388-112-0060	NEW-S	02-11-032	388-112-0215	NEW-S	02-11-031
388-98-890	REP-P	02-07-116	388-112-0060	NEW	02-15-065	388-112-0215	NEW	02-15-066
388-98-890	REP	02-14-063	388-112-0065	NEW-S	02-11-032	388-112-0220	NEW-S	02-11-031
388-105	AMD-E	02-14-081	388-112-0065	NEW	02-15-065	388-112-0220	NEW	02-15-066
388-105	PREP	02-14-099	388-112-0070	NEW-S	02-11-032	388-112-0225	NEW-S	02-11-031
388-105	AMD-P	02-18-099	388-112-0070	NEW	02-15-065	388-112-0225	NEW	02-15-066
388-105	PREP	02-21-012	388-112-0075	NEW-S	02-11-032	388-112-0230	NEW-S	02-11-031
388-105	AMD-E	02-21-051	388-112-0075	NEW	02-15-065	388-112-0230	NEW	02-15-066
388-105	AMD	02-22-058	388-112-0080	NEW-S	02-11-032	388-112-0235	NEW-S	02-11-031
388-105-0005	AMD-E	02-14-081	388-112-0080	NEW	02-15-065	388-112-0235	NEW	02-15-066
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388-105-0005	AMD-E	02-21-051	388-112-0085	NEW	02-15-065	388-112-0240	NEW	02-15-066
388-105-0005	AMD	02-22-058	388-112-0090	NEW-S	02-11-032	388-112-0245	NEW-S	02-11-031
388-105-0030	NEW-E	02-14-081	388-112-0090	NEW	02-15-065	388-112-0245	NEW	02-15-066
388-105-0030	NEW-P	02-18-099	388-112-0095	NEW-S	02-11-032	388-112-0250	NEW-S	02-11-031
388-105-0030	NEW-E	02-21-051	388-112-0095	NEW	02-15-065	388-112-0250	NEW	02-15-066
388-105-0030	NEW	02-22-058	388-112-0100	NEW-S	02-11-032	388-112-0255	NEW-S	02-11-031
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388-148-0040	AMD-E	02-22-002	388-148-0630	AMD-E	02-22-002	388-148-1165	NEW-E	02-22-002
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388-148-0050	AMD-E	02-14-042	388-148-0720	AMD-E	02-14-042	388-148-1180	NEW-E	02-14-042
388-148-0050	AMD-E	02-22-002	388-148-0720	AMD-E	02-22-002	388-148-1180	NEW-E	02-22-002
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388-148-0058	NEW-E	02-22-002	388-148-0722	NEW-E	02-14-042	388-148-1185	NEW-E	02-22-002
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388-148-0140	AMD-E	02-22-002	388-148-0915	AMD-E	02-14-042	388-148-1230	NEW-E	02-15-137
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388-148-0260	AMD-E	02-14-042	388-148-1020	PREP	02-06-083	388-148-1245	NEW-E	02-08-031
388-148-0260	AMD-E	02-22-002	388-148-1060	AMD-E	02-14-042	388-148-1245	NEW-E	02-15-137
388-148-0270	AMD-E	02-14-042	388-148-1060	AMD-E	02-22-002	388-148-1250	NEW-E	02-08-031
388-148-0270	AMD-E	02-22-002	388-148-1070	PREP	02-06-083	388-148-1250	NEW-E	02-15-137
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388-148-0335	AMD-E	02-22-002	388-148-1070	AMD-E	02-22-002	388-148-1255	NEW-E	02-15-137
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388-148-0350	PREP	02-06-083	388-148-1077	PREP	02-06-083	388-148-1265	NEW-E	02-15-137
388-148-0350	AMD-E	02-14-042	388-148-1077	NEW-E	02-14-042	388-148-1270	NEW-E	02-08-031
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388-148-0395	AMD-E	02-22-002	388-148-1078	NEW-E	02-14-042	388-148-1275	NEW-E	02-15-137
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388-148-0427	NEW-E	02-22-002	388-148-1079	PREP	02-06-083	388-148-1280	NEW-E	02-15-137
388-148-0460	AMD-E	02-14-042	388-148-1079	NEW-E	02-14-042	388-148-1285	NEW-E	02-08-031
388-148-0460	AMD-E	02-22-002	388-148-1079	NEW-E	02-22-002	388-148-1285	NEW-E	02-15-137
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388-148-0462	NEW-E	02-22-002	388-148-1115	AMD-E	02-22-002	388-148-1295	NEW-E	02-08-031
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388-151-097	AMD-P	02-03-095	388-290-0040	AMD	02-12-069	388-290-0200	AMD	02-12-069
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388-265-1250	REP	02-14-083	388-290-0105	AMD-P	02-08-060	388-310-0200	AMD-P	02-09-076
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415-112-0160	REP	02-18-046	415-113-0304	REP-P	02-15-153	434-215-050	RECOD	02-09-007
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434-236-050	REP	02-07-028	434-240-060	AMD	02-07-028	434-333-060	RECOD	02-09-007
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434-236-055	DECOD	02-09-007	434-240-090	AMD-P	02-03-133	434-333-070	RECOD	02-09-007
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434-236-060	AMD	02-07-028	434-240-120	AMD-P	02-03-133	434-333-082	RECOD	02-09-007
434-236-060	DECOD	02-09-007	434-240-120	AMD	02-07-028	434-333-085	RECOD	02-09-007
434-236-070	AMD-P	02-03-133	434-240-130	AMD-P	02-03-133	434-333-090	RECOD	02-09-007
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434-236-080	DECOD	02-09-007	434-240-160	REP	02-07-028	434-333-120	RECOD	02-09-007
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434-236-090	DECOD	02-09-007	434-240-190	AMD-E	02-14-017	434-333-130	RECOD	02-09-007
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456- 10-750	AMD	02-14-034	458- 20-135	PREP	02-11-148	458- 53-050	PREP	02-06-108
458- 12-090	REP-P	02-09-020	458- 20-141	PREP	02-15-185	458- 53-050	AMD-P	02-10-032
458- 12-090	REP-S	02-14-056	458- 20-151	PREP	02-04-054	458- 53-050	AMD	02-14-031
458- 12-090	REP	02-19-004	458- 20-151	AMD-P	02-16-015	458- 53-090	PREP	02-06-108
458- 12-135	REP-X	02-09-018	458- 20-151	AMD	02-21-080	458- 53-090	REP-P	02-10-032
458- 12-135	REP	02-14-011	458- 20-165	AMD-P	02-17-079	458- 53-090	REP	02-14-031
458- 12-140	AMD-P	02-09-019	458- 20-17803	NEW-E	02-12-063	458- 53-140	PREP	02-06-108
458- 12-140	AMD	02-14-011	458- 20-17803	PREP	02-15-184	458- 53-140	AMD-P	02-10-032
458- 12-270	REP-P	02-09-020	458- 20-17803	NEW-E	02-20-061	458- 53-140	AMD	02-14-031
458- 12-270	REP-S	02-14-056	458- 20-185	PREP	02-13-081	458- 57-005	PREP	02-12-122
458- 12-270	REP	02-19-004	458- 20-185	AMD-E	02-13-082	458- 57-005	AMD-P	02-15-142
458- 12-275	REP-P	02-09-020	458- 20-185	AMD-P	02-22-009	458- 57-005	AMD	02-18-078
458- 12-275	REP-S	02-14-056	458- 20-185	AMD-E	02-22-011	458- 57-015	PREP	02-12-122
458- 12-275	REP	02-19-004	458- 20-192	AMD-X	02-10-033	458- 57-015	AMD-P	02-15-142
458- 12-280	REP-P	02-09-020	458- 20-192	AMD	02-14-133	458- 57-015	AMD	02-18-078
458- 12-280	REP-S	02-14-056	458- 20-208	PREP	02-09-068	458- 57-017	PREP	02-12-122
458- 12-280	REP	02-19-004	458- 20-208	AMD-P	02-18-035	458- 57-017	NEW-P	02-15-142
458- 16-115	AMD-P	02-09-020	458- 20-209	PREP	02-11-123	458- 57-017	NEW	02-18-078
458- 16-115	AMD-S	02-14-056	458- 20-210	PREP	02-11-123	458- 57-025	PREP	02-12-122
458- 16-115	AMD	02-19-004	458- 20-217	AMD-X	02-11-044	458- 57-025	AMD-P	02-15-142
458- 16-560	PREP	02-07-077	458- 20-217	AMD	02-15-158	458- 57-025	AMD	02-18-078
458- 16-560	NEW-P	02-11-051	458- 20-24003	PREP	02-15-078	458- 57-035	PREP	02-12-122
458- 16-560	NEW	02-15-020	458- 20-251	PREP	02-20-096	458- 57-035	AMD-P	02-15-142
458- 18-220	AMD	02-03-039	458- 20-252	PREP	02-06-030	458- 57-035	AMD	02-18-078
458- 18-220	AMD-X	02-19-096	458- 20-260	AMD-W	02-02-088	458- 57-045	PREP	02-12-122
458- 19-005	PREP	02-10-110	458- 20-260	AMD-P	02-06-032	458- 57-045	AMD-P	02-15-142
458- 19-005	AMD-P	02-16-055	458- 20-260	AMD	02-16-016	458- 57-045	AMD	02-18-078
458- 19-010	PREP	02-10-110	458- 20-265	PREP	02-06-030	460- 10A-215	NEW-P	02-13-050
458- 19-010	AMD-P	02-16-055	458- 29A-400	PREP	02-08-067	460- 10A-215	NEW	02-18-044
458- 19-015	PREP	02-10-110	458- 29A-400	AMD-P	02-13-106	460- 12A-010	NEW-P	02-07-027
458- 19-015	REP-P	02-16-055	458- 29A-400	AMD	02-18-036	460- 12A-010	NEW	02-10-103
458- 19-020	PREP	02-10-110	458- 30-200	AMD-X	02-15-107	460- 16A-205	PREP	02-15-069
458- 19-020	AMD-P	02-16-055	458- 30-200	AMD	02-20-041	460- 16A-205	AMD-P	02-19-092

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
460-16A-205	AMD	02-22-106	468-300-040	AMD	02-09-010	478-117-110	NEW	02-08-023
460-21B-060	AMD-X	02-14-057	468-300-220	AMD-P	02-05-062	478-117-200	NEW-P	02-03-085
460-21B-060	AMD	02-19-093	468-300-220	AMD	02-09-010	478-117-200	NEW-E	02-04-087
460-22B-090	AMD-X	02-14-057	468-550	PREP	02-06-004	478-117-200	NEW	02-08-023
460-22B-090	AMD	02-19-093	468-550-030	AMD-P	02-10-020	478-117-210	NEW-P	02-03-085
460-24A-145	AMD-X	02-14-057	468-550-030	AMD	02-13-004	478-117-210	NEW-E	02-04-087
460-24A-145	AMD	02-19-093	468-550-040	AMD-P	02-10-020	478-117-210	NEW	02-08-023
461-08-320	AMD	02-06-008	468-550-040	AMD	02-13-004	478-117-220	NEW-P	02-03-085
461-08-355	AMD	02-06-009	468-550-050	AMD-P	02-10-020	478-117-220	NEW-E	02-04-087
461-08-500	AMD	02-06-010	468-550-060	AMD-P	02-10-020	478-117-220	NEW	02-08-023
461-08-505	AMD	02-06-010	468-550-060	AMD	02-13-004	478-117-230	NEW-P	02-03-085
463-39	PREP	02-22-105	468-550-070	AMD-P	02-10-020	478-117-230	NEW-E	02-04-087
465-10-010	NEW-X	02-13-092	468-550-070	AMD	02-13-004	478-117-230	NEW	02-08-023
465-10-010	NEW	02-20-024	468-550-080	AMD-P	02-10-020	478-117-240	NEW-P	02-03-085
465-10-020	NEW-X	02-13-092	468-550-080	AMD	02-13-004	478-117-240	NEW-E	02-04-087
465-10-020	NEW	02-20-024	478-108-010	AMD-P	02-03-085	478-117-240	NEW	02-08-023
465-10-030	NEW-X	02-13-092	478-108-010	AMD-E	02-04-087	478-117-250	NEW-P	02-03-085
465-10-030	NEW	02-20-024	478-108-010	AMD-E	02-06-042	478-117-250	NEW-E	02-04-087
465-10-040	NEW-X	02-13-092	478-108-010	AMD	02-08-023	478-117-250	NEW	02-08-023
465-10-040	NEW	02-20-024	478-108-010	AMD-P	02-08-066	478-117-260	NEW-P	02-03-085
465-10-050	NEW-X	02-13-092	478-108-010	AMD-C	02-13-066	478-117-260	NEW-E	02-04-087
465-10-050	NEW	02-20-024	478-108-010	AMD	02-15-174	478-117-260	NEW	02-08-023
465-10-060	NEW-X	02-13-092	478-116-131	PREP	02-06-045	478-117-270	NEW-P	02-03-085
465-10-060	NEW	02-20-024	478-116-131	AMD-P	02-10-080	478-117-270	NEW-E	02-04-087
465-10-070	NEW-X	02-13-092	478-116-131	AMD-E	02-11-045	478-117-270	NEW	02-08-023
465-10-070	NEW	02-20-024	478-116-131	AMD-C	02-15-012	478-117-280	NEW-P	02-03-085
465-10-080	NEW-X	02-13-092	478-116-131	AMD	02-20-044	478-117-280	NEW-E	02-04-087
465-10-080	NEW	02-20-024	478-117-005	NEW-P	02-03-085	478-117-280	NEW	02-08-023
465-10-090	NEW-X	02-13-092	478-117-005	NEW-E	02-04-087	478-117-300	NEW-P	02-03-085
465-10-090	NEW	02-20-024	478-117-005	NEW	02-08-023	478-117-300	NEW-E	02-04-087
465-10-100	NEW-X	02-13-092	478-117-010	NEW-P	02-03-085	478-117-300	NEW	02-08-023
465-10-100	NEW	02-20-024	478-117-010	NEW-E	02-04-087	478-117-310	NEW-P	02-03-085
465-10-110	NEW-X	02-13-092	478-117-010	NEW	02-08-023	478-117-310	NEW-E	02-04-087
465-10-110	NEW	02-20-024	478-117-020	NEW-P	02-03-085	478-117-310	NEW	02-08-023
465-20-010	NEW-X	02-13-093	478-117-020	NEW-E	02-04-087	478-117-320	NEW-P	02-03-085
465-20-010	NEW	02-20-025	478-117-020	NEW	02-08-023	478-117-320	NEW-E	02-04-087
465-20-020	NEW-X	02-13-093	478-117-030	NEW-P	02-03-085	478-117-320	NEW	02-08-023
465-20-020	NEW	02-20-025	478-117-030	NEW-E	02-04-087	478-117-400	NEW-P	02-03-085
465-20-030	NEW-X	02-13-093	478-117-030	NEW	02-08-023	478-117-400	NEW-E	02-04-087
465-20-030	NEW	02-20-025	478-117-040	NEW-P	02-03-085	478-117-400	NEW	02-08-023
465-30-010	NEW-X	02-13-094	478-117-040	NEW-E	02-04-087	478-117-410	NEW-P	02-03-085
465-30-010	NEW	02-20-026	478-117-040	NEW	02-08-023	478-117-410	NEW-E	02-04-087
465-40-010	NEW-X	02-13-095	478-117-050	NEW-P	02-03-085	478-117-410	NEW	02-08-023
465-40-010	NEW	02-20-027	478-117-050	NEW-E	02-04-087	478-118	PREP	02-04-037
468-06-040	AMD	02-10-021	478-117-050	NEW	02-08-023	478-118	NEW-C	02-13-066
468-15	PREP	02-20-023	478-117-060	NEW-P	02-03-085	478-118-010	NEW-E	02-06-042
468-38-075	AMD-P	02-03-049	478-117-060	NEW-E	02-04-087	478-118-010	NEW-P	02-08-066
468-38-075	AMD	02-06-106	478-117-060	NEW	02-08-023	478-118-010	NEW	02-15-174
468-38-120	PREP	02-10-058	478-117-070	NEW-P	02-03-085	478-118-020	NEW-E	02-06-042
468-38-120	AMD-E	02-10-059	478-117-070	NEW-E	02-04-087	478-118-020	NEW-P	02-08-066
468-38-120	AMD-P	02-14-024	478-117-070	NEW	02-08-023	478-118-020	NEW	02-15-174
468-38-120	AMD	02-17-004	478-117-080	NEW-P	02-03-085	478-118-030	NEW-E	02-06-042
468-38-250	AMD-X	02-21-070	478-117-080	NEW-E	02-04-087	478-118-030	NEW-P	02-08-066
468-38-340	AMD-E	02-15-110	478-117-080	NEW	02-08-023	478-118-030	NEW	02-15-174
468-38-340	PREP	02-15-111	478-117-090	NEW-P	02-03-085	478-118-040	NEW-E	02-06-042
468-38-390	AMD-P	02-03-049	478-117-090	NEW-E	02-04-087	478-118-040	NEW-P	02-08-066
468-38-390	AMD	02-06-106	478-117-090	NEW	02-08-023	478-118-040	NEW	02-15-174
468-300-010	AMD-P	02-05-062	478-117-100	NEW-P	02-03-085	478-118-050	NEW-E	02-06-042
468-300-010	AMD	02-09-010	478-117-100	NEW-E	02-04-087	478-118-050	NEW-P	02-08-066
468-300-020	AMD-P	02-05-062	478-117-100	NEW	02-08-023	478-118-050	NEW	02-15-174
468-300-020	AMD	02-09-010	478-117-110	NEW-P	02-03-085	478-118-060	NEW-E	02-06-042
468-300-040	AMD-P	02-05-062	478-117-110	NEW-E	02-04-087	478-118-060	NEW-P	02-08-066

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478-118-060	NEW	02-15-174	478-160-140	AMD	02-06-021	480- 75-320	NEW	02-18-032
478-118-070	NEW-E	02-06-042	478-160-163	NEW	02-06-021	480- 75-330	NEW-P	02-12-132
478-118-070	NEW-P	02-08-066	478-160-175	AMD	02-06-021	480- 75-330	NEW	02-18-032
478-118-070	NEW	02-15-174	479- 11-005	NEW-E	02-21-011	480- 75-340	NEW-P	02-12-132
478-118-080	NEW-E	02-06-042	479- 11-008	NEW-E	02-21-011	480- 75-340	NEW	02-18-032
478-118-080	NEW-P	02-08-066	479- 11-100	NEW-E	02-21-011	480- 75-350	NEW-P	02-12-132
478-118-080	NEW	02-15-174	479- 11-110	NEW-E	02-21-011	480- 75-350	NEW	02-18-032
478-118-090	NEW-E	02-06-042	479- 11-140	NEW-E	02-21-011	480- 75-360	NEW-P	02-12-132
478-118-090	NEW-P	02-08-066	479- 11-180	NEW-E	02-21-011	480- 75-360	NEW	02-18-032
478-118-090	NEW	02-15-174	480- 14-999	AMD-X	02-12-131	480- 75-370	NEW-P	02-12-132
478-118-100	NEW-E	02-06-042	480- 14-999	AMD	02-18-033	480- 75-370	NEW	02-18-032
478-118-100	NEW-P	02-08-066	480- 15	PREP	02-20-105	480- 75-380	NEW-P	02-12-132
478-118-100	NEW	02-15-174	480- 15-999	AMD-X	02-12-131	480- 75-380	NEW	02-18-032
478-118-200	NEW-E	02-06-042	480- 15-999	AMD	02-18-033	480- 75-390	NEW-P	02-12-132
478-118-200	NEW-P	02-08-066	480- 30-999	AMD-X	02-12-131	480- 75-400	NEW-P	02-12-132
478-118-200	NEW	02-15-174	480- 30-999	AMD	02-18-033	480- 75-400	NEW	02-18-032
478-118-210	NEW-E	02-06-042	480- 31-999	AMD-X	02-12-131	480- 75-410	NEW-P	02-12-132
478-118-210	NEW-P	02-08-066	480- 31-999	AMD	02-18-033	480- 75-410	NEW	02-18-032
478-118-210	NEW	02-15-174	480- 40-999	AMD-X	02-12-131	480- 75-420	NEW-P	02-12-132
478-118-220	NEW-E	02-06-042	480- 40-999	AMD	02-18-033	480- 75-420	NEW	02-18-032
478-118-220	NEW-P	02-08-066	480- 51	PREP	02-20-105	480- 75-430	NEW-P	02-12-132
478-118-220	NEW	02-15-174	480- 62-240	AMD-X	02-12-131	480- 75-430	NEW	02-18-032
478-118-230	NEW-E	02-06-042	480- 62-240	AMD	02-18-033	480- 75-430	NEW	02-20-015
478-118-230	NEW-P	02-08-066	480- 62-999	AMD-X	02-12-131	480- 75-440	NEW-P	02-12-132
478-118-230	NEW	02-15-174	480- 62-999	AMD	02-18-033	480- 75-440	NEW	02-18-032
478-118-240	NEW-E	02-06-042	480- 70	PREP	02-10-055	480- 75-450	NEW-P	02-12-132
478-118-240	NEW-P	02-08-066	480- 70	PREP	02-20-105	480- 75-450	NEW	02-18-032
478-118-240	NEW	02-15-174	480- 70-411	AMD-P	02-17-088	480- 75-460	NEW-P	02-12-132
478-118-250	NEW-E	02-06-042	480- 70-411	AMD	02-21-066	480- 75-460	NEW	02-18-032
478-118-250	NEW-P	02-08-066	480- 70-999	AMD-X	02-12-131	480- 75-500	NEW-P	02-12-132
478-118-250	NEW	02-15-174	480- 70-999	AMD	02-18-033	480- 75-500	NEW	02-18-032
478-118-260	NEW-E	02-06-042	480- 75	AMD-P	02-12-132	480- 75-510	NEW-P	02-12-132
478-118-260	NEW-P	02-08-066	480- 75	AMD	02-18-032	480- 75-510	NEW	02-18-032
478-118-260	NEW	02-15-174	480- 75	PREP	02-20-105	480- 75-520	NEW-P	02-12-132
478-118-270	NEW-E	02-06-042	480- 75-002	REP-P	02-12-132	480- 75-520	NEW	02-18-032
478-118-270	NEW-P	02-08-066	480- 75-002	REP	02-18-032	480- 75-530	NEW-P	02-12-132
478-118-270	NEW	02-15-174	480- 75-005	REP-P	02-12-132	480- 75-530	NEW	02-18-032
478-118-280	NEW-E	02-06-042	480- 75-005	REP	02-18-032	480- 75-540	NEW-P	02-12-132
478-118-280	NEW-P	02-08-066	480- 75-010	REP-P	02-12-132	480- 75-540	NEW	02-18-032
478-118-280	NEW	02-15-174	480- 75-010	REP	02-18-032	480- 75-550	NEW-P	02-12-132
478-118-400	NEW-E	02-06-042	480- 75-100	NEW-P	02-12-132	480- 75-550	NEW	02-18-032
478-118-400	NEW-P	02-08-066	480- 75-100	NEW	02-18-032	480- 75-600	NEW-P	02-12-132
478-118-400	NEW	02-15-174	480- 75-200	NEW-P	02-12-132	480- 75-600	NEW	02-18-032
478-118-410	NEW-E	02-06-042	480- 75-200	NEW	02-18-032	480- 75-610	NEW-P	02-12-132
478-118-410	NEW-P	02-08-066	480- 75-210	NEW-P	02-12-132	480- 75-610	NEW	02-18-032
478-118-410	NEW	02-15-174	480- 75-210	NEW	02-18-032	480- 75-620	NEW-P	02-12-132
478-118-420	NEW-E	02-06-042	480- 75-220	NEW-P	02-12-132	480- 75-620	NEW	02-18-032
478-118-420	NEW-P	02-08-066	480- 75-220	NEW	02-18-032	480- 75-630	NEW-P	02-12-132
478-118-420	NEW	02-15-174	480- 75-223	REP-P	02-12-132	480- 75-630	NEW	02-18-032
478-118-500	NEW-E	02-06-042	480- 75-223	REP	02-18-032	480- 75-640	NEW-P	02-12-132
478-118-500	NEW-P	02-08-066	480- 75-230	REP-P	02-12-132	480- 75-640	NEW	02-18-032
478-118-500	NEW	02-15-174	480- 75-230	REP	02-18-032	480- 75-650	NEW-P	02-12-132
478-118-510	NEW-E	02-06-042	480- 75-240	NEW	02-03-016	480- 75-650	NEW	02-18-032
478-118-510	NEW-P	02-08-066	480- 75-250	NEW-P	02-12-132	480- 75-660	NEW-P	02-12-132
478-118-510	NEW	02-15-174	480- 75-250	NEW	02-18-032	480- 75-660	NEW	02-18-032
478-132-030	PREP	02-22-036	480- 75-260	NEW-P	02-12-132	480- 75-999	AMD-P	02-12-132
478-136-012	AMD	02-06-020	480- 75-260	NEW	02-18-032	480- 75-999	AMD	02-18-032
478-136-015	AMD	02-06-020	480- 75-300	NEW-P	02-12-132	480- 80-010	AMD	02-11-081
478-136-030	AMD-E	02-03-102	480- 75-300	NEW	02-18-032	480- 80-015	NEW	02-11-081
478-136-030	AMD	02-06-020	480- 75-310	NEW-P	02-12-132	480- 80-020	AMD	02-11-081
478-160-125	AMD	02-06-021	480- 75-310	NEW	02-18-032	480- 80-025	NEW	02-11-081
478-160-130	AMD	02-06-021	480- 75-320	NEW-P	02-12-132	480- 80-030	AMD	02-11-081

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480-80-031	NEW	02-11-081	480-80-335	REP	02-11-081	480-120-017	NEW-P	02-12-055
480-80-035	REP	02-11-081	480-80-340	REP	02-11-081	480-120-019	NEW-P	02-12-055
480-80-040	REP	02-11-081	480-80-350	REP	02-11-081	480-120-021	AMD-P	02-12-055
480-80-041	REP	02-11-081	480-80-360	REP	02-11-081	480-120-029	REP-P	02-12-055
480-80-045	REP	02-11-081	480-80-370	REP	02-11-081	480-120-031	REP-P	02-12-055
480-80-050	REP	02-11-081	480-80-380	REP	02-11-081	480-120-032	REP-P	02-12-055
480-80-060	REP	02-11-081	480-90	PREP	02-10-055	480-120-033	REP-P	02-12-055
480-80-070	REP	02-11-081	480-90	PREP	02-20-105	480-120-041	REP-P	02-12-055
480-80-080	REP	02-11-081	480-90-113	AMD-P	02-17-088	480-120-042	REP-P	02-12-055
480-80-090	REP	02-11-081	480-90-113	AMD	02-21-066	480-120-043	REP	02-11-081
480-80-100	REP	02-11-081	480-90-118	AMD-P	02-17-088	480-120-043	REP-P	02-12-055
480-80-101	NEW	02-11-081	480-90-118	AMD	02-21-066	480-120-045	REP-P	02-12-055
480-80-102	NEW	02-11-081	480-90-193	AMD	02-11-081	480-120-046	REP-P	02-12-055
480-80-103	NEW	02-11-081	480-90-194	NEW	02-11-081	480-120-051	REP-P	02-12-055
480-80-104	NEW	02-11-081	480-90-195	NEW	02-11-081	480-120-052	REP	02-11-080
480-80-105	NEW	02-11-081	480-90-197	NEW	02-11-081	480-120-056	REP-P	02-12-055
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480-80-122	NEW	02-11-081	480-90-208	AMD-X	02-12-131	480-120-081	REP-P	02-12-055
480-80-123	NEW	02-11-081	480-90-208	AMD	02-18-033	480-120-087	REP-P	02-12-055
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480-80-125	REP	02-11-081	480-90-999	AMD	02-18-033	480-120-089	REP-P	02-12-055
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480-80-180	REP	02-11-081	480-100-163	AMD	02-18-033	480-120-123	NEW-P	02-12-055
480-80-190	REP	02-11-081	480-100-193	AMD	02-11-081	480-120-124	NEW-P	02-12-055
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480-80-201	NEW	02-11-081	480-100-195	NEW	02-11-081	480-120-125	NEW	02-21-067
480-80-202	NEW	02-11-081	480-100-197	NEW	02-11-081	480-120-126	REP-P	02-12-055
480-80-203	NEW	02-11-081	480-100-198	NEW	02-11-081	480-120-127	NEW	02-11-080
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480-80-206	NEW	02-11-081	480-100-203	AMD	02-18-033	480-120-132	NEW-P	02-12-055
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480-120-173	NEW-P	02-12-055	480-120-505	REP-P	02-12-055	504- 15-600	AMD-P	02-11-092
480-120-174	NEW-P	02-12-055	480-120-510	REP-P	02-12-055	504- 15-600	AMD	02-14-071
480-120-193	NEW	02-11-081	480-120-515	REP-P	02-12-055	504- 15-650	AMD-P	02-11-092
480-120-194	NEW	02-11-081	480-120-520	REP-P	02-12-055	504- 15-650	AMD	02-14-071
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480-120-197	NEW	02-11-081	480-120-531	REP-P	02-12-055	504- 15-830	AMD-P	02-11-092
480-120-198	NEW	02-11-081	480-120-535	REP-P	02-12-055	504- 15-830	AMD	02-14-071
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480-120-252	NEW-P	02-12-055	480-121-040	AMD	02-11-080	504- 25-013	NEW	02-15-075
480-120-253	NEW-P	02-12-055	480-121-050	REP	02-11-080	504- 25-014	NEW-P	02-11-093
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480-120-312	NEW-P	02-12-055	480-122-080	AMD	02-03-017	504- 25-040	AMD	02-15-075
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480-120-437	NEW-P	02-12-055	504- 15-200	AMD	02-14-071	504- 25-060	AMD	02-15-075
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504- 25-085	AMD-P	02-11-093	504- 25-231	NEW-P	02-11-093	516- 23-330	NEW-P	02-16-088
504- 25-085	AMD	02-15-075	504- 25-231	NEW	02-15-075	516- 23-340	NEW-P	02-16-088
504- 25-090	AMD-P	02-11-093	504- 25-235	REP-P	02-11-093	516- 23-350	NEW-P	02-16-088
504- 25-090	AMD	02-15-075	504- 25-235	REP	02-15-075	516- 23-360	NEW-P	02-16-088
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504- 25-100	AMD	02-15-075	504- 25-245	AMD	02-15-075	516- 23-400	NEW-P	02-16-088
504- 25-115	AMD-P	02-11-093	516- 12-400	AMD	02-07-045	516- 23-410	NEW-P	02-16-088
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504- 25-125	AMD	02-15-075	516- 12-460	AMD	02-07-045	516- 23-460	NEW-P	02-16-088
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504- 25-137	NEW	02-15-075	516- 14-200	AMD	02-07-045	516- 23-520	NEW-P	02-16-088
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504- 25-139	NEW	02-15-075	516- 23-020	REP-P	02-16-088	516- 23-560	NEW-P	02-16-088
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504- 25-200	AMD	02-15-075	516- 23-040	REP-P	02-16-088			
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504- 25-202	NEW	02-15-075	516- 23-060	REP-P	02-16-088			
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504- 25-203	NEW	02-15-075	516- 23-070	REP-P	02-16-088			
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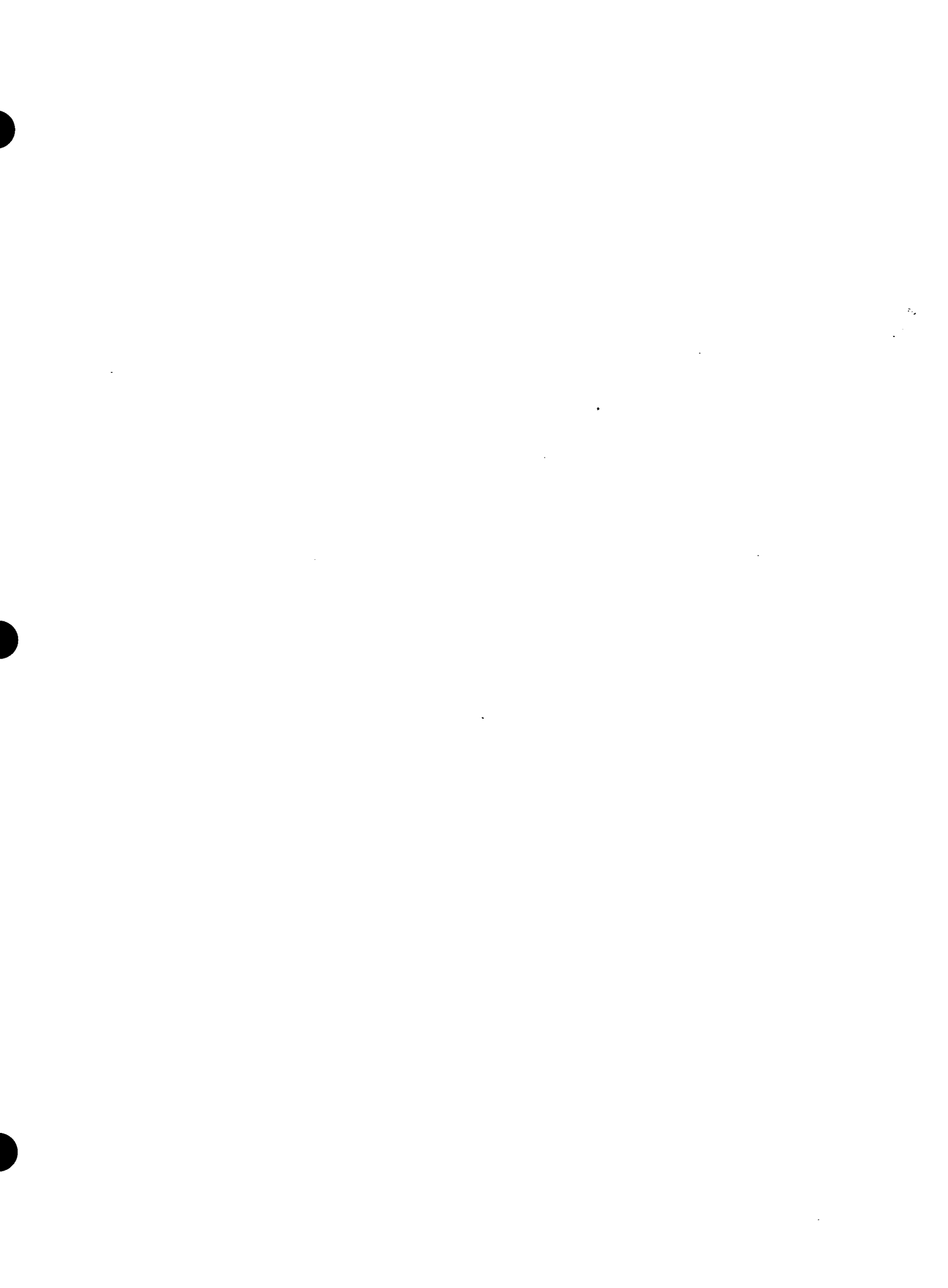
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