

Washington State Register

May 21, 2003

OLYMPIA, WASHINGTON

ISSUE 03-10



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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 May 2003 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	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
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
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03 - 09	Mar 26, 03	Apr 9, 03	Apr 23, 03	May 7, 03	May 27, 03	Jun 24, 03
03 - 10	Apr 9, 03	Apr 23, 03	May 7, 03	May 21, 03	Jun 10, 03	Jul 8, 03
03 - 11	Apr 23, 03	May 7, 03	May 21, 03	Jun 4, 03	Jun 24, 03	Jul 22, 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;

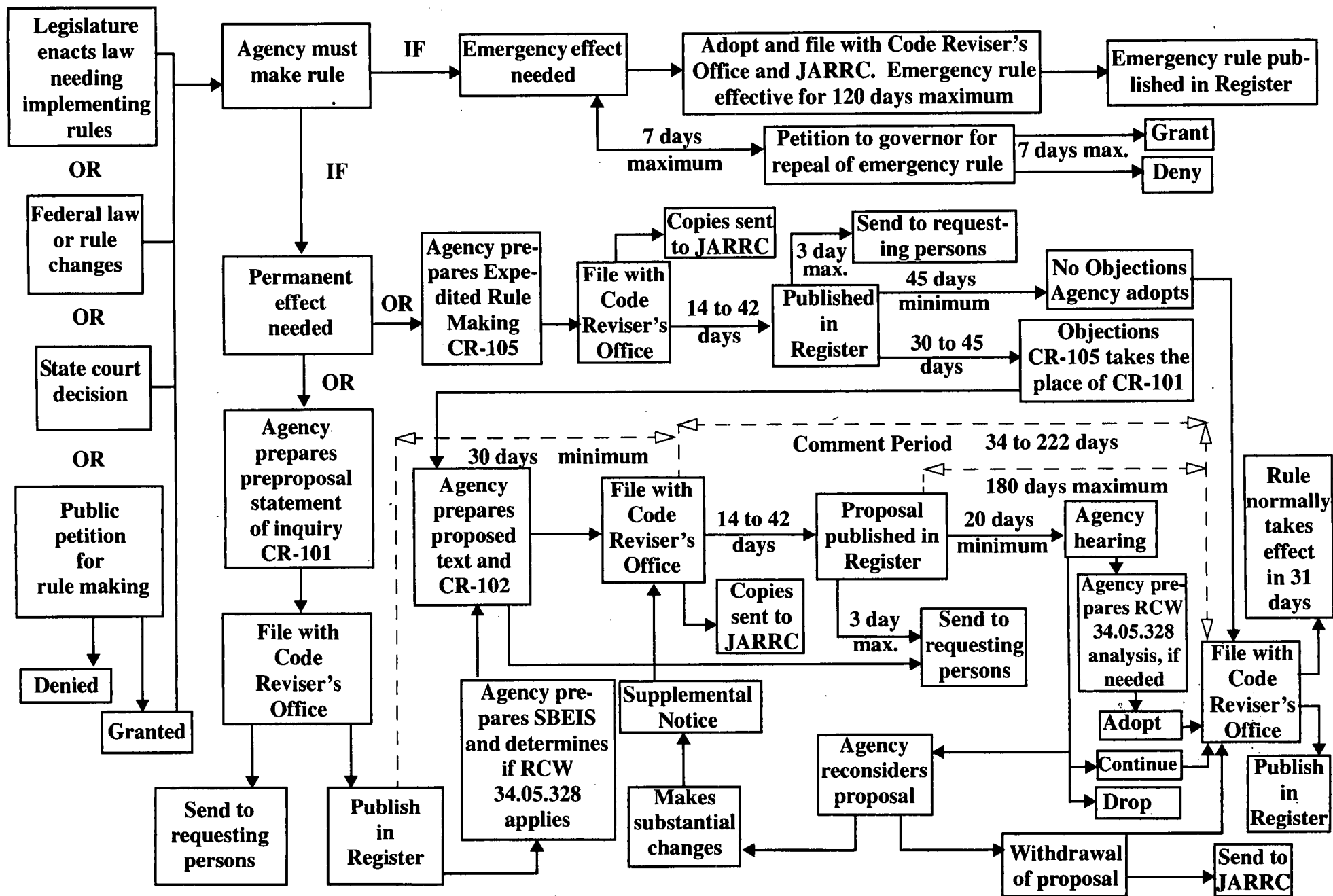
There is less than minor economic impact on business;

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 03-10-004**DEPARTMENT OF LICENSING**

[Filed April 24, 2003, 9:36 a.m.]

The Department of Licensing filed WSR 03-07-079 with your office on March 18, 2003. This filing was filed in error and WSR 02-13-012 filed with your office June 7, 2002, should not have been withdrawn because the filing process had already been completed.

D. McCurley, Administrator
Title and Registration Services

WSR 03-10-011**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 03-05—Filed April 25, 2003, 12:34 p.m.]

Subject of Possible Rule Making: This rule making will amend chapter 173-503 WAC, Skagit River instream flow rule. As a result of an interim memorandum of agreement recently signed by the Department of Ecology, City of Anacortes, PUD No. 1 of Skagit County, Skagit County, the Sauk-Suiattle Indian Tribe, the Upper Skagit Indian Tribe and the Swinomish Indian Tribal Community, ecology has agreed to initiate and conduct, and the other parties agree to support, rule making to amend chapter 173-503 WAC solely for the purpose of allowing exempt wells to be used in the Upper Skagit Basin when mitigation is provided under an ecology approved mitigation plan.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 90.54 RCW, Water Resources Act of 1971; chapter 90.22 RCW, Minimum water flows and levels; chapter 173-500 WAC, Water resources management program; and chapter 173-503 WAC, Instream resources protection program—Lower and Upper Skagit water resources inventory area (WRIA 3 and 4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 90.44.050 authorizes withdrawal of public ground waters of the state in an amount not to exceed 5,000 gallons per day for certain purposes without submitting an application to the Department of Ecology for a permit to appropriate such waters. These withdrawals to the extent regularly used beneficially are entitled to a right equal to that established by a permit issued under the provisions of chapter 90.44 RCW. Minimum instream flows established in chapter 173-503 WAC create a water right with a priority date as of the date the rule was established (April 14, 2001). Those flows are senior to any new exempt withdrawals begun after the rule. A rule amendment is necessary to create a new administrative framework to allow new exempt withdrawals that are mitigated to be used without interruption from the senior instream flow right.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Ecology has exclusive statutory authority under chapter 90.22 RCW to establish minimum instream water flows. Consultation will occur with the Washington Department of Fish and Wildlife.

Process for Developing New Rule: Interested parties from the Skagit River Basin and ecology have signed an interim memorandum of agreement. During rule making, draft language will be reviewed by local interested parties, primarily signature governments to the interim memorandum of agreement before the filing of the CR-102. A press release and focus sheet will be written and distributed to mailing lists and e-mail lists. A public hearing will be held to solicit comments from other interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dan Swenson, Department of Ecology, Northwest Regional Office, 3190 160th Avenue S.E., Bellevue, WA 98008-5452, (425) 649-7270, dswe461@ecy.wa.gov, fax (425) 649-7098.

April 25, 2003

Joe Stohr

Water Resources Program Manager

WSR 03-10-012**PREPROPOSAL STATEMENT OF INQUIRY
NOXIOUS WEED
CONTROL BOARD**

[Filed April 25, 2003, 12:50 p.m.]

Subject of Possible Rule Making: Chapter 16-750 WAC, State noxious weed list and schedule of monetary penalties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.10.080, 17.10.070, and 17.10.010(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state Noxious Weed Control Board is charged with updating the state noxious weed list on an annual basis to ensure it accurately reflects the noxious weed control priorities and noxious weed distribution.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state agencies regulate this subject. Federal agencies are subject to federal noxious weed laws that require them to coordinate with state regulations. Federal agencies in Washington are invited to participate in all stages of noxious weed rule making.

Process for Developing New Rule: The state Noxious Weed Control Board annually solicits suggestions from county programs, weed districts, state and federal agencies, interest groups and the general public. The Noxious Weed Committee of the board, which includes representation from the public, the Washington Native Plant Society, county weed boards, the nursery industry, and several scientific advisors, meet at least twice to review and research the suggestions. These draft suggestions are sent out again for public comment before the Noxious Weed Committee drafts its final recommendation to the board. Public comment is welcome at all committee and board meetings. A press release and information mailing is prepared on the recommended changes and a public hearing is scheduled. The board makes

its final decision after considering public input received at the hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can submit suggestions for changes to the noxious weed list, and can attend meetings of the Noxious Weed Committee and meetings of the state Noxious Weed Board. Interested parties can also testify at the hearing.

Information on participating in the decision process can be obtained from Steve McGonigal, Washington State Noxious Weed Control Board, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2053, fax (360) 902-2094, e-mail smcgonigal@agr.wa.gov.

April 24, 2003
Steve McGonigal
Executive Secretary

WSR 03-10-016
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed April 28, 2003, 9:57 a.m.]

Subject of Possible Rule Making: The Department of Health (DOH) is considering revising WAC 246-247-110, 246-247-120, and 246-247-130; Radiation protection—Air emissions, which addresses sampling and monitoring releases of airborne radioactive substances from the stacks and ducts of nuclear facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.98.050 State radiation control agency.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, DOH rules are inconsistent with the Environmental Protection Agency (EPA) rules adopted October 2002. The department plans to amend existing rule references to the most current American National Standard Institute/Health Physics Society national standard for sampling and monitoring releases of airborne radioactive substances from the stacks and ducts of nuclear facilities (ANSI/HPS N13.1-1999). Also included for rule making consideration are updates for consistency with EPA practices regarding quality assurance program plans and quality assurance project plans.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The EPA sets the federal standards and the state of Washington submits proposed rules to EPA for review and comment prior to final adoption of the rule.

Process for Developing New Rule: The regulated community and other stakeholders will be notified of proposed rule making and provided opportunities for input coinciding with the CR-102 Proposed rule making process; and the open public hearing on the proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. For questions regarding process, draft rules, and comments, contact Craig Lawrence at the Department of Health, Division of Radiation Protection, P.O. Box 47827,

Olympia, WA 98504-7827, phone (360) 236-3267, fax (360) 236-2256.

Mary C. Selecky
Secretary

WSR 03-10-028

PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed April 29, 2003, 8:57 a.m.]

Subject of Possible Rule Making: WAC 180-86-116 Investigative priorities—Levels of acts or omissions of misconduct.

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

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

April 24, 2003
Larry Davis
Executive Director

WSR 03-10-029

PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed April 29, 2003, 8:57 a.m.]

Subject of Possible Rule Making: WAC 180-86-100 Reprimand or certificate suspension or revocation—Initiation of proceedings.

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

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

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and rec-

ommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

April 24, 2003
Larry Davis
Executive Director

WSR 03-10-049
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed May 1, 2003, 1:28 p.m.]

Subject of Possible Rule Making: Home infusion therapy. The Medical Assistance Administration (MAA) is establishing in rule the home infusion therapy program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.530, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To establish in rule the limitations, restrictions, and requirements of MAA's home infusion therapy program.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Rules Program Manager, Medical Assistance Administration, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1342, fax (360) 586-9727, e-mail sayrek@dshs.wa.gov.

April 30, 2003
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-10-050
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed May 1, 2003, 1:30 p.m.]

Subject of Possible Rule Making: Amending WAC 388-550-1300 Revenue code categories and subcategories, 388-

550-1400 Covered revenue codes for hospital services, 388-550-1500 Noncovered revenue codes, and 388-550-6000 Payment—Outpatient hospital services. New hospital services sections in chapter 388-550 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09-500.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To comply with the requirements of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191. Also, the rules are being revised to ensure MAA's administrative code reflects current policy and practice.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Rules and Publications, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1342, e-mail sayrek@dshs.wa.gov, fax (360) 586-9727, TDD 1-800-848-5429.

April 30, 2003
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-10-051
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed May 1, 2003, 1:31 p.m.]

The Medical Assistance Administration (MAA) would like to withdraw the CR-101, Preproposal Statement of Inquiry, filed as WSR 02-08-056, on April 1, 2002.

Brian Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-10-064
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 6, 2003, 9:28 a.m.]

Subject of Possible Rule Making: Control of hazardous energy (lockout/tagout), chapters 296-24, 296-45, 296-54, 296-59, 296-78, 296-79, 296-155, and 296-307 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, and 49.17.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Labor and Industries is proposing to rewrite and clarify requirements relating to control of hazardous energy (lockout/tagout). This rule making is part of the initiative to rewrite chapters 296-24 and 296-62 WAC for clarity and ease of use. The rule will be assigned its own 800 series chapter number and repealed from chapter 296-24 WAC. The rewrite will eliminate unnecessary and autocratic terminology.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies (other than OSHA) are known that regulates this subject.

Process for Developing New Rule: The department must adopt rules identical to or at-least-as-effective-as OSHA rules as required by the OSHA/WISHA state plan agreement. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Hughes, Project Manager, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-4504, e-mail hugw235@lni.wa.gov, fax (360) 902-5529.

May 6, 2003

Paul Trause
Director

WSR 03-10-065

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed May 6, 2003, 9:29 a.m.]

Subject of Possible Rule Making: Review the current fees that exist in the rules for Electrical (chapter 296-46B WAC), Plumber certification (chapter 296-400A WAC), Contractor registration (chapter 296-200A WAC), Elevators (chapter 296-96 WAC) and Factory assembled structures (chapters 296-150C, 296-150F, 296-150M, 296-150P, 296-150R, 296-150T, and 296-150V WAC) for possible increases.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.27, 18.106, 19.28, 43.22, and 70.87 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A 3.20% fee increase, which is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2004, may be necessary to help offset inflation and maintain the operational effectiveness of the contractor registration, factory assembled structures, plumber certification, electrical and elevator programs.

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

cies: The department is the sole agency charged with setting these plumbing, contractor registration, elevator, electrical and factory assembled structures fees.

Process for Developing New Rule: The department will solicit input from the director's FAS Advisory Board, the Elevator Safety Advisory Committee, the Plumber's Advisory Board, and the Electrical Board. Other interested parties and the public may also participate by providing written comments or giving oral testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Swanson, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail swaj235@lni.wa.gov.

May 6, 2003

Paul Trause
Director

WSR 03-10-066

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed May 6, 2003, 9:31 a.m.]

Subject of Possible Rule Making: Powered industrial trucks (forklifts), chapters 296-24, 296-54, 296-56, 296-78, 296-79, 296-155, 296-305, and 296-307 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17-060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Labor and Industries is rewriting the powered industrial trucks (forklifts) rules for clarity and ease of use. This rule making is part of the initiative to rewrite chapters 296-24 and 296-62 WAC. The powered industrial trucks (forklifts) rule will be assigned its own 800 series chapter number. It will then be repealed from chapter 296-24 WAC. The rewrite will eliminate unnecessary and autocratic terminology. No increase in requirements is anticipated. References will be updated in other chapters when necessary.

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

Process for Developing New Rule: The department must adopt rules identical to or at-least-as-effective-as OSHA rules as required by the OSHA/WISHA state plan agreement. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Hughes, Project Manager, Depart-

ment of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, e-mail hugw235@lni.wa.gov, phone (360) 902-4504, fax (360) 902-5529.

May 6, 2003
Paul Trause
Director

WSR 03-10-072
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed May 6, 2003, 11:35 a.m.]

Subject of Possible Rule Making: Chapter 180-95 WAC, Education centers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.205 RCW.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 6, 2003
Larry Davis
Executive Director

WSR 03-10-073
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed May 6, 2003, 11:37 a.m.]

Subject of Possible Rule Making: Chapter 180-96 WAC, Certificate of educational competence.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.305 RCW.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 6, 2003
Larry Davis
Executive Director

WSR 03-10-074
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed May 6, 2003, 11:38 a.m.]

Subject of Possible Rule Making: Chapter 180-46 WAC, Library media centers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.320 RCW.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 6, 2003
Larry Davis
Executive Director

WSR 03-10-075
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed May 6, 2003, 11:40 a.m.]

Subject of Possible Rule Making: Chapter 180-72 WAC, Adult education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 28A.225 and [28A.]305 RCW.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 6, 2003

Larry Davis

Executive Director

WSR 03-10-076

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

[Filed May 6, 2003, 11:41 a.m.]

Subject of Possible Rule Making: Chapters 180-77, 180-77A, 180-78A, 180-79A, 180-81, 180-82, 180-83, 180-85, 180-86 and 180-87 WAC, certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 28A.410 and 28A.305 RCW.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 6, 2003

Larry Davis

Executive Director

WSR 03-10-077

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

[Filed May 6, 2003, 11:47 a.m.]

Subject of Possible Rule Making: Chapters 180-25, 180-26, 180-27, 180-29, 180-31, 180-32 and 180-33 WAC, school construction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.900 RCW.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 6, 2003

Larry Davis

Executive Director

WSR 03-10-084

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 6, 2003, 4:37 p.m.]

Subject of Possible Rule Making: Update to chapter 308-20 WAC, Cosmetologists, barbers, manicurists, and estheticians.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.16.030 and 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to the passage of SHB 2202, providing for cosmetology apprenticeships, as stated in this bill under New Section, sec. 1(3), the department of licensing shall adopt rules, including a mandatory requirement that apprentices complete in-classroom theory courses as a part of their training, to provide for the licensure of participants of the apprenticeship program. To amend, repeal or retain current rules, which may no longer be needed or need further written clarification as per the governor's directive on state rules review.

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 Rosie McGrew, Cosmetology Program, P.O. Box 9026, Olympia, WA 98507, phone (360)

664-6626, fax (360) 664-2550, e-mail plssunit@dol.wa.gov.
Updated information and meeting notices can be found at
<http://www.dol.wa.gov/plss/cosfront.htm>.

May 6, 2003
Trudie Touchette
Acting Administrator

WSR 03-10-086
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed May 6, 2003, 4:47 p.m.]

Subject of Possible Rule Making: Chapter 388-538 WAC, Managed care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.540, 74.09.522, 74.09.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is planning to amend various sections of chapter 388-538 WAC to bring the program into compliance with the federal Balanced Budget Act and the patient bill of rights. The department is also modifying the criteria for exemptions and ending enrollment in managed care. At the same time, the department will consolidate and clarify various sections to make them easier to read and understand.

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

Process for Developing New Rule: The department invites the interested public to review and comment on draft material. For information about how to participate, contact the person listed below.

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

May 6, 2003
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-10-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Headquarters)

[Filed May 6, 2003, 4:48 p.m.]

Subject of Possible Rule Making: WAC 388-01-030 What DSHS records are available?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.17.250, 42.17.260, 42.17.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules will clarify: Which DSHS records are available to the public by law; which confidential records are not available; how an individual, or an authorized representative, may have access to a confidential record about him/herself; and which public records are available without a public disclosure request.

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

Process for Developing New Rule: DSHS welcomes public participation in the development of its rules. Information about the development of this rule may be obtained by contacting the person listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bernie Freidman, Special Assistant, Department of Social and Health Services, P.O. Box 45010, Olympia, WA 98504-5010, phone (360) 902-7860, fax (360) 902-7848, e-mail FriedBH@dshs.wa.gov.

May 2, 2003
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-10-088
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed May 6, 2003, 4:49 p.m.]

Subject of Possible Rule Making: WAC 388-438-0110 Alien emergency medical (AEM).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendment is necessary to specifically eliminate coverage for organ transplants and related services and be consistent with 42 U.S.C. 1396.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This amendment will comply with federal limitations on medical services covered under emergency services for aliens.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below. The department will distribute draft material for an internal and external review process. All comments are taken into consideration before issuance of the final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360)

725-1330, fax (360) 586-0910, e-mail scotsjk@dshs.wa.gov,
TDD 1-800-848-5429.

May 1, 2003
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-10-102

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed May 7, 2003, 11:49 a.m.]

Subject of Possible Rule Making: The department will propose rules that: (1) Increase fruit and vegetable inspection program hourly inspection rates (regular and overtime). These hourly rate increases are necessary to recover the department's actual costs of providing inspection services; (2) adopt federal terminal hourly rates established by USDA/AMS/FPB; and (3) establish fees for fresh produce audit verification program for good agricultural practices (GAP) and good handling practices (GHP).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.17 RCW, Standards of grades and packs, specifically RCW 15.17.150 and chapter 34.05 RCW, the Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 15.17.150 mandates that the Department of Agriculture establish fees to recover the costs of providing inspection and/or certification or other requested services. In compliance with this mandate, the department will propose a fee schedule that provides for the recovery of the hourly inspection costs, both regular and overtime. Currently, hourly inspection rates are below the cost of providing inspection services. Also, the department will propose adopting federal market inspection fees for GAP and GHP audit certifications performed by federal/state licensed auditors for the USDA fresh produce audit verification program. Finally, since there is no department rule for fresh produce audit verification of fruits and vegetables, the department will propose adopting the federal terminal market hourly inspection rate for such services. Adopting the federal terminal market hourly inspection rate would make the state and federal fees equal for this federal/state program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture (USDA). The WSDA fruit and vegetable inspection program manager will coordinate with his federal counterpart on any issues that may arise with respect to these rules.

Process for Developing New Rule: To the extent possible, the department will distribute a packet of information to those on its mailing list who use the hourly inspection rate schedule outlining the issues and the department's proposals and asking for written comment. Comments can be received via first class mail, e-mail, or fax, using the addresses provided below. In addition, information will be distributed to applicable agricultural organizations. Persons are encouraged to provide input to the department regarding the proposals outlined above.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Quigley, Program Manager, WSDA Fruit and Vegetable Inspection Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1833, fax (360) 902-2085, e-mail jquigley@agr.wa.gov; or George Huffman, Rules Coordinator, Department of Agriculture, Administration Regulations Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1802, fax (360) 902-2092, e-mail ghuffman@agr.wa.gov.

May 7, 2003
Robert W. Gore
Assistant Director

WSR 03-09-005
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed April 2, 2003, 4:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-14-158.

Title of Rule: Minimum licensing requirements for child care centers in proposed new chapter 388-295 WAC, and repealing rules in existing chapter 388-150 WAC.

Purpose: The Department of Social and Health Services' Economic Services Administration (ESA) is proposing to repeal all sections of chapter 388-150 WAC, Minimum licensing requirements for child day care centers, and replace those with new chapter 388-295 WAC, Minimum licensing requirements for child care centers.

Statutory Authority for Adoption: Chapters 74.12 and 74.15 RCW.

Statute Being Implemented: Chapters 74.12 and 74.15 RCW.

Summary: The Department of Social and Health Services' Economic Services Administration is rewriting the WACs for the minimum licensing requirements (MLRs) for child care centers under new chapter 388-295 WAC. The child care center MLRs explains DSHS' responsibilities in licensing child care centers, as well as the minimum standards that those entities must comply with in order to become and remain licensed to provide child care. This chapter has been rewritten in clear rule-writing style, with a question and answer format, to make it more understandable to ESA's customers. In addition, rules pertaining to the health aspect of child care requirements have been included in this chapter.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Elizabeth Egge, Licensing Policy Program Manager, 1009 College S.E., Lacey, WA 98504, (360) 413-3268.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Department of Social and Health Services' Economic Services Administration (ESA) is proposing to repeal all sections of chapter 388-150 WAC, Minimum licensing requirements for child day care centers, and replace those with new chapter 388-295 WAC, Minimum licensing requirements for child care centers.

Proposal Changes the Following Existing Rules: The sections of chapter 388-150 WAC have been reorganized and rewritten in clear rule-writing language and components of each section clarified. The intent of moving these rules is to reorganize and clarify the minimum licensing requirements (MLRs) to make it easier for child care providers to follow the MLRs. In addition, rules pertaining to the health aspect of child care requirements have been included in this chapter.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not have

an economic impact on small businesses. This rule revision does not contain any requirements that would result in an increase in costs to the licensed child care providers that are not already in the rules that are currently in effect.

RCW 34.05.328 does not apply to this rule adoption. The department has evaluated the proposed rules and has determined that they do not meet the definition of "significant legislative rules" per RCW 34.05.328 (5)(c)(iii).

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (public parking at 11th and Jefferson), 1115 Washington, Olympia, WA 98504, on June 10, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by June 4, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail FernAX@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernax@dshs.wa.gov, by 5:00 p.m., June 10, 2003.

Date of Intended Adoption: Not earlier than June 11, 2003.

March 26, 2003

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

Chapter 388-295 WAC

**MINIMUM LICENSING REQUIREMENTS FOR
CHILD CARE CENTERS**

LICENSING

NEW SECTION

WAC 388-295-0001 What gives the authority to the department of social and health services (DSHS) to license child care? The rules for child care centers are governed under chapters 74.12 and 74.15 RCW.

NEW SECTION

WAC 388-295-0010 What definitions under this chapter apply to licensed child care providers? "American Indian child" means any unmarried person under the age of eighteen who is:

(1) A member or eligible for membership in a federally recognized Indian tribe, or who is Eskimo, Aleut, or other Alaska Native and a member of an Alaskan native regional corporation or Alaska Native Village;

(2) Determined or eligible to be found to be Indian by the Secretary of the Interior, including through issuance of a certificate of degree of Indian blood, or by the Indian health service;

(3) Considered to be Indian by a federally recognized or nonfederally recognized Indian Tribe; or

(4) A member or entitled to be member of a Canadian tribe or band, Metis community, or nonstatus Indian community from Canada.

"Anti-bias" is an approach that works against biases and recognizes when others are treated unfairly or oppressively based on race, color, national origin, marital status, gender, sexual orientation, class, religion, creed, disability, or age.

"Capacity that you are licensed for" means the maximum number of children that you are authorized to have on the premises of the child care at any one time.

"Center" means the same as **"child care center."**

"Certification" means department approval of a person, home, or facility that does not legally need to be licensed, but wants evidence that they meet the minimum licensing requirements (also see **"Tribal certification"**).

"Child abuse or neglect" means the physical abuse, sexual abuse, sexual exploitation, abandonment or negligent treatment or maltreatment of a child by any person indicating the child's health, welfare, and safety is harmed.

"Child-accessible" means areas where children regularly have access such as: entrances and exits to and from the center, classrooms or child care areas, playground area including equipment and fencing, parking areas, walkways, decks, platforms, stairs and any items available for children to use in these areas.

"Child care center" means the same as a **"child day care center"** or a facility providing regularly scheduled care for a group of children one month of age through twelve years of age for periods less than twenty four hours.

"Clean" means to remove dirt and debris from a surface by scrubbing and washing with a detergent solution and rinsing with water. This process must be accomplished before sanitizing a surface.

"CACFP" means child and adult care food program established by congress and funded by the United States Department of Agriculture (USDA).

"Commercial kitchen equipment" means equipment designed for business purposes such as restaurants.

"Communicable disease" means a disease caused by a microorganism (bacterium, virus, fungus, or parasite) that can be transmitted from person to person via an infected body fluid or respiratory spray, with or without an intermediary agent (such as a louse, or mosquito) or environmental object (such as a table surface).

"Cultural relevancy" creates an environment that reflects home cultures, communities and lives of children enrolled in the program.

"Department," "we," "us," or "our" refers to and means the state department of social and health services (DSHS), including but not limited to the division of child care and early learning (DCCEL) licensors and health specialists.

"Developmentally appropriate practice":

(1) Means that the provider should interact with each child in a way that recognizes and respects the child's chronological and developmental age;

(2) Is based on knowledge about how children grow and learn; and

(3) Reflects the developmental level of the individual child, and interactions and activities must be planned with the needs of the individual child in mind.

"Director" means the person responsible for the overall management of the center's facility and operation.

"Disinfect" means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents.

"Domestic kitchen" means a kitchen equipped with residential appliances.

"External medication" means a medication that is not intended to be swallowed or injected but is to be applied to the external parts of the body, such as medicated ointments, lotions, or liquids applied to the skin or hair.

"I," "you," and "your" refer to and mean the licensee or applicant for a child care license.

"Inaccessible to children" means stored or maintained in a manner preventing children from reaching, entering, or using potentially hazardous items or areas. Examples include but are not limited to: quantities of water, sharp objects, medications, chemicals, electricity, fire, mechanical equipment, entrapment or fall areas.

"Individual plan of care" means that the center's health policies and procedures do not cover the needs of the individual child so an individual plan is needed. Examples may include children with allergies, asthma, down's syndrome, tube feeding, diabetes care such as blood glucose monitoring, or nebulizer treatments.

"Infant" means a child one-month through eleven months of age.

"Lead teacher" means the person who is the lead child care staff person in charge of a child or group of children and implementing the activity program.

"License" means a permit issued by the department authorizing you by law to operate a child care center and certifying that you meet the minimum requirements under licensure.

"Licensee" or "you" means the person, organization, or legal entity responsible for operating the center.

"Maximum potential capacity based on square footage" is the maximum number of children you can be licensed for based on the amount of useable space (square footage) in your center. You may be licensed for less than the maximum potential capacity. You may not be licensed for more than the maximum potential capacity.

"Moisture impervious" or "moisture resistant" means a surface incapable of being penetrated by water or liquids.

"Parent" means birth parent, custodial parent, foster parent, legal guardian, those authorized by the parent or other entity legally responsible for the welfare of the child.

"Pesticides" means chemicals that are used to kill weeds, pests, particularly insects.

"Potentially hazardous food" means any food or ingredient that requires temperature control because it supports rapid growth of infectious or toxin forming microorganisms.

"Potable water" means water suitable for drinking by the public as determined by the state department of health or local health jurisdiction.

"Premises" means the building where the center is located and the adjoining grounds over which you have control.

"Preschool age child" means a child thirty months through five years of age not attending kindergarten or elementary school.

"Program supervisor" means the person responsible for planning and supervising the center's learning and activity program.

"Sanitize" means a surface must be clean and the number of germs reduced to a level that disease transmissions by that surface are unlikely. This procedure is less vigorous than disinfection.

"Satellite kitchen" means a food service establishment approved by a local health jurisdiction where food is stored, prepared, portioned or packaged for service elsewhere.

"School-age child" means a child not less than five years through twelve years of age who has begun attending kindergarten or elementary school.

"Staff" means a child care giver or group of child care givers employed by the licensee to supervise children served at the center.

"The Washington state training and registry system (STARS)" means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy training requirement.

"Toddler" means a child twelve months through twenty-nine months of age.

"Terminal room cleaning" means thorough cleaning of walls, ceiling, floor and all equipment, and disinfecting as necessary, in a room which has been used by a person having a communicable disease before it is occupied by another person.

"Tribal certification" means that the department has certified the tribe to receive state payment for children eligible to receive child care subsidies.

"Useable space" means the areas that are available at all times for use by the children that do not cause a health or safety hazard.

NEW SECTION

WAC 388-295-0020 Who needs to become licensed?

(1) The person or organization operating a child care center must be subject to licensing by authority under chapter 74.15 RCW, unless specifically exempted by RCW 74.15.020(2). Exemptions include:

- (a) Blood relatives;
- (b) Adoptive parents;
- (c) Stepparents or stepsiblings;
- (d) "Extended family members" as defined by law or custom of the Indian child's tribe;
- (e) Legal guardians;
- (f) Nursery schools or kindergartens that are engaged primarily in educational work with preschool children and in

which no child is enrolled on a regular basis for more than four hours a day;

(g) Seasonal day camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Private schools or kindergartens;

(i) An agency located on a military reservation;

(j) An agency operated by a unit of local, state, or federal government;

(k) An agency licensed by an Indian tribe, located within the boundaries of a federally recognized Indian reservation; and

(l) A facility where the parent remains on the premises for reasons other than employment.

(2) The person or organization operating a child care center and qualifying for an exemption to licensing under RCW 74.15.020(2) is not subject to licensure. The person or organization claiming an exemption must provide us with proof of right to the exemption if we request it.

(3) RCW 74.15.020 (2)(d) exempts facilities from licensing where parents on a mutually cooperative basis exchange care of one another's children. To qualify for this cooperative exemption:

(a) At least one parent or guardian of each child attending the facility regularly must be involved in the direct care of children at the facility;

(b) Parents or guardians must be involved in the direct care of children on a relatively equal basis; and

(c) A person other than a parent or guardian of a child at the facility must not be involved in the care of children or the operation of the facility.

(4) We do not license a center that is legally exempt from licensing per RCW 74.15.020(2). However, if the applicant requests it, we will follow all licensing regulations to investigate and may certify the center as meeting licensing and other pertinent requirements. In such a case, all our licensing requirements and procedures apply equally to certification.

(5) We may certify a child care center for payment without further investigation if the center is:

(a) Licensed by an Indian tribe;

(b) Certified by the Federal Department of Defense; or

(c) Approved by the superintendent of public instruction's office.

(6) The center listed in subsection (5)(a), (b), or (c) of this section must be licensed, certified, or approved in accordance with national or state standards, or standards approved by us. It must be operated on the premises where the entity operating the center has jurisdiction.

(7) We must not license a department employee or a member of their household when the employee is involved directly, or in an administrative or supervisory capacity, in the:

(a) Licensing or certification process;

(b) Placement of a child in a licensed or certified center;

or

(c) Authorization of payment for the child in care.

(8) We may license a center located in a private family residence when the portion of the residence accessible to the child is:

(a) Used exclusively for the child during the center's operating hours or while the child is in care; or

PROPOSED

- (b) Separate from the family living quarters.

NEW SECTION

WAC 388-295-0030 What must I do to be eligible to receive state child care subsidies? To be eligible to receive state child care subsidies for children in your care you must:

- (1) Be licensed or certified;
- (2) Be a seasonal camp that has a contract with us and is certified by the American Camping Association;
- (3) Follow billing policies and procedure in *Child Care Subsidies: A Booklet for Licensed and Certified Child Care Providers, DSHS 22-877(X)*;
- (4) Bill us at your customary rate or the DSHS rate, whichever is less; and
- (5) Keep the attendance records as described in WAC 388-295-7060 and the invoices for state-paid children on-site for at least five years.

NEW SECTION

WAC 388-295-0040 Do I have to follow any other regulations or have any other inspections? (1) Prior to becoming licensed by us to operate a child care center, you must:

- (a) Have a certificate of occupancy issued by your local building department; and
 - (b) Be inspected by the state fire marshal.
- (2) In addition to the requirements of this chapter, you are also responsible for complying with any local building ordinances. Local officials are responsible for enforcing city ordinances and county codes, such as zoning and building regulations. You must contact your local building jurisdiction to determine if local ordinances are different than our standards. If you encounter conflicts or differing interpretations, contact us immediately.

(3) We must notify the local planning office of your intention to operate a child care center within the local jurisdiction.

(4) Other state agencies such as labor and industries, the Fire Marshal and the department of health have regulations that apply to child care centers. You are responsible to contact those agencies to obtain their regulations. The other agencies are responsible to monitor and enforce their regulations.

NEW SECTION

WAC 388-295-0050 Can I get a waiver (exception) to the minimum licensing requirements? (1) In an individual case we can, if we decide you have a good reason, waive a specific requirement and can approve an alternate method for you to achieve the specific requirement if you:

- (a) Submit the request in writing to us;
 - (b) Explain in detail the reason you need the waiver; and
 - (c) Can demonstrate that you have an alternative method of meeting the intent of the requirement.
- (2) If the waiver is approved, you must retain a copy of the written waiver approval on the child care premises.

(3) We will approve a waiver request if:

- (a) You have a good reason;
- (b) We determine that approval of the waiver request will not endanger the safety or welfare of the child or take away from the quality of your service;
- (c) The request and approval is for a specific purpose or child; and
- (d) The waiver request is for a specific period of time, which must not go beyond the date the license expires.
- (4) We can limit or restrict a license issued to you in combination with a waiver.
- (5) You have no appeal rights to the denial of a waiver request under chapter 34.05 RCW.

NEW SECTION

WAC 388-295-0055 Can I get a dual license? We may either:

- (1) Issue a child care center license to you having a license involving full-time care; or
- (2) Permit simultaneous care for the child and adolescent or adult on the same premises if you:
 - (a) Demonstrate evidence that care of one client category will not interfere with the quality of services provided to another category of clients;
 - (b) Maintain the most stringent maximum capacity limitation for the clients categories concerned;
 - (c) Request and obtain a waiver permitting dual licensure; and
 - (d) Request and obtain a waiver to subsection (2)(b) of this section, if applicable.

NEW SECTION

WAC 388-295-0060 What are the requirements for applying for a license to operate a child care center? (1) To apply or re-apply for a license to operate a child care center you must:

- (a) Be twenty-one years of age or older;
 - (b) The applicant and director must attend the orientation programs we provide, arrange or approve;
 - (c) Submit to us a completed and signed application for a child care center license or certification using our forms (with required attachments).
- (2) The application package must include the following attachments:
- (a) The annual licensing fee. The fee is based on your licensed capacity, and is forty-eight dollars for the first twelve children plus four dollars for each additional child;
 - (b) A completed criminal history and background inquiry form for yourself and for each staff person or volunteer who has regular or unsupervised access to the children in care; and
 - (c) A copy of your:
 - (i) Photo identification issued by a government entity; and
 - (ii) Social Security card or verification of your employer identification number.
 - (d) An employment and education resume for:

- (i) The person responsible for the active management of the center; and
 - (ii) The program supervisor.
 - (e) Diploma or education transcript copies of the program supervisor;
 - (f) Three professional references each, for yourself, the director, and the program supervisor;
 - (g) Articles of incorporation if you choose to be incorporated;
 - (h) List of staff (form is provided in the application);
 - (i) Written parent communication (child care handbook);
 - (j) Copy of transportation insurance policy (liability and medical);
 - (k) In-service training program (for agencies employing more than five persons);
 - (l) A floor plan of the facility drawn to scale;
 - (m) A copy of your health care plan reviewed and signed by an advisory physician, physician's assistant, or registered nurse;
 - (n) A copy of your policies and procedures that you give to parents;
 - (o) A copy of your occupancy permit; and
 - (p) A copy of your health care plan signed by an advisory physician, physician's assistant, or registered nurse.
- (3) You must submit your application and reapplication ninety or more calendar days before:
- (a) The date you expect to open your new center;
 - (b) The expiration date of your current license;
 - (c) The date you expect to relocate your center;
 - (d) The date you expect to change licensee; or
 - (e) The date you expect a change in your license category.
- (4) You must provide to us any additional reports or information regarding you, any assistants, volunteers, or any other person having access to the child in care. This would include but not limited to:
- (a) Sexual deviancy evaluations;
 - (b) Substance abuse evaluations;
 - (c) Psychiatric evaluations; and
 - (d) Medical evaluations.

NEW SECTION

WAC 388-295-0070 What personal characteristics do my volunteers, all staff and I need to provide care to children? (1) You must have the following personal characteristics in order to operate or work in a child care facility:

- (a) The understanding, ability, physical health, emotional stability, good judgment and personality suited to meet the physical, intellectual, mental, emotional, and social needs of the children under your care;
 - (b) Be qualified by our background inquiry check (chapter 388-06 WAC) prior to having unsupervised access to children; and
 - (c) Be able to furnish the child in your care with a healthy, safe, nurturing, respectful, supportive, and responsive environment.
- (2) We can require you or your staff to provide us with additional information if any of those individuals are not able

to meet the requirements in chapter 388-295 WAC. This information may include, but is not limited to:

- (a) Substance and alcohol abuse evaluations and/or documentation of treatment;
 - (b) Psychiatric/psychological evaluations;
 - (c) Psychosexual evaluations; and
 - (d) Medical evaluations and/or medical records.
- (3) Any evaluation requested under WAC 388-295-0070 (2)(a) through (d) will be at the expense of the person being evaluated.
- (4) We must be given permission to speak with the evaluator in WAC 388-295-0070 (2)(a) through (d) prior to and after the evaluation.
- (5) We investigate staff and volunteers, including accessing criminal histories and law enforcement files.
- (6) We can also investigate members of your household and members of your staffs and volunteers households if we have reason to believe they have access to a child in care. This includes accessing criminal histories and law enforcement files.
- (7) We can investigate any other person who has access to a child in care, including accessing criminal history and law enforcement files.

NEW SECTION

WAC 388-295-0080 How is my licensed capacity determined? (1) Maximum allowable capacity of your center is determined based on useable square footage and available toilets and sinks. The licensed capacity (the number of children you are allowed to have in your center at any one time) may be less than the maximum capacity, but not exceed it. The licensed capacity is based on our evaluation of the program, the ages and characteristics of the children, the experience of the staff, and usable floor space. You must have:

- (a) Fifty square feet of useable floor space per infant (includes crib, playpen, infant bed and bassinets);
 - (b) Thirty-five square feet of useable floor space for each toddler or older child that is dedicated to the children during child care hours; and
 - (c) Fifteen additional square feet must be provided for each toddler using a crib or playpen when cribs are located in the sleeping and play area.
- (2) The areas included in your square footage must be available at all times for the children. The following areas will not be included in determining the useable square footage for each child:
- (a) Food preparation areas of the kitchen;
 - (b) Laundry areas;
 - (c) All bath, toilet rooms and hand washing areas;
 - (d) Hallways, diaper changing areas (includes the changing table, sink and twenty-four inches of floor space around the changing table and sink), stairways, closets, offices, staff rooms, lockers and custodial areas;
 - (e) Furnace rooms, hot water heater rooms, storage rooms, or mop sink rooms; and
 - (f) Cabinets, storage, and fixed shelving spaces unless accessible to and used by children (for example, cubbies, shelves for storing toys and puzzles, bookshelves, etc.). If the

children do not have access to their cubbies or toy storage areas, it is not included in the square footage.

(3) You can use a multipurpose room and gymnasium for multiple purposes such as playing, dining, napping, and learning activities, and before and after school programs when the room:

(a) Meets the square footage requirements for the purpose and number of children to be served; and

(b) Is being used for one purpose and does not interfere with usage of the room for another purpose.

(4) You may use and consider the napping area as child care space if staff remove mats and cots when they are not in use and the children then have free access to the area.

(5) We will not issue you a license to care for more children than the rules in this chapter permit.

(6) We may issue you a license to care for fewer children than the center's maximum capacity.

NEW SECTION

WAC 388-295-0090 When will the department issue me an initial license? An initial license can be issued to centers that have not yet begun providing care, but are accepting application for potential clients.

(1) We may issue you an initial license to provide care when you can show that you are following the rules regarding the child's health and safety.

(2) The initial license may be issued if you have not yet opened for business, and so are not yet able to show that you are complying with the rules pertaining to:

- (a) Staff to child interactions;
- (b) Group size and staff to child ratios;
- (c) Behavior management and discipline;
- (d) Activity programs;
- (e) Child records and information; and
- (f) Other rules that require us to observe your facility's ability to comply with rules.

(3) You must provide us with a plan to comply with the rules listed in subsection (2)(a) through (f) of this section. We must approve of that plan.

(4) An initial license can be issued to an applicant for a period not to exceed six months, renewable for a period not to exceed two years.

(5) We will evaluate your ability to comply with all rules contained in this chapter during the period of initial licensure prior to issuing a full license.

(6) We may issue a full license to you when you have demonstrated compliance with chapter 388-295 WAC at any time during the period of initial licensure.

(7) We will not issue a full license to you if you do not demonstrate the ability to comply with all rules contained in chapter 388-295 WAC during the initial licensure.

NEW SECTION

WAC 388-295-0100 When can my license application be denied and when can my license be suspended or revoked? (1) If you do not meet the requirements in chapter

388-295 WAC we will deny your license application or suspend or revoke your license.

(2) If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility:

(a) We will consider qualifications separately and together.

(b) We will deny the license application, or suspend or revoke the license if one person fails to meet the minimum licensing requirements.

(3) We will deny, suspend, or revoke your license if you:

(a) Have been found to have abused, neglected, or sexually exploited a child as defined in chapter 26.44 RCW and WAC 388-295-0330;

(b) Have a disqualifying criminal history as listed in chapter 388-06 WAC;

(c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state. However, if you demonstrate by clear and convincing evidence that you have taken enough corrective action and rehabilitation to justify the public trust to operate the center according to the rules of this chapter, we will consider issuing you a license;

(d) Commit or allow an illegal act to be committed on the licensed premises;

(e) Allow children in your care to be abused, neglected, exploited, or treated with cruelty or indifference;

(f) Use illegal drugs;

(g) Use alcohol to the extent that it interferes with your ability to provide care for the children as required by this chapter;

(h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor's office with official identification to:

- (i) Inspect the premises;
- (ii) Access your records related to the centers operation;

or

(iii) Interview staff or children in care.

(i) Refuse to provide us a copy of your:

(i) Photo identification issued by a government entity; and

(ii) Social Security card or verification of your employer identification number.

(4) We will deny, suspend, or revoke your license if you:

(a) Try to get or keep a license by making false statements or leaving out important information on your application;

(b) Do not provide enough staff in relation to the numbers, ages, or characteristics of children in care;

(c) Allow a person who is not qualified by training, experience or temperament to care for or be in contact with children in care;

(d) Fail to provide adequate supervision to children in care;

(e) Do not exercise fiscal responsibility and accountability while operating the center;

(f) Knowingly allow an employee or volunteer on the premises that has made false statements on an application for employment or volunteer service;

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- (g) Refuse to supply additional information requested by us;
- (h) Fail to comply with the minimum licensing requirements set forth in this chapter or any provision of chapter 74.15 RCW; or
- (i) Provide care on the premises for children of an age different from the ages for which the center is licensed.

NEW SECTION

WAC 388-295-0110 When can I be fined for not following the minimum licensing requirements? (1) We will notify you in writing of our intention to impose a civil fine. We may use personal service, including by our licensor, or certified mail. The letter will include:

- (a) A description of the violation and a quote of the law or rule that you have failed to meet;
- (b) A statement of what you must do to come into compliance;
- (c) The date by which we require compliance;
- (d) Information about the maximum allowable penalty we can impose if you do not come into compliance by the given date;
- (e) How you can get technical assistance services provided by us or by others; and
- (f) Information about how you can to request an extension to the date you must be in compliance, if we decide you have a good reason.

(2) The length of time we establish for you to come into compliance depends on:

- (a) The seriousness of the violation;
- (b) The potential threat to the health, safety and welfare of children in your care; or
- (c) If you have had previous opportunities to correct the deficiency and have not done so.

(3) We will use the following criteria to determine if we will impose a civil fine based on, but not limited to, these reasons:

- (a) The child care center has previously been subject to an enforcement action for the same or similar type of violation for the same statute or rule; or
- (b) The child care center has previously been given notice of the same or similar type of violation of the same law or rule; or
- (c) The violation represents a potential threat to the health, safety, and/or welfare of children in care.

(4) We can impose a civil fine in addition to or at the same time as other disciplinary actions against a child care center. These include probation, suspension, or other action.

(5) You must pay any civil fines no more than twenty-eight days after you receive the notice that you have a fine. We may specify a later date.

(6) We can waive the fine if your center comes into compliance during the notification period.

(7) You must post the final notice of a civil fine in a noticeable place in your center. The notice must remain posted until we notify you that we have received your payment.

(8) Civil fines are set at two hundred fifty dollars per violation per day. We can assess and collect the fine with interest for each day that you fail to come into compliance.

(9) Each violation of a law or rule is a separate violation. We can penalize each violation. We can impose a penalty for each day the violation continues or as a flat amount of the maximum allowable penalty.

(10) If you fail to pay your fine within ten days after the assessment becomes final, we can suspend, revoke, or not renew your license.

(11) You have the right to a hearing when we assess a civil fine under RCW 43.20A.215.

NEW SECTION

WAC 388-295-0120 How much can I be fined? We can impose a civil fine for the following:

(1) If we determine that an agency or child care center is operating without a license we can assess a fine of two hundred fifty dollars per day for each day unlicensed child care is provided. The fine would be effective and payable within thirty days of receipt of the notification.

(2) When we impose a civil monetary penalty per WAC 388-295-0120, we can impose a civil monetary fine of two hundred fifty dollars per violation per day. The department can assess and collect the fine with interest for each day that you fail to come into compliance.

NEW SECTION

WAC 388-295-0130 When can I be fined for operating an unlicensed program? (1) If we receive information that you are operating a child care center without a license, we will investigate the allegation.

(2) We will contact you, send you a letter, or make an on-site visit to your center to determine whether you are operating without a license.

(3) If we determine that you personally or on behalf of another person are operating a child care center without a license, we will send written notification by certified mail or other method showing proof of service to the owner of the unlicensed center. This notification must contain the following:

(a) Notice to the center owner our basis for determination that the owner is providing child care without a license and the need for us to license the center;

(b) Citation of the applicable law;

(c) The assessment of two hundred fifty dollars per day fine for each day the agency provides unlicensed care. The fine is effective and payable within thirty days of the agency's receipt of the notification;

(d) Information about how to contact the division of child care and early learning;

(e) The requirement of the unlicensed center owner's need to submit an application for a license to the division of child care and early learning within thirty days of receipt of our notification to the owner;

(f) That we can forgive the fine if the center submits an application within thirty days of the notification; and

(g) The unlicensed center owner's right to an adjudicative proceeding (fair hearing) as a result of the assessment of a monetary fine and how to request an adjudicative proceeding.

NEW SECTION

WAC 388-295-0140 When can the department issue a probationary license to a child care center operator? (1) We can issue a probationary license to you based on the following factors:

- (a) Your willful or negligent failure to comply with the regulations;
- (b) Your history of noncompliance with the regulations;
- (c) How far you deviate from the regulations;
- (d) Evidence of your good faith effort to comply with the regulations; and
- (e) Any other factors relevant to your unique situation.

(2) We can issue a probationary license to you when the willful or negligent violation of the licensing requirements does not present an immediate threat to the health and well being of the children, but would be likely to do so if allowed to continue. We can also issue civil fines or other sanctions in this case. Such situations can include:

- (a) Substantiation that a child or children was abused or neglected while in the care of the center;
- (b) A fire safety inspection or health/sanitation inspection report that has been disapproved;
- (c) Use of unauthorized space for child care;
- (d) Inadequate supervision of children;
- (e) Understaffing for the number of children in care; and
- (f) Noncompliance with requirements addressing children's health, proper nutrition, discipline, emergency medical plan, sanitation and personal hygiene practices.

(3) You are required to notify parents when a probationary license is issued. You must:

- (a) Notify the parents or guardians of all children in care that the center is in probationary status. This notification must be within five working days of your receiving notification of being placed on probationary status or being issued a probationary license;
- (b) Notify the parents or guardians in writing. The notification must be approved by us before being sent; and
- (c) Provide documentation to us that parents or guardians of all children in care have been notified. You must provide

this documentation within ten working days of being notified that you have been issued a probationary license.

(4) A probationary license can be issued for up to six months and can be extended at our discretion for an additional six months.

NEW SECTION

WAC 388-295-0150 Where can I locate my child care center or facility? (1) You must locate your child care center:

- (a) On an environmentally safe site;
- (b) In a neighborhood free of a condition detrimental to the child's welfare; and
- (c) In a location accessible to other services to carry out the program.

(2) Your child care must be located in an area that is serviced by emergency fire, medical and police during the hours the children are in care.

(3) The location of your site must be approved by the local planning department, your state fire marshal, and us.

STAFFING

NEW SECTION

WAC 388-295-1010 Who can be the director of a child care center? If you apply for a license to operate a child care center, you may be the director yourself, or you can hire a director. The director is responsible for the overall management of the center's facility and operation and ensures that the center follows the minimum licensing requirements. The director must:

- (1) Be at least twenty-one years of age or older;
- (2) Have knowledge of child development as evidenced by professional reference, education, experience, and on-the-job performance;
- (3) Have written proof of education including:
 - (a) A current child development associate certificate (CDA); or
 - (b) The following minimum number of college quarter* credits or combination of college quarter credits and department-approved clock hours (ten clock hours equals one college credit) in early childhood education or child development:

If your center is licensed for this number of children:	Then the director must have completed at least this number of college quarter credits in early childhood education:	Of the total credits required, the minimum number that must be college quarter credits is:	And of the total credits required, the maximum number that can be department-approved clock hours is:
(i) Twelve or less	10	7	30 (replacing 3 college quarter hours)
(ii) Thirteen through 24	25	17	80 (replacing 8 college quarter hours)
(iii) Twenty-five or more	45	30	150 (replacing 15 college quarter hours)

*Note: One college semester credit equals one and one half (1.5) college quarter hours

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- (4) Have at least two years experience working with children the same age level as the center serves;
- (5) Not let the provision of child care interfere with their management or supervisory responsibilities;
- (6) Be on the premises for the majority of the hours that care is provided and designate a person to be in charge that meets the qualifications of a lead teacher when not present; or
- (7) Meet the STARS requirement and be listed in the state training and registry system (STARS).

NEW SECTION

WAC 388-295-1020 What if the director does not meet the minimum qualifications? (1) If the director does not meet the requirements in WAC 388-295-1010, you must have a program supervisor who:

- (a) Meets all the qualifications of WAC 388-295-1010;
 - (b) Oversees the planning and supervising of the center's learning and activity program to ensure that practices meet the WAC, are varied and developmentally appropriate; and
 - (c) Performs on-site program supervisory duties twenty hours or more a week and is not included in the staff to child ratio.
- (2) In such case, the director does not meet the minimum requirements in WAC 388-295-1010 the director shall have had at least one three credit college class in early childhood education or development.

(3) One person may be both the director and the program supervisor when qualified for both positions. The director or program supervisor must be on the premises for the majority of the hours that care is provided. If temporarily absent from the center, the director or program supervisor must leave a competent, designated staff person in charge who meets the qualifications of a lead staff person.

(4) The director or program supervisor may also serve as child care staff when such role does not interfere with the director's or program supervisor's management and supervisory responsibilities.

NEW SECTION

WAC 388-295-1030 Who can be a lead teacher in a child care center? The lead teacher is a child care staff person who is in charge of a child or group of children and implements the activity program. The lead teacher must:

- (1) Be at least eighteen years of age or older;
- (2) Have completed a high school education or the equivalent; and
- (3) Have documented child development education or work experience; or
- (4) Complete STARS training within six months of becoming a lead teacher.

NEW SECTION

WAC 388-295-1040 Who can be an assistant or aide in a child care center? You may assign a child care assistant or aide to support the lead child care staff.

- (1) The assistant or aide must be:

- (a) At least sixteen years of age; and
 - (b) Under the direct supervision of a lead child care staff person.
- (2) An eighteen years of age or older assistant or aide may be assigned to care for a child or a group of children under direct supervision of a lead staff person. This person may have sole responsibility for a group of children without direct supervision by a superior for a brief period of time.
- (3) A person under the age of eighteen years must not be assigned sole responsibility for a group of children.

NEW SECTION

WAC 388-295-1050 Who can be a volunteer in a child care center? (1) You may arrange for a volunteer to support lead child care staff. The volunteer must:

- (a) Be at least sixteen years of age or older; and
 - (b) Care for children under the direct supervision of a lead child care staff person at all times.
- (2) You may count the volunteer in the staff-child ratio when the volunteer meets staff qualification requirements and is sixteen years of age or older.

NEW SECTION

WAC 388-295-1060 What initial and ongoing state training and registry system (STARS) training is required for child care center staff? The director, program supervisor and lead teachers must register with the STARS registry and complete one of the following trainings within the first six months of employment or of being granted an initial license:

- (1) Twenty clock hours or two college quarter credits of basic training approved by the Washington state training registry system (STARS);
- (2) Current child development associate certificate (CDA) or equivalent credential, or twelve or more college credits in early childhood education or child development; or
- (3) Associate of Arts (AA), Associate of Arts and Sciences or higher college degree in early childhood education or child development.

NEW SECTION

WAC 388-295-1070 What continuing state training and registry system (STARS) training is required for child care center staff? (1) The director, program supervisor and lead teachers must complete ten clock hours or one college credit of continuing education yearly after completing the initial training required in WAC 388-295-0100.

(2) The director must have five of the ten hours in program management and administration for the first two years in the director position. Each additional year, three of the ten hours required must be in program management and administration.

NEW SECTION

WAC 388-295-1080 What topics must my new staff orientation include? You must have an orientation system in place to train each new employee and volunteer about program policies, practices, philosophies and goals. This training must include, but is not limited to, the program policies and practices listed in this chapter such as:

- (1) Minimum licensing requirements;
- (2) Planned daily activities and routines;
- (3) Child guidance and behavior management methods;
- (4) Child abuse and neglect prevention, detection, and reporting policies and procedures;
- (5) Health policies and procedures;
- (6) Communicable disease recognition and prevention;
- (7) Bloodborne pathogens;
- (8) Fire prevention, disaster plan and safety procedures;
- (9) Special health and developmental needs of the individual child;
- (10) Personnel policies, when applicable;
- (11) Limited restraint techniques;
- (12) Cultural relevancy; and
- (13) Age and developmentally appropriate practices and expectations for the age group the staff will work with.

NEW SECTION

WAC 388-295-1090 What kind of meetings or on-going training must I provide my staff? (1) You must provide or arrange for staff meetings and training opportunities for the child care staff at least quarterly; and

- (2) At a minimum, your staff and volunteers must have on-going training when there are changes:
- (a) In your policies and procedures;
 - (b) In the equipment that you use;
 - (c) In the types of services you provide; or
 - (d) To health care plans for specific children.

NEW SECTION

WAC 388-295-1100 What are the requirements regarding first aid and cardiopulmonary resuscitation (CPR) training? (1) You must ensure that at least one person of your staff with a current basic standard first aid and age appropriate CPR certificate is present with each group of children in your center at all times. For example, if you have six different classrooms with different groups of children, you must have a staff person in each room trained in first aid and CPR.

(2) The person providing the first aid and CPR training must be knowledgeable about current national first aid and CPR standards. The trainer must:

- (a) Be in the medical field;
 - (b) Be in the emergency field such as an emergency medical technician or firefighter;
 - (c) Complete a "train the trainer" course from a reputable program such as the American Red Cross, American Heart Association, National Safety Council or labor and industries;
- or

(d) Work for a company that specializes in first aid and CPR training.

(3) First aid and CPR training must be updated as required on the card or certificate received by you or your staff person. The first aid and CPR cards or certificates must have a date of expiration.

NEW SECTION

WAC 388-295-1110 Who must have Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS) and Bloodborne Pathogen training?

(1) Every employee must have written proof of HIV/AIDS and Bloodborne Pathogen training that includes prevention, transmission, treatment and confidentiality issues.

(2) You are responsible to be aware of the labor and industries rules under chapter 296-823 WAC that apply to you.

NEW SECTION

WAC 388-295-1120 What are the Tuberculosis (TB) testing requirements for the staff? (1) Each employee and volunteer must have the results of a one step Mantoux TB skin test prior to starting work.

(2) New employees and volunteers do not need a TB skin test if they have written proof of:

- (a) A negative Mantoux TB test in the twelve months prior to you hiring them;
- (b) A previously positive Mantoux TB test with documented proof of treatment or a negative chest x-ray; or
- (c) Medication therapy to treat TB.

(3) Your staff and volunteers must be re-tested for TB when you are notified that any of the staff or volunteers have been exposed to TB. They must comply with the direction of the local health jurisdictions.

PROGRAM**NEW SECTION**

WAC 388-295-2010 What types of play materials, equipment and activities must I provide for the children? You must:

(1) Provide a variety of easily accessible learning and play materials of sufficient quantity to implement the centers program and meet the developmental needs of children in care.

(2) Have a current daily schedule of activities and lesson plans that are designed to meet the children's developmental, cultural, and individual needs. The toys, equipment and schedule must be:

- (a) Specific for each age group of children; and
- (b) Include at least one activity daily for each of the following (you can combine several of the following for one activity):
 - (i) Child initiated activity (free play);
 - (ii) Staff initiated activity (organized play);
 - (iii) Individual choices for play;

- (iv) Creative expression;
- (v) Group activity;
- (vi) Quiet activity;
- (vii) Active activity;
- (viii) Large and small muscle activities; and
- (ix) Indoor and outdoor play.

(3) You must ensure the lesson plan, daily schedule of events, available toys and equipment contains a range of learning experiences to allow each child the opportunity to:

- (a) Gain self-esteem, self-awareness, self-control, and decision-making abilities;
 - (b) Develop socially, emotionally, intellectually, and physically;
 - (c) Learn about nutrition, health, and personal safety; and
 - (d) Experiment, create, and explore.
- (4) Post the daily schedule and lesson in each room for easy reference by parents and by caregivers;
- (5) Keep the daily schedule of events and lesson plans for the past six months on site for inspection;
- (6) Maintain staff-to-child ratios and group size during transitions from one activity to another during the day;
- (7) Plan for smooth transitions by:
- (a) Establishing familiar routines; and
 - (b) Using transitions as a learning experience.
- (8) Ensure the center's program affords the child daily opportunities for small and large muscle activities and outdoor play; and
- (9) Afford staff classroom planning time.

NEW SECTION

WAC 388-295-2020 How long can a child be at the center? The child may remain in care a maximum of ten hours or less each day. If needed, the time may be extended based upon the parent's typical work schedule and travel from and to the center.

NEW SECTION

WAC 388-295-2030 How should staff interact with children? To facilitate interactions between the staff and children that are nurturing, respectful, supportive and responsive, you must:

- (1) Ensure staff interact with children using positive communication (for example, children are given options of what to do rather than being told what not to do);
- (2) Support the child's development in understanding themselves and others by assisting the child to share ideas, experiences, and feelings;
- (3) Provide age-appropriate opportunities for the child to grow and develop intellectually. Examples include:
 - (a) Reading readiness skills;
 - (b) Language skills development;
 - (c) Encouraging the child to ask questions;
 - (d) Counting;
 - (e) Matching objects;
 - (f) Differentiating between large and small; and
 - (g) Sorting.

- (4) Help each child solve problems with intervention as necessary;
- (5) Encourage children to be creative in their projects;
- (6) Allow independence in selecting routine activities and projects;
- (7) Show tolerance for mistakes;
- (8) Encourage children to try new activities; and
- (9) Honor all children's race, religion, culture, gender, physical ability and family structure.

NEW SECTION

WAC 388-295-2040 What behavior management and guidance practices must I have in place? You must:

- (1) Develop and implement written behavior management and guidance practices for the center;
- (2) Guide the child's behavior based on an understanding of the individual child's needs and stage of development;
- (3) Promote the child's developmentally appropriate social behavior, self-control, and respect for the rights of others;
- (4) Ensure behavior management and guidance practices that are fair, reasonable, consistent, and related to the child's behavior;
- (5) Prevent and prohibit any person on the premises from using cruel, unusual, hazardous, frightening, or humiliating discipline, including but not limited to:
 - (a) Corporal punishment including biting, jerking, shaking, spanking, slapping, hitting, striking, kicking, pinching, flicking or any other means of inflicting physical pain or causing bodily harm to the child;
 - (b) Verbal abuse such as yelling, shouting, name calling, shaming, making derogatory remarks about a child or the child's family, or using language that threatens, humiliates or frightens a child;
 - (c) The use of a physical restraint method injurious to the child, locked time-out room, or closet for disciplinary purposes; and
 - (d) The using or withholding of food or liquids as punishment.
- (6) In emergency situations, a staff person may use limited physical restraint when:
 - (a) Protecting a person on the premises from serious injury;
 - (b) Obtaining possession of a weapon or other dangerous object; or
 - (c) Protecting property from serious damage.
- (7) Staff who use limited restraint must complete an incident report. A copy of the incident report must be:
 - (a) Placed in the child's individual record; and
 - (b) Given to the parent.

NEW SECTION

WAC 388-295-2050 Must we provide rest periods? You must:

- (1) Offer a supervised rest period to the child who is:
 - (a) Five years of age or younger and in care for more than six hours; or
 - (b) Showing a need for rest.

(2) Allow a child twenty-nine months of age or younger to follow an individual sleep schedule, and plan alternative quiet activities for the child who does not need rest.

NEW SECTION

WAC 388-295-2060 What are the requirements for evening and nighttime care? In addition to meeting the other requirements of chapter 388-295 WAC, if you offer child care during evening and nighttime hours, you must:

(1) Adapt the program, equipment, and staffing pattern to meet the physical and emotional needs of the child away from home at night such as:

(a) In centers operating past midnight, you must provide for each child a crib, mat or cot, or mattress pad, that is easily sanitized;

(b) Make arrangements for bathing as needed;

(c) Make arrangements for personal hygiene including tooth brushing;

(d) Have individual bedding appropriate for overnight sleeping; and

(e) Have separate dressing and sleeping areas for boys and girls ages six years and older or younger children demonstrating a need for privacy.

(2) Maintain the same staff-to-child ratio that is in effect during daytime care;

(3) Keep the child within continuous visual and auditory range at all times;

(4) Ensure that the staff in charge during evening and nighttime hours meets the requirements of a lead teacher; and

(5) Ensure all staff attending to children in care are awake.

NEW SECTION

WAC 388-295-2070 What do I need to transport the children on off-site trips? (1) You may transport a child or permit the child to travel off-site only with written parental consent. The purpose may be to attend school, participate in supervised field trips, or engage in other supervised off-site activities.

(2) The parent's consent may be:

(a) For a specific date or trip; or

(b) A blanket authorization describing the full range of trips the child may take. If that is the case, you must notify the parent in writing at least twenty-four hours in advance about any specific trip.

(3) When transportation is provided by the center for children in care:

(a) The driver must have a valid Washington state driver's license to operate the type of vehicle being driven;

(b) The number of passengers cannot exceed the seating capacity of the vehicle;

(c) Either the center owner or the driver must have liability and medical insurance; and

(d) The driver, parent volunteer, or staff supervising the children being transported in each vehicle must have current CPR and first-aid training written documentation on file.

(4) When you transport children, the vehicle used must:

(a) Have a current license and registration according to Washington state transportation laws;

(b) Be maintained in good repair and safe operating condition; and

(c) Be equipped with:

(i) At least one first-aid kit that meets the requirements of WAC 388-295-5010;

(ii) Vehicle emergency reflective triangles or other devices to alert other drivers of an emergency;

(iii) The health history and emergency information for each child in the vehicle; and

(iv) A method to call for emergency help.

(5) You must meet the child passenger restraint system requirements in RCW 46.61.687 when transporting children. Contact your local state patrol office for more information.

(6) When you transport children, you must maintain the staff-to-child ratio established for the youngest child in the group; and

(7) Staff or driver must not leave the children unattended in the motor vehicle.

NEW SECTION

WAC 388-295-2080 What must I communicate to parents? (1) You must have written documentation signed by the parent in each child's file that you have:

(a) Explained to the parent the centers policies and procedures;

(b) Discussed the centers philosophy, program and facilities;

(c) Advised the parent of the child's progress and issues relating to the child's care and individual practices concerning the child's special needs; and

(d) Encouraged parent participation in center activities.

(2) You must also give the parent the following written policy and procedure information:

(a) Enrollment and admission requirements;

(b) The fee and payment plan;

(c) A typical activity schedule, including hours of operation;

(d) Meals and snacks served, including guidelines on food brought from the child's home;

(e) Permission for free access by the child's parent to all center areas used by the child;

(f) Signing in and signing out requirements;

(g) Child abuse reporting law requirements;

(h) Behavior management and discipline;

(i) Nondiscrimination statement;

(j) Religious and cultural activities, if any;

(k) Transportation and field trip arrangements;

(l) Practices concerning an ill child;

(m) Medication management;

(n) Medical emergencies;

(o) Disaster preparedness plans; and

(p) If licensed for the care of an infant or toddler:

(i) Diapering;

(ii) Toilet training; and

(iii) Feeding.

NEW SECTION

WAC 388-295-2090 What are the required staff to child ratios and maximum group sizes for my center? (1) You must ensure the required staff to child ratios are met at all times when children are in your care. In centers licensed for thirteen or more children, the licensee must conduct group activities within the group size and staff to child ratio requirements, according to the age of the children:

If the age of the children is:	Then the staff to child ratio is:	And the maximum group size is:
(a) One month, through 11 months (infant)	1:4	8
(b) Twelve months through 29 months (toddler)	1:7	14
(c) Thirty months through 5 years (preschooler)	1:10	20
(d) Five years and 12 years (school-age child)	1:15	30

(2) In centers licensed for twelve or fewer children, you may combine children of different age groups, provided you:

- (a) Maintain the staff-to-child ratio designated for the youngest child in the mixed group; and
- (b) Provide a separate care area when four or more infants are in care. In such case the maximum group size shall be eight infants.

(3) You must conduct activities for each group in a specific room or other defined space within a larger area.

(4) You must ensure each group is under the direct supervision of a qualified staff person or team of staff involved in directing the child's activities.

(5) We may approve reasonable variations to group size limitations if you maintain required staff-to-child ratios, dependent on:

- (a) Staff qualifications;
- (b) Program structure; and
- (c) Useable square footage.

(6) After consulting with the child's parent, you may place the individual child in a different age group and serve the child within the different age group's required staff-to-child ratio based on the child's:

- (a) Developmental level; and
- (b) Individual needs.

(7) You may briefly combine children of different age groups provided you maintain the staff-to-child ratio and group size designated for the youngest child in the mixed group.

(8) In centers licensed for thirteen or more children, you may group ambulatory children between one year, and two years of age with older children, provided:

- (a) The total number of children in the group does not exceed twelve; and
- (b) Two staff are assigned to the group.

(9) You must ensure the staff person providing direct care and supervision of the child is free of other duties at the time of care.

(10) You must maintain required staff-to-child ratios indoors, outdoors, on field trips, and during rest periods.

During rest periods, staff may be involved in other activities if:

- (a) Staff remain on the premises;
- (b) Each child is within continuous visual and auditory range of a staff person.

(11) You must ensure staff:

- (a) Attend to the group of children at all times; and
- (b) Keep each child (including school age children) within continuous visual and auditory range of center staff. Toilet trained children using the toilet must be within auditory range of a center staff member.

(12) When only one staff person is present, you must ensure a second staff person is readily available in case of emergency.

(13) When only one caregiver is required to meet the staff to child ratio, you must be sure there is coverage for emergencies to meet both ratios and worker qualifications by either:

- (a) Posting the name, address, and telephone number of a person who meets the qualifications of at least a lead teacher, who has agreed in writing to be available to provide emergency relief and who can respond immediately; or
- (b) Having a second person that meets the qualifications of at least a lead teacher on the premises who is not needed for the staff to child ratio, but is available to provide emergency relief.

(14) Service staff, such as cooks, janitors, or bus drivers, must not be counted in the required staff to child ratio unless they:

- (a) Meet child care worker qualifications; and
- (b) Are acting as a child care provider and are giving full attention to the children.

NEW SECTION

WAC 388-295-2100 What are the exceptions to group sizes and staff to child ratios? (1) If the center is licensed for twelve or fewer children, you may combine children (excluding infants) of different age groups if you:

(a) Maintain the staff to child ratio for the youngest child in the mixed group; and

- (b) Provide a separate area when infants are in care.

(2) You must conduct activities for each group in a specific room or other specifically defined space within a larger area;

(3) Excluding infants, you may place an individual child in a different age group and serve the child within the different age group's required staff to child ratio, based on the child's individual needs and developmental level. You must consult with the child's parent prior to making the change;

(4) Excluding infants, you may briefly combine children of different age groups such as at the beginning of the day and the end of the day provided you maintain the staff to child ratio and group size designated for the youngest child in the mixed group;

(5) You may have nine infants in a classroom with appropriate square footage if you maintain a ratio of one staff to three infants; and

(6) You can request a waiver to group size limitations. If we approve variations to group size limitations, you must

PROPOSED

maintain the required staff-to-child ratios. Our approval will depend on but is not limited to:

- (a) Staff qualifications;
- (b) Program structure;
- (c) Square footage; and
- (d) Lower staff to child ratios.

NEW SECTION

WAC 388-295-2110 Are children allowed in the kitchen when they are doing supervised activities? (1) You must be sure that children are kept out of the kitchen except during supervised activities.

(2) When children are in the kitchen, you must:

- (a) Supervise food preparation activities involving children; and
- (b) Make the kitchen environmentally safe for children to participate in planned kitchen activities.

NEW SECTION

WAC 388-295-2120 Are there special program requirements for infants and toddlers? (1) Infants and toddlers must:

- (a) Be encouraged to handle and manipulate a variety of objects;
 - (b) Have a safe environment for climbing, moving and exploring;
 - (c) Be provided with materials and opportunities for large and small muscle development;
 - (d) Have daily opportunities to be talked and read to;
 - (e) Have daily indoor opportunities for freedom of movement outside their cribs, in an open, uncluttered space;
 - (f) Be placed in a prone (lying on the tummy) position part of the time they are awake and observed;
 - (g) Not be left in car seats once they arrive at the center even if they are asleep; and
 - (h) Not be left in playpens for extended periods of time excluding sleep time.
- (2) Staff must:
- (a) Talk to and interact with each infant and toddler often and encourage them to respond. Naming objects and describing care encourages language development;
 - (b) Hold and cuddle infants and toddlers to encourage strong relationships; and
 - (c) Respond to and investigate cries or other signs of distress immediately.
- (3) Toys, objects and other play materials must:
- (a) Be cleanable;
 - (b) Be nontoxic; and
 - (c) Not cause a choking hazard for infants or toddlers.
- (4) Time in swings, exercisers and other confining equipment must not exceed fifteen minutes every four hours; and
- (5) Baby walkers must not be used.

NEW SECTION

WAC 388-295-2130 Do I need an outdoor play area? You must provide an outdoor program that promotes the

child's coordination, active play, and physical, mental, emotional, and social development based on their age.

(1) You must provide a safe play area adjoining the indoor premises directly or reachable by a safe route or method;

(2) The outdoor play area must have adequate drainage and be free from health and safety hazards;

(3) You must make sure the play area contains a minimum of seventy-five usable square feet per child using the play area at any one time. If the center uses a rotational schedule of outdoor play periods so only a portion of the child population uses the play area at one time, you may reduce correspondingly the child's play area size;

(4) If you provide full-time care, you must ensure the center's activity schedule provides the child daily morning and afternoon outdoor play;

(5) If you provide drop-in care only, at our discretion we may approve equivalent, separate, indoor space for the child's large muscle play;

(6) You must ensure appropriate child grouping by developmental or age levels, staff-to-child ratio adherence, and maintain group maintenance;

(7) Staff must be outdoors with the children in continuous visual and auditory range;

(8) You must provide a variety of age-appropriate play equipment for climbing, pulling, pushing, riding and balancing activities; and

(9) You must arrange, design, construct, and maintain equipment and ground cover to prevent child injury.

HEALTH AND NUTRITION

NEW SECTION

WAC 388-295-3010 What kind of health policies and procedures must I have? (1) You must have written health policies and procedures that are:

- (a) Written in a clear and easily understood manner;
- (b) Shared with all new staff during orientation;
- (c) Posted for staff and families to review; and
- (d) Reviewed and signed by a physician, a physician's assistant or registered nurse when you change your policies and procedures or type of care that you provide, or at least every three years when you are due for re-licensure. (For example, if you go from caring for children from twelve months and older to caring for infants, you need to update your health policies and procedures and have them reviewed and signed.)

(2) Your health policies and procedures must have information on how you plan to:

- (a) Provide general cleaning of areas including but not limited to bathrooms, floors, walls, and doorknobs;
- (b) Clean and sanitize areas including but not limited to food contact surfaces, kitchen equipment, diapering areas, toys, toileting equipment and areas, equipment that might be shared with several children such as sleep mats, cribs or high chairs;
- (c) Prevent, manage and report communicable diseases;

- (d) Handle minor injuries such as nosebleeds, scrapes and bruises;
 - (e) Provide first aid;
 - (f) Screen children daily for illnesses;
 - (g) Notify parents that children have been exposed to infectious diseases and parasites;
 - (h) Handle minor illnesses;
 - (i) Handle major injuries and medical emergencies that require emergency medical treatment or hospitalization;
 - (j) Manage medication;
 - (k) Assist with handwashing and general hygiene including diapering and toileting;
 - (l) Handle food;
 - (m) Provide nutritious meals and snacks;
 - (n) Respond during any disasters;
 - (o) Care for children that may have special needs;
 - (p) Care for infants and obtain infant nurse consultation (if licensed for four or more infants); and
 - (q) Place infants to sleep on their backs to reduce the risk of Sudden Infant Death Syndrome (SIDS).
- (3) Your health policies and procedures must have information on when you plan to:
- (a) Require ill children to stay home and for how long;
 - (b) Allow the ill child to return; and
 - (c) Call a parent to pick up their child and how you will care for the child until the parent arrives.

NEW SECTION

WAC 388-295-3020 How often must staff wash their hands? Staff and volunteers must wash their hands with soap and warm water:

- (1) When arriving at work;
 - (2) After toileting a child;
 - (3) Before, during (may use wet wipe) and after diapering a child;
 - (4) After personal toileting;
 - (5) After attending to an ill child;
 - (6) Before and after preparing, serving, or eating food;
 - (7) Before and after giving medication;
 - (8) After handling, feeding or cleaning up after animals;
 - (9) After handling bodily fluids;
 - (10) After smoking;
 - (11) After being outdoors or involved in outdoor play;
- and
- (12) As needed.

NEW SECTION

WAC 388-295-3030 When is a child or staff member too ill to be at child care? (1) Your staff must check all children for signs of illness when they arrive at the center and throughout the day.

- (2) You must exclude children and staff with the following symptoms from care:
- (a) Diarrhea (three or more watery stools or one bloody stool within twenty-four hours);
 - (b) Vomiting (two or more times within twenty-four hours);

(c) Open or oozing sores, unless properly covered with cloths or with bandages;

(d) For suspected communicable skin infection such as impetigo, pinkeye, and scabies: The child may return twenty-four hours after starting antibiotic treatment;

(e) Lice or nits; and

(f) Fever of 100°F or higher and who also have one or more of the following:

(i) Earache;

(ii) Headache;

(iii) Sore throat;

(iv) Rash; or

(v) Fatigue that prevents participation in regular activities.

(3) Children and staff who have a reportable disease may not be in attendance at the child care center unless approved by the local health authority.

(4) You must not take ear or rectal temperatures. Oral temperatures can be taken for preschool through school age if single use disposable covers are used over the thermometer.

(5) When a child becomes ill or injured while in your care, you must:

(a) Keep a confidential, individualized, written record in the child's file that includes the:

(i) Date of an illness or injury;

(ii) Treatment provided while in care; and

(iii) Names of the staff providing the treatment.

(b) Provide a copy of the illness or injury report to the parent; and

(c) Keep a current, written incident log listing date of illness or injury, the child's name, names of staff involved, and a brief description of the incident for tracking and analysis.

(6) You must notify parents in writing when their children have been exposed to infectious diseases or parasites. The notification may consist of either a letter to parents or posting a notification for parents in a visible location.

(7) You are a mandated disease reporter to the health department per WAC 246-101-415. You can obtain a list of reportable diseases, timeframes for reporting and reporting phone numbers from your local health department.

NEW SECTION

WAC 388-295-3040 How often must children wash their hands? Children must wash their hands with soap and warm water:

(1) On arrival at the center;

(2) After using the toilet;

(3) After the child is diapered;

(4) After outdoor play;

(5) After playing with animals;

(6) After touching body fluids (such as blood or after nose blowing or sneezing); and

(7) Before and after the child eats or participates in food activities.

NEW SECTION

WAC 388-295-3050 Am I required to give medications to the children in my care? If a child has a condition where the Americans with Disabilities Act (ADA) would apply you must make reasonable accommodation and give the medication.

NEW SECTION

WAC 388-295-3060 Who can provide consent for me to give medication to the children in my care? (1) Parents must give written consent before you give any child any medication. The parents written consent must include:

- (a) Child's first and last name;
- (b) Name of medication;
- (c) Reason for giving medication;
- (d) Amount of medication to give;
- (e) How to give the medication (route);
- (f) How often to give the medication;
- (g) Start and stop dates;
- (h) Expected side effects; and
- (i) How to store the medication consistent with directions on the medication label.

(2) The parent consent form is good for the number of days stated on the medication bottle for prescriptions. You cannot give medication past the days prescribed on the medication bottle even if there is medication left.

(3) You can give the following medications with written parent consent if the medication bottle label tells you how much medication to give based on the child's age and weight:

- (a) Antihistamines;
 - (b) Nonaspirin fever reducers/pain relievers;
 - (c) Nonnarcotic cough suppressants;
 - (d) Decongestants;
 - (e) Ointments or lotions intended to reduce or stop itching or dry skin;
 - (f) Diaper ointments and nontalc powders, intended only for use in the diaper area; and
 - (g) Sun screen for children over six months of age.
- (4) All other over the counter medications must have written directions from a health care provider with prescriptive authority before giving the medication.

(5) You cannot mix medications in formula or food unless you have written directions to do so from a health care provider with prescriptive authority.

(6) You cannot give the medication differently than the age and weight appropriate directions or the prescription directions on the medication label unless you have written directions from a health care provider with prescriptive authority before you give the medication.

(7) If the medication label does not give the dosage directions for the child's age or weight, you must have written instructions from a health care provider with prescriptive authority in addition to the parent consent prior to giving the medication.

(8) You must have written consent from a health care provider with prescriptive authority prior to providing:

- (a) Vitamins;
- (b) Herbal supplements; and

(c) Fluoride.

NEW SECTION

WAC 388-295-3070 How must I store medications? (1) You must store medications in the original container labeled with:

- (a) The child's first and last names;
- (b) If a prescription, the date the prescription was filled;
- (c) The expiration date; and
- (d) easy to read instructions on how to give the medication (i.e., the bottle is in the original package or container with a clean and readable label).

(2) You must store medications:

- (a) In a container inaccessible to children (including staff medications);
- (b) Away from sources of moisture;
- (c) Away from heat or light;
- (d) Protected from sources of contamination;
- (e) According to specific manufacturers or pharmacists directions;

(f) Separate from food (medications that must be refrigerated must be in a container to keep them separate from food); and

(g) In a manner to keep external medications that go on the skin separate from internal medications that go in the mouth or are injected into the body.

(3) All controlled substances must be in a locked container.

NEW SECTION

WAC 388-295-3080 Can I use bulk medications (use one container for all the children such as with diaper ointments)? You can keep bulk containers of diaper ointments and nontalc type powders intended for use in the diaper area and sun screen if you:

- (1) Obtain written parental consent prior to use;
- (2) Use for no longer than six months; and
- (3) Notify the parents of the:
 - (a) Name of the product used;
 - (b) Active ingredients in the product; and
 - (c) Sun protective factor (SPF) in sun screen.
- (4) Apply the ointments in a manner to prevent contaminating the bulk container.

NEW SECTION

WAC 388-295-3090 How do I handle left over medication? You must not keep old medications on site. When a child is finished with a medication, you must either:

- (1) Give it back to the parent; or
- (2) Dispose of it by flushing medication(s) down the toilet.

NEW SECTION

WAC 388-295-3100 When can children take their own medication? (1) Children can take their own medication if they:

- (a) Have a written statement from the parent requesting the child take their own medication;
 - (b) Have a written statement from a health care provider with prescriptive authority stating that the child is physically and mentally capable of taking their own medication; and
 - (c) Meet all other criteria in this chapter 388-295 WAC including storage of medications.
- (2) A staff member must observe and document that the child took the medication.

NEW SECTION

WAC 388-295-3110 Do I need special equipment to give medication? To give liquid medication you must use a measuring device designed specifically for oral or liquid medications. Parents should provide the measuring devices for individual use.

NEW SECTION

WAC 388-295-3120 What documentation is required when giving children medication? You must keep a confidential, written record in the child's file of:

- (1) Child's full name, date, time, name of medication and amount given (indicate if self-administered);
- (2) Initial of staff person giving medication or observing the child taking the medication with a corresponding signature on the medication record to validate the initials; and
- (3) Provide a written explanation why a medication that should have been given was not given.

NEW SECTION

WAC 388-295-3130 Can anyone else give medication to children in my care? (1) Only staff persons who have been oriented to your center's medication policies and procedures can give medications.

- (2) You must have documentation that the staff person has been oriented.
- (3) Before a staff may administer medications they must ask parents to provide instruction on specialized medication administration procedures or observations, i.e., how to use the nebulizer, epi-pens or individual child's preference for swallowing pills.

NEW SECTION

WAC 388-295-3140 What kind of milk can I serve?

- (1) Only pasteurized milk or pasteurized milk products can be served to children in your care.
- (2) Nondairy milk substitutes may be served only with written permission of the child's parent.
- (3) The amount of required milk fat in the milk product is determined by the child's age:

If the age of the child is:	Then the fat content of the milk must be:
(a) Under 12 months	Full strength formula or full strength breast milk unless there is specific written instructions from a licensed health care provider.

If the age of the child is:	Then the fat content of the milk must be:
(b) Between 12 months and 24 months	Full strength whole milk unless there is specific written instruction from a licensed health care provider.
(c) Over 24 months	With or without fat content of providers or parents choice.

NEW SECTION

WAC 388-295-3150 How many meals and snacks must I serve? (1) The number of meals or snacks you must serve is based on the number of hours you are open.

If you are open:	You must serve at least:
(a) Nine hours or less	(i) Two snacks and one meal; or (ii) One snack and two meals.
(b) Over nine hours	(i) Two snacks and two meals; or (ii) Three snacks and one meal.

- (2) You must also offer:
 - (a) Food at intervals not less than two hours and not more than three and one-half hours apart;
 - (b) Offer breakfast or snack to children in morning care whether or not the child ate before arriving at the center;
 - (c) Breakfast to the child in nighttime care if the child remains at the center after the child's usual breakfast time;
 - (d) A snack or meal for children arriving after school;
 - (e) Dinner to children in nighttime care if the children are at the center after their usual dinnertime or have not had dinner; and
 - (f) An evening snack to children in nighttime care.

NEW SECTION

WAC 388-295-3160 What kind of food and menus must I have? (1) You must:

- (a) Prepare, date, and conspicuously post menus one week or more in advance, containing the meals and snacks to be served;
 - (b) Provide two weeks or more of meal and snack menu variety before repeating the menu;
 - (c) Keep six months of past menus on-site for inspection by the department;
 - (d) Make substitutions of comparable nutrient value and record changes on the menu, when needed;
 - (e) Provide daily a minimum of one serving of Vitamin C fruit, vegetable, or juice;
 - (f) Provide three or more times weekly foods high in Vitamin A; and
 - (g) You must maintain at least a three day supply of food for emergency purposes based on the number of children in child care.
- (2) Each meal (breakfast, lunch and dinner) the child eats at the center must contain:
- (a) A milk product (such as milk, cottage cheese, yogurt, cheese);
 - (b) Meat or meat alternative (such as meat, fish, legumes, tofu, beans, egg) excluding the breakfast meal;
 - (c) A bread or bread alternative (such as cereals, bagels, rice cakes);

PROPOSED

(d) A fruit or vegetable (a total of two servings daily). When juice is served in place of a fruit or vegetable it must be one hundred percent fruit or vegetable juice.

(3) When meals are not provided by the center you must:

(a) Notify parents in writing that meals must meet the daily nutritional requirements;

(b) Provide adequate storage for keeping potentially hazardous foods (such as meats of any type, cooked potato, cooked legumes, cooked rice, sprouts, cut melons or cantaloupes, milk, cheese);

(c) Refrigerate foods requiring refrigeration at 45°F or less and keep frozen foods at 10°F until they are cooked or consumed.

(4) Each snack the child eats at the center must include at least two of the following four components:

(a) A milk product (such as milk, cottage cheese, yogurt, cheese);

(b) A meat or meat alternative (such as meat, legumes, beans, egg);

(c) Bread or bread alternative (such as cereals, bagels, rice cakes); and

(d) Fruit or vegetable (total of two servings).

(5) Each snack or meal must include something to drink. The drink could be water or one of the required components such as milk, fruit or vegetable juice.

(6) You may allow parents to bring in snacks for all the children that may not meet the nutritional requirements on special occasions such as birthdays. The snacks provided by parents must be limited to store purchased:

(a) Uncut fruits and vegetables; and

(b) Foods prepackaged in original manufacturer's containers.

(7) If a child has a food allergy or special menu requirements due to a health condition, you must:

(a) Receive written directions from the child's parent to provide nutrient supplements (such as fluoride, iron), a medically modified diet (such as a fluid restriction or diabetic diet), or an allergy diet. For allergy diets, the parent and child's health care provider must identify the foods the child is allergic to;

(b) Post each child's food allergies in locations where food is prepared and served;

(c) Include the allergies on the individual health care plan;

(d) Specify an alternative food with comparable nutritive value; and

(e) Notify staff of the allergies and reactions. NOTE: You can require parents to supply food for supplements and special diets.

NEW SECTION

WAC 388-295-3170 What are the food service standards I am required to meet? You must maintain on site at least one person with a Washington state department of health food handler's permit to:

(1) Monitor and oversee food handling and service at the center; and

(2) Provide orientation and on going training as needed for all staff involved in food handling. Anyone cooking full meals must have a food handlers permit.

NEW SECTION

WAC 388-295-3180 What are approved food sources? You must:

(1) Prepare or serve food that is not tampered with or spoiled and is obtained from an approved source including, but not limited to, a licensed caterer, a food service company or a grocery store. Food sources that are not approved include:

(a) Left over food that was previously served from outside your center;

(b) Home canned, frozen or prepared food unless it is for the person's own children;

(c) Donated food from restaurants or caterers that was previously served;

(d) Game meat that has not been inspected by the USDA; and

(e) Donated meat, fish, poultry or milk that is not from a source inspected for sale.

(2) Prepare all food on site unless it is provided by a:

(a) Licensed satellite kitchen, catering kitchen or other source licensed by the local health jurisdiction; or

(b) Parent for individual children.

(3) Have a signed contract or agreement with any satellite kitchen or the catering service that you use. Your contract must include written proof that the caterer and the method of transporting the food are approved by the local health jurisdiction as meeting the requirements of department of health, chapter 246-215 WAC.

(4) Have a written policy if you use a satellite kitchen that describes:

(a) A description of how food will be handled once it is on-site; and

(b) What back up system you will use if the food does not arrive, not enough food arrives, or the food cannot be served.

NEW SECTION

WAC 388-295-3190 How can we be sure that the food we serve is safe? (1) You need to develop and implement a system to monitor the temperature of potentially hazardous foods during cooking, re-heating, cooling, storing, and hot and cold holding temperatures to be sure that:

(a) Food will be cooked to the minimum correct internal temperature:

(i) Ground beef and pork sausage 155°F;

(ii) Pork 150°F;

(iii) Fish and seafood 140°F;

(iv) Poultry and stuffing 165°F;

(v) Eggs 140°F;

(vi) Beef (not ground) and lamb 140°F.

(b) Previously prepared food is reheated one time only to an internal temperature of 165°F within sixty minutes;

(c) Hot food is kept at a temperature of 140°F or above until served;

(d) Cold food is kept at a temperature of 45°F or less;

(e) Refrigerators have a thermometer in or near the door and are kept at 45°F or less; and

(f) Freezers have a thermometer in or near the door and are kept at 10°F or less.

(2) You must develop a system to record the temperature of each perishable food once it arrives from a satellite kitchen or a catering service. The system must include keeping records on site for six months with the following information:

(a) The name and the temperature of the food;

(b) The date and time the temperature was checked; and

(c) The name and signature or recognized initials of the person who is checking and recording the food temperatures.

(3) You may serve previously prepared food that has not been previously served that was stored at the proper temperature for up to forty-eight hours after preparation. Leftover foods or open foods in the refrigerator must be labeled with the date that they were opened or cooked.

NEW SECTION

WAC 388-295-3200 How do we safely store food?

You must store food:

(1) In the original containers or in clean, labeled containers that are airtight and off the floor;

(2) In a manner that prevents contamination from other sources;

(3) In an area separate from toxic materials such as cleaning supplies, paint, or pesticides;

(4) That is not past the manufacturer's expiration or freshness date;

(5) In a refrigerator or freezer if cooling is required;

(6) Raw meat, poultry or fish must be stored in the refrigerator, below cooked or ready to eat foods;

(7) Foods not requiring refrigeration must be stored at least six inches above the floor in a clean, dry, ventilated storeroom or other areas; and

(8) Dry bulk foods not in their original containers, must be stored in containers with tight fitting covers. Containers must be labeled and dated.

NEW SECTION

WAC 388-295-3210 How do we safely thaw foods?

(1) You must be sure that food is thawed by one of the following methods:

(a) In a refrigerator;

(b) Under cool running water, in a pan placed in a sink with the stopper removed;

(c) In a microwave, if the food is to be cooked immediately; or

(d) As part of the continuous cooking process.

(2) You may not use the microwave oven to thaw and heat infant formula, breast milk any infant food or as the initial source for cooking food.

NEW SECTION

WAC 388-295-3220 What type of kitchen material and equipment is required? You need the following equipment to cook and serve meals without restrictions on the type of menus or foods that you can cook, serve or store:

(1) Kitchen walls, counter tops, floors, cabinets and shelves that are:

(a) Maintained in good repair to include being properly sealed without chips or cracks;

(b) Moisture resistant; and

(c) Maintained in a clean and sanitary condition.

(2) A commercial or noncommercial type range with a properly vented hood or exhaust fan, except when serving only snacks;

(3) A commercial or noncommercial type refrigerator, freezer or a combination refrigerator with sufficient space for proper storage and cooling of food;

(4) Hand washing facilities located in or adjacent to the food preparation area with hand washing procedures posted at each sink used for hand washing and followed by all persons who participate in food preparation.

(5) A method to clean and sanitize equipment using:

(a) A two compartment sink and a domestic or home type automatic dishwasher capable of reaching a temperature of 140°F; or

(b) The means to appropriately clean and sanitize dishes and utensils through the use of a three compartment sink method where sink one is used to wash, sink two is used to rinse, and sink three contains a sanitizing ingredient;

(7) You may use a microwave oven to reheat foods if the food is:

(a) Rotated or stirred during heating;

(b) Covered to retain moisture; and

(c) Held for two minutes prior to serving to allow the temperature to spread evenly throughout the food.

NEW SECTION

WAC 388-295-3230 What type of eating and drinking equipment must I provide? (1) You must provide eating and drinking equipment that is:

(a) Cleaned between use by different children;

(b) Free from cracks or chips;

(c) Individual; and

(d) Developmentally appropriate.

(2) You must not directly serve food on the table without a plate or paper napkin;

(3) You must use gloves, tongs, or spoons to serve food;

(4) You may have inclined jet-type drinking fountains. Bubble-type drinking fountains and drinking fountains attached to or part of sinks used for any purpose other than the drinking fountain cannot be used; and

(5) You must not have drinking fountains in restrooms.

CARE OF YOUNG CHILDREN

NEW SECTION

WAC 388-295-4010 At what age can we accept infants into care? You must not accept an infant into care that is less than one month of age.

NEW SECTION

WAC 388-295-4020 How do we meet the nutritional needs of the infants in our care? To meet the nutritional needs of the infants in your care, you must:

- (1) Have written policies on providing, preparing, storing and sanitizing infant formula, food and utensils; and
- (2) Work with the infant's parent to develop a plan for the infant's feedings that is acceptable to the parent and incorporates the following guidelines:

Developmental Stage/Age of Infant	Type of Feeding
(a) Under 4 months of age	Serve only formula or breast milk unless you have a written order from the child's health care provider.
(b) When baby can: (at about 4-6 months of age) Sit with support Hold head steady Close lips over the spoon Keep food in mouth and swallow it.	Begin iron fortified baby cereal and plain pureed fruits and vegetables upon consultation with parents.
(c) When baby can: (at about 6-8 months) Sit without support Begin to chew Sip from a cup with help Grasp and hold onto things	Start small amounts of juice, or water in a cup. Let baby begin to feed self. Start semi-solid foods such as cottage cheese, mashed tofu, mashed soft vegetables or fruits.
(d) When baby can: (at about 8-10 months) Take a bite of food Pick up finger foods and get them into the mouth Begin to hold a cup while sipping from it	Small pieces of cheese, tofu, chicken, turkey, fish or ground meat. Small pieces of soft cooked vegetables, peeled soft fruits. Toasted bread squares, unsalted crackers or pieces of soft tortilla. Cooked plain rice or noodles. Only formula, breast milk, juice or water in the cup.
(e) When a baby can: (10-12 months) Finger Feed Chew and swallow soft, mashed and chopped foods Start to hold and use a spoon Drink from a cup	Begin offering small sized, cooked foods. Variety of whole grain cereals, bread and crackers, tortillas. Cooked soft meats, mashed legumes (lentils, pinto beans, kidney beans, etc.), cooked egg yolks, soft casseroles.
(f) When a baby can eat a variety of foods from all food groups without signs of an allergic reaction	Fruit pieces and cooked vegetables. Yogurt, cheese slices. Offer small amounts of formula, breast milk or water in the cup during meals.

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 388-295-4030 What is a safe way to prepare bottles? (1) Parents may bring filled bottles labeled with the infant's name from home for daily use (see WAC 388-295-4040).

- (2) To prepare bottles you must:
 - (a) Prepare and fill bottles by washing hands prior to bottle preparation;
 - (b) Use a sink that is only for bottle preparation, other food preparation or other approved source of water. Water from a handwashing sink may not be used for bottle preparation; and
 - (c) Do not heat a bottle in a microwave or allow bottles to warm at room temperature for more than an hour, to limit bacterial growth.
- (3) The bottle preparation sink must:
 - (a) Be located at least eight feet from the outermost edge of diaper changing tables or counters and sinks used for diaper changing; or
 - (b) Have a barrier to prevent cross-contamination that is placed between the sink used for food or bottle preparation and the diaper changing table, counter or sink. If a barrier is used, it must be:
 - (i) Solid (without cracks or breaks);
 - (ii) Sealed;
 - (iii) Moisture-resistant; and
 - (iv) At least twenty-four inches in height from the counter surface.
 - (4) If the infant room does not have a sink that is dedicated to bottle and food preparation, you must provide a clean source of water for preparing bottles such as getting water from the kitchen and keeping it in a container with an airtight cover that:
 - (a) Is located at least eight feet from the outermost edge of diaper changing tables or counters and sinks used for diaper changing; or
 - (b) Has a barrier that meets the requirements in WAC 388-295-4030 (3)(b) to prevent cross-contamination that is placed between the sink used for food or bottle preparation and the diaper changing table, counter or sink.

NEW SECTION

WAC 388-295-4040 What is a safe way to store infant formula and food? To store bottles, formula or infant food, you must:

- (1) Be sure the correct formula or breast milk is provided to the infant by labeling all bottles with the infant's full name and the date the bottle was filled;
- (2) Have a refrigerator accessible to staff to store bottles and unserved, leftover infant food;
- (3) Throw away the contents of any bottle not fully consumed within one hour. Do not put bottles that have been used back into the refrigerator;
- (4) Throw away unused bottle contents within twelve hours of preparing or arriving at the center;
- (5) Not serve infant formula past the expiration date on the manufacturers container; and

PROPOSED

(6) Keep bottle nipples covered when not in use to reduce risk of cross contamination and exposure.

NEW SECTION

WAC 388-295-4050 What is a safe way to store breast milk? You can keep frozen breast milk if you:

- (1) Label the contents with the child's name and date it was brought into the center;
- (2) Store the frozen breast milk at 10°F or less;
- (3) Thaw the breast milk in the refrigerator, under warm running water or in a pan of warm water; and
- (4) Keep frozen breast milk in the center for no more than two weeks.

NEW SECTION

WAC 388-295-4060 What is a correct way to clean bottles and nipples? Bottles, bottle caps, nipples and other equipment used for bottle feeding must not be reused without first being cleaned and sanitized by washing in a dishwasher or by washing, rinsing and boiling for one minute.

NEW SECTION

WAC 388-295-4070 Are there specific rules for feeding infants and toddlers? (1) Infants must be fed according to their need rather than according to an adult prescribed time schedule.

- (2) While feeding infants:
 - (a) Hold infants for bottle feedings to prevent choking;
 - (b) Place infants who can sit in high chairs for feeding and sit and face the child during the feeding;
 - (c) Do not prop a bottle;
 - (d) To prevent tooth decay, do not give a bottle to a reclining child unless the bottle contains only water and offer juice only from a cup; and
 - (e) Take the bottle from the child when the child finishes feeding.

NEW SECTION

WAC 388-295-4080 When should I begin toilet training a child? Toilet training is initiated with consultation with parents:

- (1) Using positive reinforcement;
- (2) Cultural sensitivity;
- (3) Not using foods as a reinforcement; and
- (4) Following a routine established between the parent and you.

NEW SECTION

WAC 388-295-4090 Can we use potty-chairs for toilet training? You may use potty-chairs that are:

- (1) Located in the toilet room or similar area that meets the requirements of WAC 388-295-5100 designed for toiletting;
- (2) On a floor that is moisture resistant and washable;

- (3) Immediately emptied into a toilet; and
- (4) Cleaned in a designated sink or utility sink separate from classrooms and sanitized after each use. The sink must also be cleaned and sanitized after cleaning potty-chairs.

NEW SECTION

WAC 388-295-4100 What sleep equipment do I need for infants? (1) You must not sleep infants in infant or car seats.

(2) You must provide each infant with a single-level crib (stacking cribs must not be used), infant bed, bassinet or playpen for napping until you and the parent agree that the child can safely use a mat, cot or other approved sleeping equipment.

- (3) Cribs, if used, must:
 - (a) Be sturdy and made of wood, metal or plastic with a secure latching device;
 - (b) Be constructed with vertical slats that are no more than two and three-eighths inches apart or be solid plexiglas;
 - (c) Have corner posts that extend less than one-sixteenth of an inch above the sides and railing;
 - (d) Not have cutout designs on the end panels;
 - (e) Have a rail height and end panel as measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position of at least nine inches;
 - (f) Have a rail height and end panel as measured from the top of the rail or panel in its highest position to the top of the mattress support in its lowest position of at least twenty-six inches; and
 - (g) Not use crib bumper pads, stuffed toys, quilts, lambskins, and pillows in cribs, infant beds, bassinets or playpens.
- (4) You must provide a crib, infant bed, playpen or bassinet mattress that is:
 - (a) Snug fitting and touches each side of the crib to prevent the infant from becoming entrapped between the mattress and crib side rails;
 - (b) Waterproof; and
 - (c) Easily cleaned and sanitized, without tears and, tape.
- (5) You must space cribs to allow walking room between cribs and to reduce the spread of germs by:
 - (a) Spacing cribs a minimum of thirty inches apart. Cribs may be placed end to end if a barrier is provided. If barriers are provided, arrangements must permit the staff to observe and have immediate access to each child.
 - (b) Providing a moisture resistant and easily cleanable solid barrier on the side or end adjacent to another crib.
 - (6) You must be sure that the child has bedding that is:
 - (a) An appropriate fitting sheet or cover for the sleeping surface;
 - (b) A clean light weight blanket or suitable cover for the child; and
 - (c) Laundered at least weekly and more often if the bedding becomes soiled.

NEW SECTION

WAC 388-295-4110 What additional sleeping arrangements must I make to reduce the risk of Sudden

Infant Death Syndrome (SIDS)? (1) You must put infants to sleep on their back to reduce the risk of SIDS unless you have a written note in the infant's file from both the parent and the infant's health care provider requesting another sleeping position.

(2) Once infants are able to turn over, continue to place them on their back to sleep. You do not need to wake the infants to return them to their back while sleeping.

NEW SECTION

WAC 388-295-4120 What must I do to be sure that diaper changing is safe and does not spread infections?

(1) Your diaper changing table and area must:

(a) Have a washable, moisture resistant diaper-changing surface that is cleaned and sanitized between children;

(b) Be a table or counter with a protective barrier on all sides that is at least three and one-half inches higher than the surface that the child lays on;

(c) Have a garbage can with a lid, plastic liner, and method for disposing of hand drying supplies so that a garbage can lid does not have to be opened with hands;

(d) Be on moisture impervious and washable flooring that extends at least two feet surrounding the diaper changing and handwashing area; and

(e) Be directly adjacent to a sink used for hand washing supplied with:

(i) Warm running water (between 85°F and 120°F);

(ii) Soap; and

(iii) A sanitary method for drying hands (single use towels).

(2) You must have the diaper changing procedure posted and must follow the steps included.

(3) You must not leave the child unattended during the diaper change.

(4) You must not use the safety belts on diaper changing tables because they are neither cleanable nor safe.

(5) You must not place anything on the diaper-changing table, counter or sink except the child, changing pad and diaper changing supplies.

(6) Disposable diapers must be:

(a) Individually bagged and placed into a cleanable, covered container equipped with a waterproof liner;

(b) Removed from the facility and the liner changed at least daily and more often if odor is present; and

(c) Disposed of according to local disposal requirements.

(7) Re-useable diapers must be:

(a) Individually bagged and placed without rinsing into a separate, cleanable, covered container equipped with a waterproof liner before transporting to the laundry, given to the commercial service or returned to parents for laundry; and

(b) Removed from the facility daily or more often if odor is present.

NEW SECTION

WAC 388-295-4130 Do I need a nurse consultant? (1) If you are licensed to care for four or more infants you must have an infant nurse consultant. The nurse consultant's duties

will depend upon the needs of the center. We, center management, teachers, and observations/assessments of the nurse consultant can identify the needs.

(2) If you are required to have an infant nurse consultant, you must:

(a) Have a written agreement with a nurse consultant who is a currently licensed registered nurse (RN) who has either worked in pediatrics (care of children) or public health in the past year or has taken or taught classes in pediatric nursing at the college level in the past five years;

(b) Have at least one monthly on-site visit from your nurse consultant when you have infants enrolled (you may skip the monthly visit if no infants are enrolled);

(c) Have the nurse or a designee that meets the requirements of a nurse consultant available by phone as needed; and

(d) Have written notes of the nurse consultant visit on-site that includes topics discussed, areas of concern, date and signature.

NEW SECTION

WAC 388-295-4140 When are children required to have a change of clothing on site? You are required to have extra clothing available for the children who wet or soil their clothes. You may require the parent to provide the clothing, but you must have clothing available for use in case the parent forgets the change of clothing.

SAFETY AND ENVIRONMENT

NEW SECTION

WAC 388-295-5010 What first aid supplies are required in my center? (1) You must maintain on the premises adequate first aid supplies conforming to the center's first aid policies and procedures. The center's first aid supplies must include:

(a) A supply for each vehicle used to transport children; and

(b) A portable supply, which can be taken on walks and field trips.

(2) You must store first aid supplies:

(a) Inaccessible to children;

(b) In an area easily accessible to staff;

(c) Easily separated from food; and

(d) In a clean and safe manner to prevent contamination such as in a tackle box or other container, away from chemicals and moisture.

(3) Your first aid kit must include at least:

(a) A current first-aid manual;

(b) Sterile gauze pads;

(c) Small scissors;

(d) Band-Aids of various sizes;

(e) Roller bandages;

(f) Large triangular bandage (sling);

(g) Nonsterile protective gloves;

(h) Adhesive tape;

(i) Tweezers;

- (j) One-way CPR barrier or mask; and
- (k) At least one unexpired bottle of Syrup of Ipecac that must be given only at the direction of a poison control center.

NEW SECTION

WAC 388-295-5020 How do I maintain a safe environment? (1) You must maintain the building, equipment and premises in a safe manner that protects the children from injury hazards including but not limited to:

- (a) Burns (for example: Chemicals or other potentially flammable substances);
 - (b) Drowning;
 - (c) Choking (for example: Ropes, wires, blind cords, fences not meeting requirements);
 - (d) Cuts (for example: Broken glass, sharp objects, abrasive surfaces);
 - (e) Entrapments (for example: The following items must not have openings between three and one-half inches and nine inches wide: Deck and fence rails, stair rails or other equipment);
 - (f) Falls from excessive heights;
 - (g) Gunshots by ensuring no firearm or another weapon are on the premises;
 - (h) Hearing loss by keeping noise at a level where a normal conversation can be heard;
 - (i) Objects falling on the children (for example heavy items on open shelving that could fall in an earthquake or similar emergency);
 - (j) Pinches from equipment (for example broken or cracked areas);
 - (k) Poison (such as cleaning supplies or lead-based paint);
 - (l) Puncture (for example equipment, building edges or playground equipment with sharp points or jagged edges);
 - (m) Shear or crush (for example lawn and garden equipment used for yard maintenance);
 - (n) Shock by electricity;
 - (o) Trap (for example compost bins, old freezers, dryers or refrigerators); and
 - (p) Trip (for example cable wires, ropes, jagged or cracked walkways).
- (2) To further prevent injuries, you must
- (a) Provide child height handrails on at least one side of the steps, stairways, and ramps;
 - (b) Provide guardrails for elevated play areas and stairs;
 - (c) Use listed tamper resistant receptacles or use tamper resistant, nonmoveable, nonremovable cover plates in areas accessible to children preschool age and younger;
 - (d) Shield light bulbs and tubes by using a protective barrier to prevent shattering into child-accessible areas, food, and storage areas;
 - (e) Provide screens for windows or limit the opening capability of any windows within reach of children to less than three and one-half inches. Windows with limited opening capabilities cannot be the designated fire escape window. Windows protected with guards must not block outdoor light or air in areas used by children;
 - (f) Provide a barrier for glass areas such as windows or sliding glass doors that extend down to the child's eye level

by placing a barrier between the child and glass or something placed on the glass at the child's eye level such as stickers or art work so that the child does not try to go through the solid glass;

(g) Not place cribs, play pens, bassinets, infant beds, indoor climbing structures next to windows unless of safety glass; and

(h) When using heaters capable of reaching 110°F on the surface, you must protect children from burn hazards by making them inaccessible to children or locating them where children cannot reach them.

(3) You may not use portable heaters.

(4) You must implement a method to monitor entrance and exit doors to prevent children from exiting the buildings unsupervised. You may use:

- (a) A door alarm;
 - (b) A bell that can be heard throughout the building;
 - (c) Adult supervision at the exits; or
 - (d) Other method to alert the staff (you cannot lock the door to prevent an exit. It is against the fire code).
- (5) You must maintain one or more telephones on the premises in working order that is accessible to staff at all times.
- (6) You must maintain a flashlight or other emergency lighting device in working condition.

NEW SECTION

WAC 388-295-5030 What do I need to include in my disaster plan? (1) You must develop and implement a disaster plan designed for response to fire, natural disasters and other emergencies. The plan must address what you are going to do if there is a disaster and parents are not able to get to their children for two or three days.

(2) The fire plan must follow the requirements in chapter 212-12 WAC or the state fire marshal requirements.

(3) In areas where local emergency plans are in place, such as school district emergency plan, centers may follow those procedures and actions in developing their own plan.

(4) The disaster plan must be:

- (a) Specific to the child care center;
 - (b) Relevant to the types of disasters that might occur in the location of your child care center;
 - (c) Able to be implemented during hours of operation; and
 - (d) Posted in every classroom for easy access by parents and staff.
- (5) Your disaster plan must identify:
- (a) The designated position of the person (example: director, lead teacher, program supervisor, etc.) who is responsible for each part of the plan;
 - (b) Procedures for accounting for all children and staff during and after the emergency;
 - (c) How the premises will be evacuated, if necessary, and the meeting location after evacuation;
 - (d) How to address care of children with special needs during and after the disaster;
 - (e) How children will be provided for until parents are able to pick them up;

(f) How parents will be contacted or will be directed to contact the child care center; and

(g) Transportation arrangements, if necessary.

(6) The disaster plan must be read, reviewed and signed annually by the director, staff and parents. Your written records must include signatures and dates of persons completing the annual disaster plan review on-site.

(7) In addition to the requirements for fire drills and training set forth by the state fire marshal in chapter 212-12 WAC, you must:

(a) Document staff education and training of the disaster plan;

(b) Conduct and document quarterly disaster drills for children and staff (you do not have to conduct a drill quarterly for each potential disaster - just one drill per quarter);

(c) Keep written documentation of the drills on-site; and

(d) Debrief and evaluate the plan in writing after each disaster incident or drill.

(8) You must keep the twelve month record indicating the date and time you conducted the required monthly fire evacuation drills on-site for the current year plus the previous calendar year.

NEW SECTION

WAC 388-295-5040 How do I maintain a clean and sanitized environment? (1) Surfaces must be easily cleanable. A cleanable surface is one that is:

(a) Designed to be cleaned frequently;

(b) Moisture-resistant; and

(c) Free from cracks, chips or tears.

(2) Examples of cleanable surfaces include linoleum, tile, sealed wood, and plastic.

(3) You must maintain the building, equipment and premises in a clean and sanitary manner that protects the children from illness including but not limited to:

(a) Ensure that floors around sinks, toilets, diaper change areas and potty chairs are moisture resistant and easily cleanable for at least twenty-four inches surrounding the surfaces; and

(b) Take measures to control rodents, fleas, cockroaches, and other pests in and around the center premises such as:

(i) Keep all trash and garbage cans tightly sealed;

(ii) Screen open windows and doors;

(iii) Seal and store food properly; and

(iv) Keep floors and other areas free from crumbs and food debris.

(4) Surfaces can be cleaned:

(a) With any cleaning solution such as soap and water, cleanser or cleaning spray;

(b) With a concentration according to label directions; and

(c) Rinsed as needed per label directions.

(5) You may use a bleach solution to sanitize in the following areas:

(a) Diapering areas;

(b) Surfaces exposed to body fluids;

(c) Bathrooms and bathroom equipment;

(d) Table tops;

(e) High chairs;

(f) Toys;

(g) Dishes;

(h) Floors; and

(i) Sleeping mats.

(6) You may use any solution that is intended for sanitizing if the solution is approved by the department. When you use a product other than bleach to sanitize, you must:

(a) Follow the label directions for use including concentration, contact time and rinsing; and

(b) Be sure that if you use the product on food contact surfaces and items that children might put into their mouths, the label states the product is safe for food contact surfaces.

(7) The following are surfaces that need to be cleaned and sanitized and a minimum schedule for that cleaning:

(a) Tables and counters used for food serving and high chairs before and after each meal or snack;

(b) Sinks, counters and floors daily, or more often if necessary;

(c) Refrigerators monthly or more often as needed;

(d) Bathrooms (including sinks, toilets, counters and floors) daily and more often if necessary;

(e) Floors will be swept, cleaned and sanitized daily;

(f) Carpet vacuumed at least daily and shampooed as needed but at least every six months;

(g) Toys that children place in their mouth between use by different children;

(h) Infant and toddler toys daily; and

(i) Sleeping mats, cribs and other forms of bedding between use by different children and at least weekly.

(8) Your health policies and procedures must describe your frequency for general cleaning, dusting, cleaning toys, toy shelves, and equipment.

NEW SECTION

WAC 388-295-5050 How can I make sure water activities are as safe and sanitary as possible? (1) To ensure that the children are safe with a swimming pool on the premises, you must:

(a) Ensure that pools are inaccessible to children when not in use;

(b) Provide a certified lifeguard at all times in addition to required staff, when children use a swimming pool; and

(c) Follow any guidelines established by your local health jurisdiction or the state department of health.

(2) You must prohibit children from using or having access to a hot tub spa, small portable wading pools, whirlpool, or other similar equipment.

(3) If you have a water table you must empty and sanitize water tables or similar water play containers after each use and more often if necessary.

NEW SECTION

WAC 388-295-5060 How must I store maintenance and janitorial supplies? (1) You must provide safe storage for flammable and combustible liquids and chemicals used for maintenance purposes and operation of equipment. They must be in a location designed to prevent child access at all times. The liquids and chemicals must be:

- (a) Stored in original containers or in department approved safety containers that identify contents;
- (b) Stored to comply with fire safety regulations adopted by the state fire marshal's office; and
- (c) Ventilated either by mechanical ventilation to the outdoors or through a window that opens on the exterior wall.
- (2) Your janitorial or housekeeping storage must have:
 - (a) Floor surfaces that are moisture impervious and easily cleanable;
 - (b) A designated utility or service sink for disposing of wastewater; and
 - (c) A place for mop storage that is ventilated to the outside.

NEW SECTION

WAC 388-295-5070 How do I make sure my water is safe? (1) You must have hot and cold running water.

- (2) Hot water that is accessible to children must be between 85°F and 120°F.
- (3) To be sure your water is safe for drinking, cleaning, cooking and handwashing, you must:
 - (a) Receive drinking water from a public water system approved by and maintained in compliance with either the department of health or a local health jurisdiction under chapter 246-290 WAC (Group A systems) or chapter 246-291 WAC (Group B systems); or
 - (b) Have a source of potable water approved for child care center use by the state department of health or the local health jurisdiction; and
 - (c) Take any other actions required or requested by the state department of health, the local health jurisdiction or the department of social and health services to ensure the safety and reliability of the water supply.

(4) If your water connection is interrupted or your water source becomes contaminated:

- (a) A correction must be made within twenty-four hours or the facility must close until corrections can be made; or
- (b) The facility must obtain an alternative source of potable water approved by the state department of health or local health jurisdiction in an amount adequate to ensure the requirements in this chapter for safe drinking water, handwashing, sanitizing, dishwashing, and cooking are met.

NEW SECTION

WAC 388-295-5080 How do I safely get rid of sewage and liquid wastes? (1) You must dispose of sewage and liquid waste into a public sewer system or approved on-site sewage disposal system (septic system) designed, constructed and maintained as required in chapter 246-272 and 173-240 WAC and local ordinances.

- (2) If you have an on-site sewage system, you must:
 - (a) Have written verification that the system has been approved by the department of health or local health jurisdiction; and
 - (b) Locate your drain field and venting to be sure that:

- (i) Playgrounds are not on and do not interfere with the access to or operation of the on-site sewage system including the drain field; and
- (ii) That drain field venting does not vent onto the playground.

NEW SECTION

WAC 388-295-5090 What are the fence requirements? (1) You must fence the outdoor play area to:

- (a) Prevent unauthorized people from entering; and
- (b) Prevent children from escaping and having access to hazardous areas.
- (2) At a minimum fences and gates must:
 - (a) Be safe, and maintained in good repair; and
 - (b) Be designed to discourage climbing and prevent entrapment.

NEW SECTION

WAC 388-295-5100 What are the requirements for toilets, handwashing sinks and bathing facilities? (1) You must provide:

- (a) A toilet room that is vented to the outdoors;
- (b) A room with flooring that is moisture resistant and washable;
- (c) One flush-type toilet and one adjacent sink for hand washing within auditory (hearing) range of the child care classrooms for every fifteen children and staff;
- (d) Toileting privacy for children of opposite genders who are six years of age and older, or when a younger child demonstrates a need for privacy; and
- (e) A mounted toilet paper dispenser within arms reach of the user with a constant supply of toilet paper for each toilet.

(2) Children eighteen months of age or younger are not 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) Toilet fixture heights must be as follows:

If the age group is:	The toilet fixture height must be:
(a) Toddler: Eighteen months through 29 months	(i) Ten - 12 inches (child size); or (ii) Fourteen - 16 inches (adult size) with a safe, easily cleanable platform that is moisture impervious and slip resistant.
(b) Preschool or older: Thirty months of age through five years of age not enrolled in kindergarten or elementary school	(i) Ten - 12 inches (child size); or (ii) Fourteen - 16 inches (adult size) with a safe, easily cleanable platform that is moisture impervious and slip resistant.

(5) Hand washing sink heights must be as follows:

If the age group is:	The sink height must be:
(a) Toddler: Twelve months through 29 months	(i) Eighteen - 22 inches; or (ii) Provide a moisture and slip resistant platform for children to safely reach and use the sink.

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PROPOSED

If the age group is:	The sink height must be:
(b) Preschool or older: Thirty months of age through five years of age not enrolled in kindergarten or elementary school	(i) Twenty-two - 26 inches; or (ii) Provide a moisture and slip resistant platform for children to safely reach and use the sink.
(c) School age: Over five years of age or enrolled in kindergarten or elementary school	(i) Twenty-six - 30 inches; or (ii) Provide a moisture and slip resistant platform for children to safely reach and use the sink.

(6) Infants are not included when determining the number of sinks required for hand washing.

(7) The sink for hand washing must:

(a) Be located in or immediately outside of each toilet room;

(b) Have water controls that are accessible by the intended user; and

(c) Not be used for food preparation, as a drinking water source or a storage area.

(8) You must have:

(a) Single use paper towels and dispensers; or

(b) Heated air-drying devices.

(9) You must use soap from some type of dispenser to prevent the spread of bacteria from the soap.

(10) If the center is equipped with a bathing facility, you must:

(a) Have parent permission to bathe children;

(b) Equip the bathing facility with a conveniently located grab bar and a nonskid pad or surface; and

(c) Provide constant supervision for the child five years of age and younger and older children who require supervision.

(11) You must make the bathing facility inaccessible to children when not in use.

NEW SECTION

WAC 388-295-5110 What are the requirements if I do laundry on the premises or off-site? (1) If you choose to do laundry on the premises or off site you must be sure the laundry is:

(a) Cleaned and rinsed;

(b) Sanitized with hot water that reaches at least 140°F or use an alternative method such as chlorine bleach that has been approved by the department;

(c) Stored to keep soiled linen and laundry separate from clean linen;

(d) Separate from kitchen and food preparation areas; and

(e) Inaccessible to children.

(2) You also must ensure the dryer is ventilated to outside the building.

NEW SECTION

WAC 388-295-5120 What kind of sleep and nap equipment do I need for children not in cribs, bassinets, infant beds or playpens? Sleeping and nap equipment must be available for each toddler and preschool age child not

using a crib and remaining in care for at least six hours and any other child requiring a nap or rest period.

(1) You must:

(a) Provide a separate, firm and waterproof mat or mattress, cot, sleeping bag or bed for each child or have a system for cleaning the equipment between children;

(b) Place mats or cots at least thirty inches apart at the sides and arrange children head to toe or toe to toe;

(c) Be sure that the bedding consists of a clean sheet or cover for the sleeping surface and a clean blanket or suitable cover for the child;

(d) Be sure the bedding is laundered weekly or more often if necessary and between uses by different children;

(e) Store each child's bedding separately from bedding used by other children. Once the bedding has been used, it is considered dirty. One child's bedding cannot touch another child's bedding during storage;

(f) Keep mats clean and in good repair. Once a mat is torn it is not cleanable. Duct tape or fabric cannot be used to repair sleeping mats or mattresses; and

(g) Use only cots where the cot surface is of a material that can be cleaned with a detergent solution, disinfected and allowed to air dry.

(2) You may not use the upper bunk of a bunk bed for children under six years of age.

NEW SECTION

WAC 388-295-5140 Are there any requirements for storage space provided for children? You must provide accessible individual storage space for each child's belongings that prevents the spread of diseases or parasites such as scabies and lice.

NEW SECTION

WAC 288-295-5150 Are there ventilation and temperature requirements? (1) You must maintain all rooms used by children at temperature of:

(a) Sixty-eight°F to 75°F during winter months; and

(b) Sixty-eight°F to 82°F during the summer months.

(2) In addition, you must:

(a) Equip the room or building with a mechanical air cooling system or equivalent when the inside temperature of child-occupied areas exceeds 82°F. This includes but is not limited to, swamp coolers, fans, air conditioners, or drip systems;

(b) Not take children outdoors during extremes temperatures that put children at risk for physical harm.

NEW SECTION

WAC 388-295-5160 What do I need to know about pesticides? (1) To use pesticides, you must comply with licensing requirements of chapter 17.21 RCW (The Pesticide Application Act) which requires you to:

(a) Establish a policy on the use of pesticides that includes your posting and notification requirements;

(b) Provide a written copy of your pesticide policies annually or on enrollment to parents that includes your posting and notification requirements;

(c) Notify parents, guardians, and any other interested parties forty-eight hours in advance of the application of pesticides; and

(d) Require the pesticide applicator to provide a copy of the records required within twenty-four hours of when the pesticide is applied.

(2) Your notification must include a heading stating "Notice: Pesticide Application and..." at a minimum must state the:

(a) Product name of the pesticide being used;

(b) Intended date and time of application;

(c) Location where the pesticide was applied;

(d) Pest to be controlled; and

(e) Name and number of a contact person at the facility.

(3) To notify people that a pesticide has been used, you must place a marker at each primary point of entry to the center grounds. The marker must be:

(a) A minimum of four inches by five inches;

(b) Printed in colors contrasting to the background; and

(c) Left in place for at least twenty-four hours following the pesticide application or longer if a longer restricted period is stated on the label.

(4) The marker must include:

(a) A headline that states "This landscape has recently been sprayed or treated with pesticides";

(b) Who has treated the landscape; and

(c) Who to call for more information.

NEW SECTION

WAC 388-295-5170 Can we have animals at the center? (1) When animals are on the center premises you must:

(a) Notify the parents in writing that animals are on the premises and the potential health risks associated with the animals to include how to address the needs of children having allergies to animals;

(b) Have a signed document from each parent stating they understand the potential health risks;

(c) Not hang pet containers or cages in corridors, entryways or over where children eat, sleep, and play;

(d) Post handwashing signs in areas where pets are housed;

(e) Have containers or cages to prevent debris from spilling out of the container or cage. The container or cage must not be located in corridors, entrance ways, or where children eat, or play;

(f) Assign responsible staff to ensure pet containers, cages, and litter boxes are cleaned and disinfected at least weekly and more often if needed;

(g) Not allow animals in food preparation areas. If the sink is used for cleaning food or utensils it cannot be used to clean pet supplies;

(h) Not allow animals in rooms that typically are used by infants or toddlers;

(i) Keep on file proof of current rabies vaccinations for all dogs and cats;

(j) Meet local requirements in counties with immunization, vaccination and licensing requirements for animals; and

(k) Organize children into small groups for supervised activity for handling of pets.

(2) You must develop policies and procedures for management of pets to include:

(a) How the needs of children who have allergies to pets will be accommodated;

(b) How pet containers, cages, litter boxes will be cleaned and sanitized and who will do it;

(c) How pets will receive food and water, and be kept clean and who will do it;

(d) Curricula for teaching children and staff about safety and hygiene when handling pets; and

(e) Pets (excluding aquatic animals) showing signs of illness must be removed from the facility until they have been seen, treated and given approval to return to the center by a veterinarian. Written proof of veterinary visits must be maintained on file.

(3) Reptiles must be in an aquarium or other totally self-contained area except during educational activities involving the reptile.

(4) Animals with a history of biting or other aggressive behaviors must not be on the premises of the child care center.

(5) You must ensure children wash their hands after handling animals.

AGENCY PRACTICES

NEW SECTION

WAC 388-295-6010 What are the regulations regarding discrimination? (1) Child care centers are defined by state and federal law as places of public accommodation and must not discriminate in employment practices and client services on the basis of race, creed, color, national origin, marital status, gender, sexual orientation, class, age, religion, or disability.

(2) You must:

(a) Post a nondiscrimination poster where families and staff can easily read it;

(b) Have a written nondiscrimination policy; and

(c) Comply with the requirements of the Americans with Disabilities Act.

NEW SECTION

WAC 388-295-6020 What are the regulations regarding religious activities? You must:

(1) Respect and facilitate the rights of the child in care to observe the tenets of the child's faith, consistent with state and federal laws;

(2) Not punish or discourage the child for exercising these rights; and

(3) Maintain a written description of the center's religious policies and practices that affect the child in care.

NEW SECTION

WAC 388-295-6030 What are the special requirements regarding American Indian children? When five percent or more of the center's child enrollment consists of American Indian children, you must develop social services resource and staff training programs designed to meet the special needs of such children through coordination with tribal, Indian health service, and Bureau of Indian Affairs social service staff, and appropriate urban Indian and Alaska native consultants.

NEW SECTION

WAC 388-295-6040 What are the requirements regarding child abuse and neglect? (1) You and your staff must protect the child in care from child abuse, neglect, or exploitation, as required under chapter 26.44 RCW.

(2) You must immediately report an instance when you or the staff have reason to suspect that child physical, sexual, or emotional abuse, child neglect, or child exploitation as defined in chapter 26.44 RCW has occurred. This report must be made to children's administration central intake.

(3) If there is immediate danger to a child you must also make a report to local law enforcement.

NEW SECTION

WAC 388-295-6050 What substances are prohibited in the child care center or on the premises? (1) You, your staff, parents, and volunteers must not be under the influence of, consume, or possess an alcoholic beverage or illegal drug while on the child care premises or during work hours while you are responsible for children in care.

(2) You, your staff, parents, and volunteers must not smoke:

- (a) Inside the center building;
- (b) While supervising children outdoors; or
- (c) In a motor vehicle while transporting children.

(3) You, your staff, parents, and volunteers may smoke outdoors, off the premises and out of view of the children.

NEW SECTION

WAC 388-295-6060 Who is allowed to have unsupervised access to children in care? (1) During operating hours or while the child is in care, the only persons allowed to have regular or unsupervised access to the child in care are:

- (a) The child's parent;
- (b) You;
- (c) An employee or volunteer who has received a Washington state patrol background check clearance; and
- (d) A representative of a governmental agency who has specific, verifiable authority supported by documentation for the access.

(2) You must not allow anyone else unsupervised access to a child in care. A parent can only have unsupervised access to his or her own child unless the parent signs an authorization for an individual to have unsupervised access to their own child. (For example a therapist.)

RECORDS, REPORTING, AND POSTINGNEW SECTION

WAC 388-295-7010 What information must be kept in the child's individual file? (1) You must keep current organized confidential records and information about each child in care on the premises. You must make sure that each child's record contains, at a minimum:

(a) Completed enrollment application signed by the parent;

(b) Name, birth date, dates of enrollment and termination, and other identifying information;

(c) Name, address, and home and business telephone number of the parent and other person to be contacted in case of an emergency;

(d) Health history;

(e) Individual plan of care when needed for chronic health conditions and life threatening medical conditions;

(f) Written consent from the parent for you to seek and approve medical care in an emergency situation, a court order waiving the right of informed consent, or parent's alternate plans for emergency medical and surgical care if the parent can not be reached;

(g) Information on how to contact the parents, especially in emergencies;

(h) Instructions from parent or health care providers related to medications, specific food or feeding requirements, allergies, treatments, and special equipment or health care needs if necessary;

(i) Written records of any illness or injury that occurs during child care hours and the treatment provided; and

(j) Written records of any medications given while the child is at child care.

(2) You must include the following authorizations in each child's record:

(a) Name, address, and telephone number of the person authorized to remove the child from the center;

(b) Written parental consent for transportation to and from school; and

(c) Written parental consent for transportation provided by the center to and from field trips, including field trip location, date of trip, departure and arrival times and any other additional information the parent may need to be advised of.

(3) You can use any health history form you choose as long as it includes:

(a) The date of the child's last physical exam or the date the child was last seen by a health care provider for reasons other than immunizations;

(b) Allergies, expected symptoms, and method of treatment if necessary;

(c) Health and developmental concerns or issues;

(d) Any life threatening medical condition that requires an individual health plan;

(e) A list of current medications used by the child;

(f) Name, address and phone number of the child's health care provider; and

(g) Name, address and phone number of the child's dentist, if the child has a dentist.

(4) The individual records, including the certificate of immunization status, must be kept on the premises:

- (a) For each child currently in care; and
- (b) For one year after the child leaves your care.

(5) Attendance records, sign in and out records and invoices for state-paid children must be kept for five years after the child leaves your care.

NEW SECTION

WAC 388-295-7020 Am I required to track immunizations? (1) You are required to track each child's immunization status. To be sure that the children have the required immunizations for their age, you or your staff must:

(a) See that each child has a completed certificate of immunization status form submitted or on file before the first day of child care;

(b) Develop a system to audit and update as scheduled the information on the certificate of immunization status forms;

(c) Meet any requirement of the department of health WAC 246-100-166; and

(d) Have available on the premises the certificate of immunization status forms for review by the health specialist, licenser, the department of health, and nurse consultant.

(2) You may accept a child whose immunizations are started but not up to date on a "conditional" basis if:

(a) For children whose records are difficult to obtain (such as foster children), there is written proof that the case worker or health care provider is in the process of obtaining the child's immunization status prior to the child starting child care; or

(b) The required immunizations are started prior to children starting child care; and

(c) The immunizations are completed as rapidly as medically possible. You must work with the parent, health care provider, or local health department to obtain an immunization plan.

(3) If a parent or health care provider chooses not to immunize a child, they must sign the exempt portion of the certificate of immunization status form.

(4) You may have a policy that states you will not accept children who have been exempted from immunizations by their parent or guardian, unless that exemption is due to an illness protected by the American With Disabilities Act (ADA).

(5) The certificate of immunization status forms for children who are currently enrolled must be accessible and maintained on the premises in a confidential manner.

NEW SECTION

WAC 388-295-7030 What type of attendance records do I have to keep? You must keep daily attendance records.

(1) The parent or other person authorized by the parent to take the child to or from the center must sign in the child on arrival and must sign the child out at departure, using a full legal signature;

(2) When the child leaves the center to attend school or participate in off-site activities as authorized by the parent

you or your staff must sign out the child, and sign in the child on return to the center; and

(3) Attendance records and invoices for state paid children must be kept on the premises for at least five years after the child leaves your care.

NEW SECTION

WAC 388-295-7040 Am I required to keep licensing information available on site for parents to review? You must keep a file on site containing the following licensing information:

(1) Copies of the most recent child care center checklists for licensing renewal and facility licensing compliance agreement for any deficiencies noted; and

(2) Copies of the most recent child care centers monitoring checklist and facility licensing compliance agreement for and deficiencies noted.

NEW SECTION

WAC 388-295-7050 What personnel records and policies must I have? (1) Each employee and volunteer who has unsupervised or regular access to a child in care must complete the following forms on or before their date of hire:

(a) An application for employment on a form prescribed by us, or on a comparable form approved by the department; and

(b) A criminal history and background inquiry form.

(2) You must submit the criminal history and background inquiry form to us within seven calendar days of the employee's first day of work. The form authorizes a criminal history background inquiry for that person.

(3) Until the criminal background inquiry results are returned and show the employee to not be disqualified, the employee is not to be unsupervised with the children.

(4) We will discuss the information on the criminal history background inquiry form with you, the director, or other person responsible for the operation of the center, such as a human resources professional, if applicable.

(5) If you employ five or more people you must have written personnel policies. These policies must describe staff benefits, if any, and duties and qualifications of staff.

(6) You must maintain a system of record keeping for personnel. In addition to the other requirements in this chapter, you must keep the following information on file on the premises for yourself, each staff person and volunteer:

(a) An employment application, including work and education history;

(b) A photo copy of the Social Security card;

(c) A photo copy of a photo identification issued by a government entity;

(d) Documentation that a criminal history and background inquiry form was submitted;

(e) Written documentation of trainings and meetings such as but not limited to:

(i) Orientation;

(ii) On-going trainings;

(iii) Bloodborne Pathogen training (including HIV/Aids);

PROPOSED

- (iv) CPR/First Aid;
- (v) Food handler's cards (if applicable);
- (vi) STARS;
- (vii) Staff meetings; and
- (viii) Child abuse and neglect.

(f) Documentation of the results of Tuberculosis (TB) testing by the Mantoux skin test prior to starting work.

(7) Training documentation must include a certificate, card, or form with a copy placed in each individual employees file that contains the:

- (a) Topic presented;
- (b) Number of clock hours;
- (c) Date and names of persons attending; and
- (d) Signature and organization of the person conducting the training.

NEW SECTION

WAC 388-295-7060 What injuries and illnesses or child abuse and neglect must I report? You or your staff must report immediately:

- (1) A death or a serious injury or illness that requires medical treatment or hospitalization of a child in care must be reported by telephone and in writing to the parent, licensor, and child's social worker, if the child has a social worker;
- (2) Any instance when you or your staff have reason to suspect the occurrence of any physical, sexual, or emotional child abuse or child neglect, child endangerment, or child exploitation as required under described in chapter 26.44 RCW. You may make a report by calling the statewide number at 1-800-562-5624 or 1-866-Endharm; and
- (3) An occurrence of food poisoning or reportable communicable disease, as required by the state board of health to the local public health department and to the licensor, by telephone.

NEW SECTION

WAC 388-295-7070 What circumstantial changes must I report to my licensor? A child care center license is valid only for the address, person, and organization named on the license. You must promptly report to the licensor any major changes in administrative staff, program, or premises affecting the center's classification, delivery of safe, developmentally appropriate services, or continued eligibility for licensure. A major change includes the following:

- (1) Center's address, location, space or phone number;
- (2) Maximum number and age ranges of children you wish to serve compared to the current license specifications;
- (3) Number and qualifications of the center's staffing pattern that may affect staff capability to carry out the specified program, including:
 - (a) Change of ownership, chief executive, director, or program supervisor; and
 - (b) Death, retirement, or incapacity of the person licensed;
- (4) Name of the licensed corporation, or name by which the center is commonly known, or changes in the center's articles of incorporation and by-laws;

- (5) A fire, major structural change, or damage to the premises; and
- (6) Plans for major remodeling of the center, including planned use of space not previously approved by the fire marshal's office or us.

NEW SECTION

WAC 388-295-7080 What am I required to post in the center? You must post the following items so that they are clearly visible to the parent and staff:

- (1) The center's child care license issued under this chapter;
- (2) A schedule of regular duty hours with the names of staff;
- (3) A typical activity schedule, including operating hours and scheduled mealtimes;
- (4) Meal and snack menus for the month;
- (5) Evacuation plans and procedures, including a diagram of exiting routes;
- (6) Emergency telephone numbers near the telephone;
- (7) Nondiscrimination poster;
- (8) For the staff, you must post:
 - (a) Dietary restrictions and nutrition requirements for particular children;
 - (b) Handwashing practices;
 - (c) Diaper changing procedures, if applicable;
 - (d) Disaster preparedness plan; and
 - (e) Center policies and procedures.
- (9) You must post a notification advising parents that you are required to keep the following licensing information available on site for their review:
 - (a) Copies of the most recent child care center checklist for licensing renewal and facility licensing compliance agreement for any deficiencies noted; and
 - (b) Copies of the most recent child care centers monitoring checklist and facility licensing compliance agreement for any deficiencies noted.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-150-005	Authority.
WAC 388-150-010	Definitions.
WAC 388-150-020	Scope of licensing.
WAC 388-150-040	Local ordinances and codes.
WAC 388-150-050	Waivers.
WAC 388-150-060	Dual licensure.
WAC 388-150-070	Application and reapplication for licensing—Investigation.
WAC 388-150-080	Licensed capacity.
WAC 388-150-085	Initial license.

WAC 388-150-090	When can my license application be denied and when can my license be suspended or revoked?	WAC 388-150-295	Water supply, sewage, and liquid wastes.
WAC 388-150-092	Civil penalties.	WAC 388-150-310	First-aid supplies.
WAC 388-150-093	Civil penalties—Amount of penalty.	WAC 388-150-320	Outdoor play area.
WAC 388-150-094	Civil penalties—Posting of notice of penalty.	WAC 388-150-330	Indoor play area.
WAC 388-150-095	Civil penalties—Unlicensed programs.	WAC 388-150-340	Toilets, handwashing sinks, and bathing facilities.
WAC 388-150-096	Civil penalties—Separate violations.	WAC 388-150-350	Laundry.
WAC 388-150-097	Civil penalties—Penalty for nonpayment.	WAC 388-150-360	Nap and sleep equipment.
WAC 388-150-098	Probationary license.	WAC 388-150-370	Storage.
WAC 388-150-100	Activity program.	WAC 388-150-380	Program atmosphere.
WAC 388-150-110	Learning and play materials.	WAC 388-150-390	Discrimination prohibited.
WAC 388-150-120	Staff-child interactions.	WAC 388-150-400	Religious activities.
WAC 388-150-130	Behavior management and discipline.	WAC 388-150-410	Special requirements regarding American Indian children.
WAC 388-150-140	Rest periods.	WAC 388-150-420	Child abuse, neglect, and exploitation.
WAC 388-150-150	Evening and nighttime care.	WAC 388-150-430	Prohibited substances.
WAC 388-150-160	Off-site trips.	WAC 388-150-440	Limitations to persons on premises.
WAC 388-150-165	Transportation.	WAC 388-150-450	Child records and information.
WAC 388-150-170	Parent communication.	WAC 388-150-460	Program records.
WAC 388-150-180	Staff pattern and qualifications.	WAC 388-150-470	Personnel policies and records.
WAC 388-150-190	Group size and staff-child ratios.	WAC 388-150-480	Reporting of death, injury, illness, epidemic, or child abuse.
WAC 388-150-200	Staff development and training.	WAC 388-150-490	Reporting of circumstantial changes.
WAC 388-150-210	Health care plan.	WAC 388-150-500	Posting requirements.
WAC 388-150-220	Health supervision and infectious disease prevention.	WAC 388-150-990	Purpose and authority.
WAC 388-150-230	Medication management.	WAC 388-150-991	Waiver of fees.
WAC 388-150-240	Nutrition.	WAC 388-150-992	Fee payment and refunds.
WAC 388-150-250	Kitchen and food service.	WAC 388-150-993	Denial, revocation, suspension, and reinstatement.
WAC 388-150-260	Drinking and eating equipment.		
WAC 388-150-270	Care of young children.		
WAC 388-150-280	General safety, maintenance, and site.		
WAC 388-150-290	Water safety.		

WSR 03-09-078
PROPOSED RULES
COLUMBIA RIVER
GORGE COMMISSION
 [Filed April 17, 2003, 8:42 a.m.]

Original Notice.

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

Title of Rule: Appeals from county ordinances. This rule is the appellate procedural rule for filing an appeal of a county land use decision in the Columbia River Gorge National Scenic Area.

Purpose: The purpose of the rule is to define the process and standards used by the Gorge Commission in hearing appeals of county land use decisions in the National Scenic Area.

Other Identifying Information: Commission Rule 350-60.

Statutory Authority for Adoption: 16 U.S.C. § 544c(b), RCW 42.97.015.

Statute Being Implemented: 16 U.S.C. § 544c(b), RCW 42.97.015.

Summary: This rule making is to amend the rules to clarify, simplify, and expedite the appeals process.

Reasons Supporting Proposal: The proposal contains amendments that have long been sought by appellate parties.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jeffrey Litwak, Counsel, P.O. Box 730, White Salmon, WA 98672, (509) 493-3323.

Name of Proponent: Columbia River Gorge Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule governs the Gorge Commission process and standards for appeals of land use decisions by the executive director of the Gorge Commission. The Gorge Commission has implemented this rule since 1993 in substantially the same form. Over the past ten years, the Gorge Commission and frequent appellants under the rules have identified changes that will clarify, simplify, and expedite the process.

Proposal Changes the Following Existing Rules: Significant changes include: Allowing filing by fax for uncontested motions (350-60-040(5)); allowing filing to be accomplished by mail instead of by receipt at the commission office (350-60-040(5)); allowing shortened records as stipulated by parties (350-60-60 [350-60-060] (1)(f)); requiring parties to note whether they believe the case could be resolved using ADR, in which case the Gorge Commission would facilitate ADR (350-60-075); clarifying the process for oral argument to provide a time for questions prior to argument, uninterrupted oral argument, and a time for questions after oral argument (350-60-120(4)); a process for filing motions and responses to motions, and for expedited motions (350-60-130); that Gorge Commission will issue orders on motions for intervention (350-60-160(7)); allowing stipulated motions for extensions of time to be automatic for the first one, and presumed granted for all subsequent extensions (350-60-190 (4) - (6)); allowing for involuntary dismissal of an appeal by the commission when the appeal is moot or not diligently prosecuted (350-60-125); allowing a county to request a voluntary remand of a case under certain circumstances (350-60-220(2)); a special process for filing of an appeal after expiration of the appeal period under certain extraordinary and rare circumstances (350-60-240).

The Gorge Commission is especially interested in public comment concerning proposed rule 350-60-240, including alternative means of addressing the problem identified in that rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules are process and procedural and do not target small businesses.

RCW 34.05.328 does not apply to this rule adoption. The proposed amendments are not a "significant legislative rule" under RCW 34.05.328 (3)(c)(iii).

Hearing Location: Discovery Center, 5000 Discovery Drive, The Dalles, Oregon, on June 10, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Nancy Andring by June 6, 2003, 9:00 a.m.

Submit Written Comments to: Columbia River Gorge Commission, P.O. Box 730, White Salmon, WA 98672, fax (509) 493-2229, by June 2, 2003.

Date of Intended Adoption: June 10, 2003.

April 14, 2003

Nancy Andring

Rules Coordinator

AMENDATORY SECTION

350-60-020. Scope.

Scope of Rules: All proceedings commenced by Notice of ~~Intent to Appeal and Petition~~ shall be governed by these rules. Where this division is silent, divisions 11, 12, 14, and 16 of the Commission's rules shall be applicable provided that the specific provisions are applied in a manner that does not conflict with the provisions of this division.

~~Appeals commenced by a Notice of Appeal filed under the Final Interim Guidelines shall continue to be governed by Commission Rule 350-20 as adopted December 1, 1987, and the Final Interim Guidelines.~~

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

350-60-040. Definitions.

In these rules, unless the context or subject matter requires otherwise:

(1) "Applicant" means the person who requested that the governing body take an action which resulted in a land use decision.

(2) "Commission" means the Columbia River Gorge Commission. ~~or any member thereof.~~

(3) "Counties" means Multnomah, Hood River and Wasco ~~C~~counties, Oregon; and Clark, Skamania and Klickitat ~~C~~counties, Washington.

(4) "Days" means calendar days.

(5) "File" means to deliver to Commission offices by personal delivery or by mail, ~~not by fax.~~ Unless otherwise specified, a document shall be considered filed on the date that it is personally delivered, or the date that it is mailed. ~~To be considered filed, a document must be received at Commission offices by 5:00 p.m.~~

(a) A motion filed with the consent of all parties may be filed by fax. When a motion is filed by fax, the original shall be mailed or delivered in person to the Commission offices on the same day or on the next business day. A motion filed by fax shall be considered filed on the date it is faxed if the fax is received at Commission office by 5:00 p.m.

(b) Any document filed with the Commission shall include a certification that the document was served on all parties on the same or earlier date and in the same manner that the document was filed.

(6) "Final decision": A decision is final when it is reduced to writing and bears the necessary signatures of the governing body decisionmaker(s).

(7) "Governing body" means a county governing body.

(8) "Land use decision" means a final decision by the governing body of a county in the National Scenic Area based on the National Scenic Act.

(9) "Notice" means the Notice of ~~Intent to Appeal and Petition~~ and refers to the document ~~that which~~ must be filed with the Commission in order to begin an appeal review proceeding.

(10) "Party" means the ~~petitioner appellant, the applicant if different from the petitioner, the governing body, and or any intervenor. person who intervenes.~~

(11) "Person" means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character other than the Commission. A person shall include the Executive Director of the Gorge Commission in his or her official capacity. ~~"Transmit" means to send with the United States Postal Service by first class mail or to deliver in person.~~

(12) "Serve" or "Service" means to send with the United States Postal Service by first class mail or to deliver in person, a copy of the original to all parties, including intervenors and persons who have a pending motion to intervene before the Commission.

(a) Only motions that are filed by fax may be served by fax. If a motion is served by fax, then it shall also be served by mailing or delivering a copy of the original to all parties on the same or next day.

(b) All documents served on the other parties shall include a certification that the document was served on all parties on the same or earlier date and in the same manner that the document was filed (Exhibit 4).

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

350-60-042. Delegation of Authority to the Chair of the Commission

(1) Where these rules refer to the Chair of the Commission, the Commission has delegated authority to the Chair or presiding officer designated by the Chair to act on those matters for the Commission, including but not limited to, procedural orders on behalf of the Commission relating to case setting, requests for intervention, preliminary motions, and other procedural matters. The Chair of the Commission may also act on other matters specified for Commission action

when the context indicates action by the Chair of the Commission or when action by the full Commission would be impracticable.

(2) The Chair of the Commission shall decide matters without oral argument, unless the Chair desires an oral hearing. The decision of the Chair of the Commission or presiding officer pursuant to this authority shall be final and not reviewable by the full Commission.

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.

NEW SECTION

350-60-045. Time

(1) Computation: In computing any period of time prescribed or allowed by these rules, the day of the act from which the designated time period begins to run shall not be included and the last day of the time period shall be included.

(2) Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period of time after service of a notice or other paper, and the service of the notice or other paper is by mail, three (3) days shall be added to the prescribed time period. This does not apply to documents mailed when filing and service is accomplished by fax.

(3) When a deadline for accomplishing some act under these rules falls on a weekend or legal holiday, the deadline shall be the next business day, and all following deadlines shall be calculated from that deadline. A legal holiday shall be any day in which the United States Postal Service does not deliver mail, or when the Gorge Commission is closed for business.

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

350-60-050. Notice of Intent to Appeal and Petition.

(1) Filing: Except as provided in 350-60-240 below, an appellant shall file a The Notice of Intent to Appeal and Petition shall be filed with at the Commission office on or before the 30th day after the date the decision sought to be appealed reviewed becomes final. Except as provided in 350-60-240 below, a A Notice filed thereafter shall not be deemed timely filed and the appeal shall be dismissed.

(2) Service of Notice of Intent to Appeal and Petition: The appellant shall serve the Notice of Intent to Appeal and Petition shall be filed with the Commission and served on the governing body, the governing body's legal counsel, and all persons identified in the Notice as required by subsection (3)(h) of this rule on or before the date the Notice of Intent to Appeal and Petition is required to be filed.

(3) Contents of Notice of Intent to Appeal and Petition: The Notice of Intent to Appeal and Petition shall be substantially in the form set forth in Exhibit 1 and shall contain:

(a) A caption which sets forth the name(s) of the person(s) filing the Notice, identifying the person(s) as petitioner

appellant(s), and the name of the governing body, identifying the governing body as respondent;

(b) ~~Below Adjacent to~~ the caption the heading "Notice of ~~Intent to Appeal and Petition~~";

(c) The full title of the decision to be reviewed as it appears on the final decision;

(d) The date the decision to be reviewed became final;

(e) A concise description of the decision to be reviewed;

(f) A brief "ADR Statement" stating whether the appellant is willing to attempt to resolve the case through alternative dispute resolution ("ADR"), including but not limited to mediation. This statement shall not be used to argue the merits of the appeal.

(g) A statement whether the appellant is willing to consider a shortened record in accordance with 350-60-060(f).

(h) The name, address and telephone number of each of the following:

(A) The Appellant Petitioner. If the appellant petitioner is not represented by an attorney, the appellant's petitioner's name, address and telephone number shall be included. If an attorney represents the appellant petitioner, the attorney's name, address and telephone number shall be substituted for that of the appellant petitioner. ~~If two or more petitioners are unrepresented by an attorney, one petitioner shall be designated as the lead petitioner.~~

(B) The governing body and the governing body's legal counsel;

(C) The applicant, if any (and if other than the appellant petitioner). If an applicant was represented by an attorney before the governing body, the applicant's address and telephone number may be omitted and the name, address and telephone number of the applicant's attorney shall be included;

(D) Any other person to whom written notice of the land use decision was mailed as shown on the governing body's records. The telephone number may be omitted for any such person.

(i) A statement advising all persons other than the governing body, that in order to participate in the review proceeding a person must file at the Commission office and serve a motion to intervene pursuant to 350-60-160 140.

(j) Proof of service upon all persons required to be named in the Notice. See Exhibit 1.

(4) Filing Fee and Deposit for Costs: A filing fee and deposit for costs may be charged by the Columbia River Gorge Commission. The Columbia River Gorge Commission may charge a filing fee and deposit. Filing fees and deposits, if any, shall be set by the Gorge Commission's Executive Director and shall not exceed the average cost to the Commission of handling appeals under this rule.

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

350-60-055. Respondent's ADR Statement

Within 10 days after filing of a Notice of Appeal, the governing body shall file at the Commission office and serve a "Respondent's ADR Statement" stating whether the respon-

dent is willing to attempt to resolve the case through alternative dispute resolution means. This statement shall not be used to argue merits of the appeal.

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

350-60-060. Record.

(1) Contents of Record: The record on appeal from a governing body shall include the following:

(a) The final decision including findings of fact and conclusions of law;

(b) All transcripts, testimony and all exhibits, maps, documents or other written materials included as part of the record during the course of the governing body's proceeding.

(c) Photos, maps, and exhibits that were presented to the governing body in color shall be provided to the Commission in color in the original or certified copy of the record;

(de) Minutes of the meetings conducted by the governing body as required by law. A verbatim transcript of audiotape recordings shall not be required, but if a transcript has been prepared, it shall be included.

(e) The governing body may retain the audiotape recording, any large maps, or exhibits and documents which are difficult to duplicate, until the date of oral argument. The governing body shall make these items reasonably available for inspection and duplication by the parties during the pendency of the appeal, and shall specify in its filing of the record the available times and procedure for reviewing for these items.

(f) The Gorge Commission encourages parties to stipulate to a shortened record.

(A) A shortened record may eliminate duplicates of documents, letters that do not include substantive information, documents related to issues that are not being appealed, or other documents that the parties do not believe are necessary for the Gorge Commission to decide the issues raised in the appeal.

(B) Notwithstanding subsection (2)(A) above, a shortened record shall include the documents referred to in subsections (1)(a) and (d) above, and any document submitted in a shortened record shall comply with subsection (1)(c) and (e) above.

(C) A shortened record may be submitted only as agreed upon by all parties. The record shall contain any document that one or more parties desires to include in the record.

(D) Any party that desires to refer to a document that was eliminated by agreement of the parties in a shortened record may at any time file at the Commission office and serve a motion to supplement the record with that document, and shall include the document as part of its motion. A motion to supplement the record under this section shall comply with 350-60-130.

(E) The shortened record shall be considered the complete record before the Gorge Commission for the purpose of any judicial review of the Gorge Commission's decision.

(2) Transmittal Filing of Record: The governing body shall within 30 days after service of the Notice on the governing body, transmit to file at the Commission office, the origi-

nal or a certified copy, and two copies of the record of the proceeding under review. ~~The governing body may, however, retain any large maps or documents which are difficult to duplicate, until the date of oral argument.~~

(3) Service of Record: Contemporaneously with ~~transmittal filing the record at the Commission office~~, the governing body shall serve a copy of the record, exclusive of ~~audiotape recordings, large maps and other exhibits and documents which are difficult to duplicate, on the appellant petitioner or the lead petitioner, if one is designated, and all other parties, including intervenors. If intervention is granted after the record is filed and served, then the governing body shall serve a copy of record as soon as possible after intervention is granted.~~

(4) Specifications of Record:

(a) The record shall:

(A) ~~Be filed in a suitable folder; the~~ Include a cover bearing shall bear the title of the case as it appears in the Notice, and the Commission's numerical designation for the case, and shall indicate the numerical designation given the land use decision by the governing body;

(B) Begin with a table of contents, listing each item contained therein, and the page of the record where the item begins (see Exhibit 2), and listing each audiotape recording, large map or other exhibit or document retained by the governing body ~~under subsection (2) of this rule;~~

(C) Be securely fastened;

(D) Have pages numbered consecutively, with the page number at the bottom right-hand corner of each page;

(E) Be arranged in inverse chronological order, with the most recent item on top.

(F) Indicate whether it is a shortened record. The governing body is not required to indicate documents that were excluded by stipulation of all parties to produce the shortened record.

(b) A record which does not conform to the preceding requirements shall not be accepted by the Commission.

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

350-60-070. Objections to the Record.

(1) Before filing an objection to the record, a party shall attempt to resolve the matter with the governing body's ~~legal counsel. If the governing body amends the record in response to an objection, the date the amendment is received by the Commission shall be considered the date the record is received for the purpose of computing time limits as required by these rules.~~

(2) An objection to the record shall be filed ~~with at~~ the Commission office and served within 10 days following filing of the record. Service of the record on the person filing the objection. The party filing the objection to the record shall certify that the objection is made in good faith, that the objection is material, that the objection was not made for the purpose of delay, and that he or she has contacted the governing body and attempted to resolve the objection. Objections may be made on the following grounds:

(a) The record does not include all materials included as part of the record during the proceedings before the governing body. The omitted item(s) shall be specified, as well as the basis for the claim that the item(s) are part of the record.

(b) The record contains material not included as part of the record during the proceedings before the governing body. The item(s) not included as part of the record during the proceedings before the governing body shall be specified, as well as the basis for the claim that the item(s) are not part of the record.

(c) The minutes do not accurately reflect the proceedings, or the transcripts of the meetings or hearings are incomplete.

(3) An objection on grounds that the minutes or transcripts are incomplete or inaccurate shall demonstrate with particularity how the minutes or transcripts are defective and shall explain with particularity why the defect is material. Upon such demonstration, the Chair of the Commission shall require the governing body to produce additional evidence to prove the accuracy of the contested minutes or transcripts. If the evidence regarding contested minutes is in an audiotape recording, a transcript of the relevant portion shall be submitted.

(4) The Chair of the Commission may conduct a telephone conference with the parties to consider any objections to the record.

(5) If an objection to the record is filed, the time limits for all further procedures under these rules shall be suspended. When the objection is resolved, the Chair of the Commission shall issue a letter or order declaring the record settled and setting forth the schedule for subsequent events. Unless otherwise provided by the Chair of the Commission, the date of the Commission's Chair's letter or order shall be deemed the date of receipt of that the record is settled for purposes of computing subsequent time limits.

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

350-60-075 Alternative Dispute Resolution and Settlement

The Commission recognizes that: many of the matters that come before the Commission on appeal may be resolved through alternative dispute resolution (ADR), such as mediation; ADR may be a faster and less expensive process than appeal pursuant to these rules and beyond to the states' courts; agreements reached through ADR may be more lasting and acceptable to the parties than a decision on the merits by the Commission or the states' courts; and, ADR is a voluntary process.

(1) The Executive Director of the Commission shall review the parties' ADR statements as soon as practicable.

(2) If, after reviewing the parties' ADR statements, the Executive Director believes that ADR may be successful in resolving or partially resolving the matter, then she shall send a letter to the parties and offer assistance to the parties to obtain information about ADR or to identify possible ADR neutrals, specifically the states' and other government-funded

dispute resolution programs, community mediation programs, or other qualified neutrals; however, the Commission shall not be required to pay the cost of ADR. This subsection shall not be construed: to prevent the parties from requesting the Commission's assistance to resolve the matter through settlement or ADR at any time, or to limit the Commission's authority to recommend to the parties that they attempt to resolve the matter through ADR.

(3) Upon motion, the Chair of the Commission shall place the appeal in abeyance or shall grant all necessary extensions of time to facilitate the parties' attempts to resolve the matter through settlement or ADR. Should settlement or ADR be unsuccessful, any party may file a motion to reinstate the matter and reset the applicable time periods.

(4) Any oral discussion, written documents, or other record produced exclusively for the purpose of settlement or ADR, whether or not pursuant to this section, shall be confidential and not part of the record on appeal from the governing body (to the Gorge Commission) nor part of the Gorge Commission's record to any reviewing court.

(5) The Commission shall not consider, as a basis for any decision pursuant to this division, a party's decision to not participate in settlement or ADR, or knowledge that the matter was not resolved through settlement or ADR.

(6) Settlement

(A) If the parties settle a case in a manner that is substantially different than the proposed development stated in the original or subsequent notices of the proposed development, then the governing body shall be required to provide notice of the development proposed in the settlement and conduct a review of the proposed development as required by the land use ordinance.

(B) When an appeal, or any issue in an appeal, is settled by the parties, the Commission shall not be required to review the settlement as a condition of the settlement. The Commission shall not be bound by any terms of the settlement agreement in the instant or future matters.

(C) Upon settlement of a case, the appellant shall dismiss the appeal in accordance with 350-60-205.

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

350-60-080. Request for Review Appellant's Brief.

(1) Filing and Service of Request Brief: The Request for Review Appellant's Brief shall be filed with at the Commission office and served no later than within 30 days after the record is filed, or settled if a party files an objection to the record. The date the record is received by the Commission. The Request shall also be served on the governing body and any party who has filed a motion to intervene. Failure to file a Request for Review Appellant's Brief within the time required by this section shall result in dismissal of the appeal.

(2) Specifications of Request Brief: The Request for Review Appellant's Brief shall

(a) Begin with a table of contents;

(b) Not exceed 50 pages, exclusive of appendices, unless permission for a longer Request brief is given by the Chair of

the Commission. If a Request for Review brief exceeding the 50 page limit is filed without permission, the Chair of the Commission shall notify the author, and a revised brief satisfying the 50 pages limit shall be filed and served within three (3) days of notification by the Commission.

(c) Have a blue cover page, stating the full title of the proceeding, and the names, addresses and telephone numbers of all parties unrepresented by attorney. If a party is represented by an attorney, the name, address and telephone number of the attorney shall be substituted for the party. If there is more than one petitioner, the cover page shall specify the petitioner(s) filing the Request. An intervenor shall be designated as either petitioner appellant or respondent.

(d) If there is more than one appellant, the cover page shall specify the appellant(s) filing the brief.

(e) Be typewritten, in 12-point pica type, and double spaced;

(f) Be signed on the last page by the author.

(3) Contents of Request Brief: The Request for Review Appellant's Brief shall

(a) State the facts that establish petitioner's appellant's standing;

(b) Present a clear and concise statement of the case, in the following order, with separate section headings:

(A) The nature of the land use decision and the relief sought by petitioner the appellant;

(B) A summary of the arguments appearing under the assignments of error in the body of the Request brief;

(C) A summary of the material facts. The summary shall be in narrative form with citations to the pages of the record where the facts alleged can be found.

(c) State why the challenged decision is a land use decision subject to the Commission's jurisdiction;

(d) Set forth each assignment of error under a separate heading. Where several assignments of error present essentially the same legal questions, the argument in support of those assignments of error shall be combined;

(e) Contain a copy of the challenged decision, including any adopted findings of fact and conclusions of law;

(f) Contain a copy of any management plan provisions, comprehensive plan provision, ordinance or other provision of local law cited in the Request brief, unless the provision is quoted verbatim in the Request brief.

(4) Copies of example Appellant's briefs are available at the Commission office for parties to review for form.

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

350-60-090. Special Request Review Process.

(1) Where the petitioner appellant contends the land use decision eliminates all economic or beneficial use of the property, the petitioner appellant must meet the requirements for request for review the Appellant's Brief in Rule 350-60-080 and the requirements for Special Request for Review as follows:

(a) Set out the pertinent portions of the ordinance that apply;

(b) Describe how the ordinance impacts the use of the property;

(c) Attach copies of any documents (maps, deeds, easements, etc.) that are relevant; and

(d) Explain why the requested use must be allowed to provide economic or beneficial use of the property.

(2) All other parties shall have the opportunity to specifically respond to the ~~petitioner's request~~ appellant's submittal under this section in their briefs and the ~~development review officer designated by the Executive Director or her designee~~ shall also respond.

(3) The Commission, in its "Final Opinion and Order", shall

(a) Address the subject of economic or beneficial use in its findings of fact and conclusions.

(b) Specify the factual and/or legal principles relied on in support of the decision.

(c) Where appropriate, propose options for use for the property owner, or other options available to the ~~petitioner~~ appellant consistent with the ordinance.

(d) Where the Commission finds that enforcement of the land use ordinance will deprive the landowner of all economic or beneficial use of the property, the Commission shall remand the matter to the county for the county to allow a use as provided for by the order of the Commission. The economic or beneficial use allowed shall be the use that on balance best protects the affected resources. This section applies:

(A) if the Forest Service or the federal government does not provide just compensation for a Special Management Area designation it made; or

(B) for a General Management Area designation made by the Gorge Commission.

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

350-60-100. Respondent's Brief.

(1) Filing and Service of Brief: ~~The Respondent shall file at the Commission office and serve a Respondent's brief shall be filed no later than 20 days after the date the Appellant's Brief is filed. within 50 days after the date the record is received by the Commission. A copy of the respondent's brief shall be served on the petitioner or lead petitioner and all intervenors.~~

(2) Specifications of Brief: ~~The Respondent's brief shall conform to the specifications of the Request for Review Appellant's Brief, except that the brief shall have a red cover. If there is more than one respondent, the cover page shall specify which respondent is filing the brief.~~

(3) Contents of Brief:

(a) The respondent's brief shall follow the form prescribed for the ~~Request for Review Appellant's Brief~~. The respondent shall specifically accept the ~~petitioner's~~ appellant's statement of the case or shall cite any alleged omissions or inaccuracies therein, and may state additional relevant facts or other matters. The statement shall be in narrative

form with citations to the pages of the record where support for the facts alleged can be found.

(b) ~~The Respondent shall accept or challenge petitioner's the appellant's statement of the Commission's jurisdiction and petitioner's the appellant's statement of standing. The basis for any challenge shall be stated. If the respondent contends that the facts alleged by petitioner the appellant in support of standing are not true, the respondent shall specify which allegations are contested.~~

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

350-60-120. Oral Argument.

(1) The hearing before the Commission shall be on the record submitted by the county, as long as the county has based its decision upon a record made at an adjudicative hearing open to participation by persons adversely affected or aggrieved. Only parties who have submitted briefs shall be allowed to present oral argument to the Commission.

(2) If the county did not base its decision upon a record made in an adjudicated hearing open to participation by persons adversely affected or aggrieved, then anyone adversely affected or aggrieved may participate in a hearing before the Commission.

~~(3) Only parties who have submitted briefs shall be allowed to present oral argument to the Commission.~~

(4) If a party waives the right to present oral argument, the Commission shall consider the case based on that party's brief and the brief and oral arguments presented by other parties. The parties may, with consent of the Commission, stipulate to submit a case to the Commission on briefs without oral argument.

(5) The Commission shall inform the parties of the time and place of oral argument. Unless the Commission otherwise orders, the procedure for oral argument shall be as follows:

(a) Members of the Commission shall have an opportunity to ask questions that they wish the parties to address in their oral arguments.

(b) ~~petitioner~~ The appellant(s) shall be allowed 30 20 minutes for oral argument, which may be divided between the initial presentation and rebuttal, and which shall be uninterrupted by questions asked by members of the Commission. Multiple petitioners appellants shall share the thirty twenty minutes for argument.

(c) The respondent(s) shall be allowed 30 20 minutes to respond, which shall be uninterrupted by questions asked by members of the Commission. Multiple respondents shall share the twenty minutes for argument.

(d) After the parties uninterrupted arguments, members of the Commission may ask brief questions of the parties concerning the facts of the case, the arguments made, and applicable law. Appellant(s) and respondent(s) shall each have 2 minutes to answer each question, except that the Chair may allow a longer time provided that both sides are afforded the same time to answer the question. Multiple petitioners or respondents shall share the allotted time to answer a question.

PROPOSED

(5) The Commission shall tape record all arguments, but any party may also arrange at its own expense to record the argument in the same or other manner.

(6) The governing body shall ensure that all audiotape recordings, large maps, or exhibits and documents, which were not included in the duplicated record pursuant to 350-60-060 (1)(d), are present at the oral argument, even if the governing body chooses not to participate in oral argument. All other parties are encouraged to remind the governing body of this requirement. The governing body shall transmit such items to the Commission at the beginning of the hearing. The Commission shall have broad authority to redress a governing body's failure to transmit such items, including but not limited to, postponing the hearing, exclusion of the item from the record before the Commission, or judicial notice of the contents of the record.

(7) The Commission may consult with its staff and counsel regarding facts, legal analysis, issues and matters in the appeal. The Commission may allow, but shall not be required to allow the parties to respond to the staff and counsel's statements to the Commission.

(8) The Commission's rules concerning ex parte contact and appearance of fairness, Commission Rules 350-16-016 and 350-16-017 shall apply.

(9) The Commission shall send a Notice of Hearing in accordance with Commission Rule 350-16, which shall also include a summary of the requirements and procedures for oral argument in this section.

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

350-60-130. Motions, Generally and Procedural Orders.

~~The chair of the Commission or presiding officer designated by the chair shall issue procedural orders on behalf of the Commission relating to case setting, requests for intervention, preliminary motions, and other procedural matters.~~

(1) Any party may submit a motion for action by the Chair of the Commission. For matters not otherwise specified by this division, the Chair of the Commission and all parties shall observe the following procedures for submittal and disposition of motions.

(2) A motion shall be filed at the Commission office by mail or personal delivery, except that motions to which all parties consent may be filed by fax as provided in 350-60-040.

(3) All contested motions shall be filed not less than 21 days prior to the date of the hearing before the Commission, except for good cause. A party seeking to file a motion less than 21 days prior to the hearing shall consult with all parties about the motion and present with the motion, an agreed schedule for responsive briefs. The schedule shall leave no less than 7 days prior to the hearing for the Chair of the Commission to issue an order, unless the Chair of the Commission consents to a shorter period.

(4) The movant shall serve a copy of the motion on all of the parties at the same time that the motion is filed and in the same manner as the motion was filed.

(5) Unless otherwise ordered by the Chair of the Commission, any party has 10 days to file a response to a motion, except that no response shall be filed for uncontested motions. The responding party shall serve a copy of the response on all of the parties at the same time that the response is filed and in the same manner that the response was filed. No party may file a reply to the response(s).

(6) Any motion or response to a motion that does not conform to this subsection shall be rejected.

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.

REPEAL SECTION

350-60-140. Appearance of Fairness; Ex Parte Contacts

~~(1) Members of the Commission shall comply with the appearance of fairness in appeals and proceedings under these rules:~~

~~(2) Members of the Commission shall not have ex parte contact with applicants or interested parties seeking land use permit, or opponents to the permit, while the application or appeal thereto is pending under a land use ordinance for the Seenie 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, in the alternative, request 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

350-60-150. Evidentiary Hearings.

(1) Grounds for Hearing: The Commission may, upon written motion, conduct an evidentiary hearing in the case of disputed allegations in the parties' briefs concerning standing, ex parte contacts or other procedural irregularities not shown in the record and which, if proved, would warrant reversal or remand of the decision. An evidentiary hearing may also be held upon motion or at the direction of the Commission to consider disputes regarding the content of the record or requests for stays.

(2) Motions for Hearings: A motion for an evidentiary hearing shall be filed with at the Commission office and served on all parties at least 60 days in advance of oral argument, or less upon a demonstration of good cause. The motion shall contain a statement explaining with particularity what facts the moving party will present at the hearing and how those facts will affect the outcome of the review pro-

ceeding. Whenever possible such facts shall be presented by affidavit with the motion.

(3) Conduct of hearing:

(a) Insofar as the Commission finds it practical, the hearing shall be conducted in the following order:

(A) The moving party shall present its evidence including that of any witnesses;

(B) The other party(ies) shall have the opportunity to present evidence disputing that of the moving party;

(C) The moving party shall present rebuttal evidence;

(b) Any witness is subject to cross examination by opposing parties;

(c) Any member of the Commission may question any witness;

(d) The burden of presenting evidence in support of a fact or proposition rests on the proponent of the fact or proposition;

(e) The Commission may continue a hearing, and may set time limits for any hearing;

(f) Exhibits shall be marked to identify the party offering the exhibits. The exhibits shall be preserved by the Commission as part of the record.

(4) Evidentiary Rules:

(a) Evidence of a type commonly relied upon reasonably prudent person in conduct of their serious affairs shall be admissible.

(b) Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

(c) All evidence not objected to, shall be received by the Commission, subject to the Commission's power to exclude irrelevant, immaterial or unduly repetitious matter.

(d) Evidence objected to may be received by the Commission. Rulings on the admissibility of such evidence, if not made at the hearing, shall be made at or before the time a final order is issued.

(5) Prehearing Conference: The Commission, on its own motion or at the request of any party, may call a prehearing conference to consider:

(a) Simplification of the issues;

(b) The possibility of obtaining admissions of fact and documents which will avoid unnecessary proof;

(c) Limitation of the number of witnesses;

(d) The form and substance of any prehearing order;

(e) Such other matters as may aid in the disposition of the appeal.

(6) Proposed Prehearing Order: The Commission with or without a prehearing conference, may require that the parties prepare and sign a proposed prehearing order to be filed with the Commission on or before a date specified by the Commission. The order shall contain:

(a) A statement of contentions of law of each party;

(b) A concise statement of all contentions of fact to be proved by each party;

(c) A statement of all agreed facts;

(d) A list of witnesses and a summary of their testimony;

(e) A list of exhibits and a statement of the contents of each;

(f) Such other matters as the Commission may require in order to expedite the hearing and appeal.

(7) Effect on Time Limits: The filing of a motion for evidentiary hearing shall suspend the time limits for all other events in the review proceedings, including the issuance of the Commission's final order. If the Commission grants an evidentiary hearing, the time limits for other events shall remain suspended until the close of the hearing. Unless the parties agree otherwise, the Commission shall schedule any evidentiary hearing after the order granting the motion for evidentiary hearing is issued. If the Commission denies a motion for an evidentiary hearing, the time for all other events will begin to run on the date the Commission issues its order denying the motion, or on such other date as is specified in that order.

(8) Depositions: On petition of any party at least 14 days before an evidentiary hearing, the Commission may order testimony of any witness to be taken by deposition in the same manner prescribed for depositions in civil actions. Depositions may also be taken by the use of audio or audio visual recordings. The petition for deposition shall set forth:

(a) The name and address of the witness whose testimony is desired;

(b) A showing of relevance and materiality of the testimony;

(c) A request for an order that the testimony of the witness be taken.

(9) Subpoenas: If the Commission orders an evidentiary hearing, the Commission shall issue subpoenas to any party to the appeal upon written request and upon a showing that the witness or the documents to be subpoenaed will provide relevant evidence. Subpoenas may also be issued under the signature of the attorney of record of a party. Witnesses appearing pursuant to subpoena, other than parties or employees of the Commission, shall be tendered fees and mileage as prescribed by law for witnesses in civil actions. The party requesting the subpoena shall be responsible for service of the subpoena and tendering the witness and mileage fees to the witness.

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

350-60-160. Intervention.

(1) Standing to Intervene: The applicant and any person who appeared before the county may intervene in a review proceeding before the Commission. ~~Status as an intervenor shall be recognized when a motion to intervene is filed.~~ An intervenor shall be entitled to receipt of all matters requiring service upon the parties beginning on the date the motion to intervene is filed, regardless of whether an objection is filed.

(2) If the county review process is not open to persons adversely affected or aggrieved, any person adversely affected or aggrieved may intervene in a review proceeding before the Commission.

(3) Motion to Intervene: In the interests of promoting timely resolution of appeals, a motion to intervene shall be filed at the Commission office and served within 14 days as soon as is practicable after the Notice of Intent to Appeal and

Petition is filed pursuant to 350-60-050. The motion to intervene (exhibit 3) shall:

(a) State whether the party is intervening on the side of the ~~petitioner~~ appellant or the respondent;

(b) State the facts which show the party is entitled to intervene, supporting the statement with affidavits, citations to the record or other proof;

(c) Include a brief "Intervenor's ADR Statement" stating whether the proposed intervenor is willing to attempt to resolve the case through alternative dispute resolution means. This statement shall not be used to argue merits of the appeal. Be served upon the Commission and all parties.

(d) Include a brief statement about whether the proposed intervenor is willing to consider a shortened record in accordance with 350-60-060(f); and

(4) Objections to a motion to intervene shall be filed and served within 7 days of the motion.

(5) The intervenor shall be entitled to participate in developing the record, including shortening the record and filing objections to the record.

(6) The Chair of the Commission may conduct a telephone conference with the parties to consider an objection to a motion to intervene.

(7) The Chair of the Commission shall issue a written decision on the motion to intervene, which shall be served on all the parties. The Chair of the Commission shall not consider the ADR statement for the purpose of deciding whether to grant the motion to intervene.

(84) Intervenor's Brief:

(a) If intervention is sought as an ~~petitioner~~ appellant, the brief shall be filed and served within the time limit for filing the ~~Request for Review Appellant's Brief~~, and shall satisfy the requirements for ~~the a-Request for Review Appellant's Brief~~ in 350-60-080.

(b) If intervention is sought as a respondent, the brief shall be filed and served within the time for filing a respondent's brief and shall satisfy the requirements for a respondent's brief in 350-60-100.

~~(5) Objections to a motion to intervene shall be filed within 7 days of the motion.~~

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

350-60-170. Amicus Participation.

(1) A person or organization may appear as amicus only by permission of the Commission on written motion. The motion shall set forth the specific interest of the movant and state reasons why a review of relevant issues would be significantly aided by participation of the amicus. A copy of the motion shall be served on all parties to the proceeding.

(2) Appearance as amicus shall be by brief only, unless the Commission specifically requests oral argument. An amicus brief shall be subject to the same rules as those governing briefs of parties to the appeal and shall be filed and served within the time required for filing respondent's brief. An amicus brief shall be submitted at the time the respondent's brief is due unless a later date is authorized by the

Chair of the Commission. No filing fee is required. An amicus brief shall have a green cover.

AMENDATORY SECTION

350-60-180. Consolidation.

The Chair of the Commission, at the request of any party or on its own motion, may consolidate two or more proceedings, provided the proceedings seek review of the same or closely related land use decision(s).

AMENDATORY SECTION

350-60-190. Extensions of Time.

(1) In no event shall the time limit for the filing of the Notice of ~~Intent to Appeal and Petition~~ be extended.

~~(2) In no event shall the time limit for the filing of the Request for Review be extended without the written consent of all parties.~~

(23) All other time limits may be extended upon written consent of all parties, the Commission's motion or motion of a party.

(34) A motion for extension of time shall state the reasons for granting the extension and must be filed ~~with the Commission and served~~ within the time required for performance of the act for which an extension of time is requested.

(4) A first motion for extension of time for any act, which requests an extension for no greater than 30 days and is stipulated to by all parties, shall be presumed granted on the date that the motion is filed. The Chair of the Commission shall confirm the extension to the parties.

(5) Any other motion for extension of time that is stipulated to by all parties shall be presumed granted for a period of 14 days. The Chair of the Commission shall issue an order granting or denying the extension, and may modify the request. Any agreement by the parties for an extension of time shall automatically extend the time for issuance of the Commission's final order by an amount of time equal to the extension agreed to by the parties.

(6) Any motion for extension of time that is stipulated to by all parties may be filed and served by fax. In the event the Commission extends the deadline for issuance of its final order without consent of the parties, it shall enter the specific findings to explain such action.

(7) Any motion for extension of time that is not stipulated to by all parties shall be treated as a contested motion pursuant to 350-60-130 above.

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

350-60-200. Stays.

(1) A motion for a stay of a land use decision shall include:

(a) A statement setting forth movant's right to standing to appeal the decision;

(b) A statement explaining why the challenged decision is subject to the Commission's jurisdiction;

(c) A statement of facts and reasons for issuing a stay, demonstrating a claim of error in the decision and specifying how the movant will suffer irreparable harm if a stay is not granted;

(d) A suggested expedited briefing schedule;

(e) A copy of the decision under review and copies of all ordinances, resolutions, plans or other documents necessary to show the standards applicable to the decision under review.

(2) A copy of a motion for stay shall be served on the governing body and the applicant for the land use decision, if any, on the same day the motion is filed with the Commission.

(3) Unless otherwise ordered by the Chair of the Commission, a response to a motion for a stay of a land use decision shall be filed within 10 days after the motion is filed and shall set forth all matters in opposition to the motion and any facts showing any adverse effect, including an estimate of any monetary damages that will accrue if a stay is granted.

(4) The Chair of the Commission shall base its her decision on the stay, including the right to a stay, or conditions of any stay order, upon evidence presented. Evidence may be attached to the motion in the form of affidavits, documents or other materials, or presented at an evidentiary hearing which may be convened at the discretion of the Chair of the Commission and follow the process in 350-60-150 ~~130~~.

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

350-60-205. Dismissal by the Commission

(1) Voluntary dismissal: The Chair of the Commission shall dismiss an appeal upon motion by the Appellant. The dismissal shall be considered with prejudice and shall be effective on the date it is filed.

(2) Involuntary Dismissal: The Chair of the Commission may dismiss an appeal upon or without motion by any other party when it appears to the Chair that the Appellant and all intervenors on the side of the Appellant have failed to prosecute the appeal diligently; when the appeal is moot, or any other situation in which continuing the case would be manifestly unjust to the responding parties. The Chair of the Commission shall send a Notice of Intent to Dismiss stating the facts and reason for dismissal. The parties shall have 10 days to respond to the notice, unless the Notice of Intent to Dismiss specifies a longer time.

(3) The Chair of the Commission shall issue and serve on the parties an order of dismissal, which shall be an appealable action by the Commission.

(4) When an appeal is dismissed, the Commission shall make no decision on the merits of the appeal. In the event that the parties have entered into any settlement agreement concerning the issues raised in the appeal, the Commission shall not be bound by any terms of the settlement agreement in the instant or future matters.

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

350-60-210. Final Order of Commission.

~~(1) An Order of the Commission shall: is final when the cover page of the order containing the caption of the appeal:~~

~~(a) Have a cover page that contains the caption of the appeal and sStates "Final Opinion and Order";~~

~~(b) Specify of the the items of the record that were present before the Commission, and Contains findings of fact and conclusions of law and/or an incorporation of findings and conclusions incorporates them from the record below.~~

~~(c) Addresses the Special Request for Review Proecess under Rule 350-60-090, where applicable.~~

~~(d) Indicates whether the decision being reviewed is dismissed, affirmed, reversed or remanded;~~

~~(e) Contains the date of the final order; and~~

~~(f) Is date stamped by the Commission. Contain a statement of the right to appeal the Commission's Order in the following or substantially similar form, "NOTICE: You are entitled to judicial review of this order within 60 days of the date of this order, pursuant to section 15 (b)(4) of the Scenic Area Act, P.L. 99-663."; and~~

~~(g) Be signed by the Chair of the Commission, or his/her delegate.~~

~~(2) The final order shall be served mailed to all parties. The parties are not afforded an opportunity to comment on the order before it is made final by the Commission.~~

~~(3) When an order of the Commission becomes final it shall be made available to interested members of the public. The Commission may charge a reasonable fee for copies of its final orders or other orders furnished to members of the public.~~

~~(4) No dissenting opinions by members of the Commission are allowed. Notwithstanding subsections (1)(a) and (b) of this section, an order granting a motion to dismiss an appeal is a final order.~~

~~(5) For the purpose of calculating the time for judicial review of the Commission's order, the date of the order shall be the date the order is served on the parties even if that date is later than the date that the order is signed.~~

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

350-60-220. Reversal or Remand of Land Use Decisions.

(1) The Commission shall reverse or remand a land use decision for further proceedings when:

(a) The governing body exceeded its jurisdiction;

(b) The decision is unconstitutional;

(c) The decision violates a provision of applicable law and is prohibited as a matter of law; or

(d) The decision was clearly erroneous or arbitrary and capricious.

(e) The findings are insufficient to support the decision;

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(f) The decision is not supported by substantial evidence in the whole record;

(g) The decision is flawed by procedural errors that prejudice the substantial rights of the petitioner(s) appellant(s);

(h) The decision improperly construes the applicable law; or

(i) A remand is required pursuant to 350-60-090 (3)(d) 360-60-090 (2)(d).

(2) The Chair of the Commission may grant a stipulated motion for a voluntary remand of a land use decision, or may order a remand upon motion by the governing body upon finding that all of the following criteria are met. When the Chair orders a remand pursuant to this section, it shall remand back to the last local decision maker that issued the appealed decision.

(a) The governing body shall rescind the land use decision that is the subject of the appeal;

(b) The governing body shall agree to address all of the issues raised in the appeal in a subsequent land use decision, however, the governing body shall not be required to issue any subsequent land use decision;

(c) In issuing a subsequent land use decision, the governing body shall follow all procedures that would apply if the matter were being considered for the first time.

(d) An oral decision of the Commission has not been rendered in the matter.

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

350-60-240 Special Rules for Filing of Appeal After Expiration of Appeal Period

(1) This section is intended to prevent manifest injustice that would result by a local government's failure to comply with all procedural requirements such that an interested person was unable to participate in a land use decision process.

(2) If the local government approves a development that is materially different from the proposal described in the notice of development to such a degree that a reasonable person could not have understood the notice of development to describe the local government's final actions, then an adversely affected person may file an appeal of the decision within 21 days of actual notice of the decision.

(3) If the development constructed is materially different from the development allowed in the local government's decision to such a degree that a reasonable person could not have understood the decision to allow the actual development constructed, then an adversely affected person may file an appeal within 21 days after actual notice of the material difference, or within 21 days after the person reasonably should have known about the material difference, whichever is sooner.

(4) If the local government fails to provide notice of the proposed development or a copy of the final decision to a person who is legally entitled to the notice or decision, or has requested to receive the notice or decision, then that person may file an appeal within 21 days after actual notice of the approved development.

(5) In no event shall the time for appeal exceed the time period that the local government's decision is valid.

(6) A person intending to file an appeal pursuant to this section shall first attempt to resolve that person's concern with the local government. The local government shall give due consideration to the concerns raised and shall not rely solely on whether the concerns were timely raised. The local government may choose to allow the person to file an appeal with the local government.

(7) If the local government does not allow the appeal to be filed with the local government, then the person may file the appeal directly with the Commission. In addition to the requirements for the Notice of Appeal specified in 350-60-050, the appellant shall file a motion for an evidentiary hearing pursuant to 350-60-150 to establish standing to maintain the appeal.

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

EXHIBIT 1 (350-60-050)

BEFORE THE COLUMBIA RIVER GORGE COMMISSION

Jane Clark,)
Petitioner Appellant,)
vs.) CRGC No.
Tahoma County,)
Respondent.)

NOTICE OF INTENT TO APPEAL AND PETITION

I.

Notice is hereby given that [NAME OF APPELLANT(S)] petitioner intends to appeal that land use decision of respondent entitled [INDICATE TITLE OF LAND USE DECISION], which became final on [INDICATE DATE] and which involves [SET FORTH A BRIEF STATEMENT OF THE NATURE OF THE DECISION]

ADR STATEMENT: [INDICATE WHETHER YOU ARE WILLING TO ATTEMPT TO SETTLE THE CASE THROUGH MEDIATION OR OTHER MEANS].

SHORTENED RECORD: [STATE WHETHER YOU ARE WILLING TO CONSIDER A SHORTENED RECORD AS ALLOWED BY 350-60-060(f)].

II.

Petitioner [If applicable] Appellant, Jane Clark, is represented by: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY].

Respondent, Tahoma County, has as its mailing address and telephone number: [INDICATE MAILING ADDRESS AND TELEPHONE NUMBER] and has, as its legal counsel: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER].

III.

Applicant, John Developer, was represented in the proceeding below by: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY].

Other persons mailed written notice of the land use decision by Tahoma County, as indicated by its records in this matter, include: [INDICATE NAMES, ADDRESSES AND TELEPHONE NUMBERS].

PHONE NUMBER OF ALL PERSONS WHOM THE GOVERNING BODY'S RECORDS INDICATE WERE MAILED WRITTEN NOTICE OF THE LAND USE DECISION. THE TELEPHONE NUMBERS OF SUCH PERSONS MAY BE OMITTED).

NOTICE:

Anyone designated in paragraph III of this Notice who desires to participate as a party in this case before the Columbia River Gorge Commission must file with the Commission a Motion to Intervene in this proceeding within 14 days of the date of this Notice, as required by CR 350-60-140 160.

or
Petitioner Appellant (each petitioner appellant must sign)
Attorney for Petitioner(s) Appellant(s)

[Add Certificate of Service. See form in Exhibit 4.]

CERTIFICATE OF SERVICE

I hereby certify that on [INDICATE DATE], I served a true and correct copy of this Notice of Intent to Appeal and Petition on all persons listed in paragraphs II and III of this Notice pursuant to CR 350-60-050(2) by (a) first class mail or (b) personal delivery. [INDICATE WHICH]

Dated:
Signature

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.

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

EXHIBIT 3
(350-60-160)

BEFORE THE COLUMBIA RIVER GORGE COMMISSION

Jane Clark,
Petitioner Appellant,
vs.
Tahoma County,
Respondent.
CRGC No.

MOTION TO INTERVENE

I.

John Smith moves to intervene on the side of (a) Petitioner Appellant or (b) Respondent [INDICATE WHICH] in the above-captioned appeal.

Mr. Smith's (or his attorney's) address and phone number are as follows: [INDICATE ADDRESS AND PHONE NUMBER].

ADR STATEMENT: [INDICATE WHETHER YOU ARE WILLING TO ATTEMPT TO SETTLE THE CASE THROUGH MEDIATION OR OTHER MEANS.]

SHORTENED RECORD: [STATE WHETHER YOU ARE WILLING TO CONSIDER A SHORTENED RECORD AS ALLOWED BY 350-60-060(f)].

II.

The facts establishing movant's right to intervene are as follows: [SET FORTH STATEMENT OF FACTS].

III. [OPTIONAL]

In support of this motion, John Smith relies on the attached affidavit, Memorandum of Law or both.

Date John Smith
or
Barbara Neil, Attorney for John Smith

[Add Certificates of Filing and Service on separate page. See forms in Exhibits 4 and 5.]

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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.

REPEAL SECTION

EXHIBIT 4

CERTIFICATE OF FILING
[For Document Other Than Notice of Intent to Appeal]

I hereby certify that on [INDICATE DATE], I filed the original of this [IDENTIFY DOCUMENT], together with [INDICATE NUMBER OF COPIES] copies, with the Columbia River Gorge Commission, 288 E. Jewett Blvd., P.O. Box 730, White Salmon, WA 98672, by (a) first class mail or (b) personal delivery [INDICATE WHICH].

Dated:
Signature

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

Reviser's note: 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

EXHIBIT 45

CERTIFICATE OF SERVICE
[For Document Other Than Notice of Intent to Appeal]

I hereby certify that on [INDICATE DATE], I served a true and correct copy of this [IDENTIFY DOCUMENT] by (a) first class mail, or (b) personal delivery, or (c) facsimile [INDICATE]

PROPOSED

WHICH] on the following persons: [LIST NAME AND ADDRESS OF EACH PARTY OR THE PARTY'S ATTORNEY].

Dated: _____

Signature

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.

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.

PROPOSED

WSR 03-09-079
PROPOSED RULES
COLUMBIA RIVER
GORGE COMMISSION

[Filed April 17, 2003, 8:44 a.m.]

Original Notice.

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

Title of Rule: Appeals from decisions under Gorge Commission ordinances. This rule is the appellate procedural rule for filing an appeal of a land use decision by the executive director of the Columbia River Gorge Commission.

Purpose: The purpose of the rule is to define the process and standards used by the Gorge Commission in hearing appeals of land use decisions by the executive director of the Gorge Commission.

Other Identifying Information: Commission Rule 350-70.

Statutory Authority for Adoption: 16 U.S.C. § 544c(b), RCW 42.97.015.

Statute Being Implemented: 16 U.S.C. § 544c(b), RCW 42.97.015.

Summary: This rule making is to amend the rules to clarify, simplify, and expedite the appeals process.

Reasons Supporting Proposal: The proposal contains amendments that have long been sought by appellate parties.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jeffrey Litwak, Counsel, P.O. Box 730, White Salmon, WA 98672, (509) 493-3323.

Name of Proponent: Columbia River Gorge Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule governs the Gorge Commission process and standards for appeals of land use decisions by the executive director of the Gorge Commission. The Gorge Commission has implemented this rule since 1993 in substantially the same form. Over the past ten years, the Gorge Commission and frequent appellants under the rules have identified changes that will clarify, simplify, and expedite the process.

Proposal Changes the Following Existing Rules: Significant changes include: Changing the role of the executive director from being a "party" to the appeal, to being the staff

of the commission; allowing filing by fax for uncontested motions (350-70-040(6)); allowing filing to be accomplished by mail, instead of by receipt at the commission office (350-70-040(6)); requiring appellants to note whether they are willing to try ADR to settle the case, in which case the Gorge Commission would facilitate ADR (350-70-085); including a process for filing motions and responses to motions, and for expedited motions (350-70-120); revising the appeal hearing to resemble a local government de novo appeal hearing (350-70-140); allowing any person to testify at the appeal hearing instead of only persons who have intervened; allowing intervention to participate in prehearing matters (350-70-170); allowing stipulated motions for extensions of time to be automatic for the first one, and presumed granted for all subsequent extensions (350-70-200 (4) - (6)); allowing for involuntary dismissal of an appeal by the commission when the appeal is moot or not diligently prosecuted (350-70-225); allowing the executive director to request a voluntary remand of a case under certain circumstances and deleting the requirement that the commission identify "error" in the executive director's decision (350-70-230).

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules are process and procedural and do not target small businesses.

RCW 34.05.328 does not apply to this rule adoption. The proposed amendments are not a "significant legislative rule" under RCW 34.05.328 (3)(c)(iii).

Hearing Location: Discovery Center, 5000 Discovery Drive, The Dalles, Oregon, on June 10, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Nancy Andring by June 6, 2003, 9:00 a.m.

Submit Written Comments to: Columbia River Gorge Commission, P.O. Box 730, White Salmon, WA 98672, fax (509) 493-2229, by June 2, 2003.

Date of Intended Adoption: June 10, 2003.

April 14, 2003

Nancy Andring

Rules Coordinator

AMENDATORY SECTION

350-70-000. Purpose.

The purpose of this division is to define the process and standards used by the Columbia River Gorge Commission in hearing appeals from decisions relating to the implementation of the Columbia River Gorge National Scenic Area Act ("National Scenic Act" or "Act"). The rule applies to appeals from decisions by the Executive Director under ordinances adopted by the Gorge Commission. This rule is intended to permit the appellant to build a more complete record than was before the Executive Director through briefing, and oral presentation of evidence and argument, and to allow interested persons to participate in that process.

AMENDATORY SECTION

350-70-020. Scope.

Scope of Rules: All proceedings commenced by Notice of ~~Intent to Appeal and Petition~~ shall be governed by these

16 of the Commission's rules shall be applicable provided that the specific provisions are applied in a manner that does not conflict with the provisions of this division.

Appeals commenced by a Notice of Appeal filed under the Final Interim Guidelines shall continue to be governed by Commission Rule 350-20 as adopted December 1, 1987, and the Final Interim Guidelines.

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

350-70-040. Definitions.

In these rules, unless the context or subject matter requires otherwise:

(1) "Applicant" means the person who requested that the Executive Director of the Gorge Commission take an action which resulted in a land use decision.

(2) "Commission" means the Columbia River Gorge Commission, ~~or any member thereof.~~

(3) "Counties" means Multnomah, Hood River and Wasco Counties, Oregon, and Clark, Skamania, and Klickitat Counties, Washington.

(4) "Days" means calendar days.

(5) "Executive Director" or "Director" means the director of the Gorge Commission.

(6) "File" means to deliver to Commission offices by personal delivery or by mail, ~~not by fax.~~ Unless otherwise specified, a document shall be considered filed on the date that it is personally delivered, or the date that it is mailed. To be considered filed, a document must be received at Commission offices by 5:00 p.m.

(a) A motion filed with the consent of all parties may be filed by fax. When a motion is filed by fax, the original shall be mailed or delivered in person to the Commission offices on the same day or on the next business day. A motion filed by fax shall be considered filed on the date it is faxed if the fax is received at Commission office by 5:00 p.m.

(b) Any document filed with the Commission shall include a certification that the document was served on all parties on the same or earlier date and in the same manner that the document was filed.

(7) "Final decision": A decision is final when it is reduced to writing and bears the signature of the Executive Director of the Gorge Commission.

(8) "Land use decision" means a final decision by the Executive Director based on the National Scenic Act.

(9) "Notice" means the Notice of ~~Intent to Appeal and Petition~~ and refers to the document which must be filed with the Commission in order to begin a review proceeding.

(10) "Person" means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character other than the Commission. A person shall include the Executive Director of the Gorge Commission in his or her official capacity. "Party" means the petitioner, the applicant if different from the petitioner, the Executive Director, and any person who intervenes.

(11) ~~"Transmit" means to send with the United States Postal Service by first class mail or to deliver in person.~~ "Serve" or "Service" means to send with the United States Postal Service by first class mail or to deliver in person, a copy of the original to all parties, including intervenors.

(a) Only motions that are filed by fax may be served by fax. If a motion is served by fax, then it shall also be served by mailing or delivering a copy of the original to the appellant and intervenors on the same or next day.

(b) All documents served shall include a certification that the document was served on the same or earlier date and in the same manner that the document was filed (Exhibit 3).

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

350-70-042. Delegation of Authority to the Chair of the Commission

(1) Where these rules refer to the Chair of the Commission, the Commission has delegated authority to the Chair or presiding officer designated by the Chair to act on those matters for the Commission, including but not limited to, procedural orders on behalf of the Commission relating to case setting, preliminary motions, and other procedural matters. The Chair of the Commission may also act on other matters specified for Commission action when the context indicates action by the Chair of the Commission or when action by the full Commission would be impracticable.

(2) The Chair of the Commission shall decide all matters delegated to her motions without oral argument, unless she, in her sole discretion, desires an oral hearing. The decision of the Chair of the Commission or presiding officer pursuant to this authority shall be final and shall not be reviewable by the full Commission.

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.

NEW SECTION

350-70-045. Time

(1) Computation: In computing any period of time prescribed or allowed by these rules, the day of the act from which the designated time period begins to run shall not be included and the last day of the time period shall be included.

(2) Whenever a person has the right or is required to do some act or take some proceedings within a prescribed period of time after service or a notice or other paper, and the service of the notice or other paper is by mail, three (3) days shall be added to the prescribed time period. This does not apply to documents mailed when filing and service is accomplished by fax.

(3) When a deadline for accomplishing some act under these rules falls on a weekend or legal holiday, the deadline shall be the next business day, and all following deadlines shall be calculated from that deadline. A legal holiday shall be any day in which the United States Postal Service does not

deliver mail, or when the Gorge Commission is closed for business.

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.

NEW SECTION

350-70-047. Who May Appeal.

(1) The applicant or any person who submitted a timely written comment on a land use application may appeal the final decision of that application.

(2) Notwithstanding subsection (1) above, any person may participate in the appeal as provided in this division.

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

350-70-050. Notice of Intent to Appeal and Petition.

(1) Filing: A person wishing to appeal a decision by the Director shall file a The Notice of Intent to Appeal and Petition from a decision by the Director shall be filed with at the Commission office on or before the 30th day after the date the decision sought to be appealed reviewed becomes final. A Notice filed thereafter shall not be deemed timely filed and the appeal shall be dismissed.

(2) Service of Notice of Intent to Appeal and Petition: The Appellant shall serve a copy of the Notice of Intent to Appeal and Petition shall be filed with the Commission and served on all persons identified in the Notice as required by subsection (3)(fg) of this rule on or before the date the Notice of Intent to Appeal and Petition is required to be filed.

(3) Contents of Notice of Intent to Appeal and Petition: The Notice of Intent to Appeal and Petition shall be substantially in the form set forth in Exhibit 1 and shall contain:

(a) A caption, which specifies the title of the appeal as "In the matter of an appeal of Development Review Decision No. [FILE NUMBER] by [APPELLANT'S NAME]." sets forth the name(s) of the person(s) filing the Notice, identifying the person(s) as petitioner(s), and Executive Director, identifying the Executive Director as respondent;

(b) Below Adjacent to the caption, the heading "Notice of Intent to Appeal and Petition";

(c) The full title of the decision to be reviewed as it appears on the final decision;

(d) The date the decision to be reviewed became final;

(e) A concise description of the appellant's reasons for appealing the decision including citations to the findings of fact, conclusions of law and conditions of approval in the decision and to provisions of the land use ordinance, sufficient to permit a person to understand the issues the appellant is raising to the Commission; to be reviewed:

(f) A brief "ADR Statement" stating whether the appellant is willing to attempt to settle the case through negotiation with the Executive Director and other interested persons, or through alternative dispute resolution (including but not limited to mediation), and specifying the potentially interested

persons (if applicable). This statement shall not be used to argue the merits of the appeal.

(gf) The name, address and telephone number of each of the following:

(A) The Appellant, Petitioner.—If the petitioner is not represented by an attorney, the petitioner's name, address and telephone number shall be included. If except that if an attorney represents the petitioner appellant, then the attorney's name, address and telephone number shall be substituted for that of the appellant petitioner. If two or more petitioners are unrepresented by an attorney, one petitioner shall be designated as the lead appellant petitioner.

(B) The Executive Director and the Director's legal counsel;

(BC) The applicant, if any (and if other than the appellant petitioner). If an the applicant is was represented by an attorney before the Executive Director, then the applicant's address and telephone number may be omitted and the name, address and telephone number of the applicant's attorney shall be included;

(CD) Any other person to whom written notice of the land use decision was mailed as shown on the Executive Director's records. The telephone number may be omitted for any such person.

(hg) A statement advising that all persons may give testimony at the hearing on the appeal; however, if a person wishes to participate in the proceedings prior to the hearing, then, other than the Executive Director, that in order to participate in the review proceeding a that person must file and serve a motion to intervene Notice of Intervention pursuant to 350-70-170.

(i) A statement that the Commission will set the date, time, and place for a hearing on the appeal and provide notice of the hearing approximately 20 days prior to the date of the hearing.

(j) A statement that written comments on the appeal will be accepted by the Commission until the close of the public hearing, but that persons are encouraged to submit written comments within 60 days from the date of the Notice of Appeal.

(kh) Proof of service upon all persons required to be named in the Notice. See Exhibit I.

(4) Filing Fee and Deposit for Costs: A filing fee and deposit for costs may be charged by the Columbia River Gorge Commission. The Columbia River Gorge Commission may charge a filing fee and deposit. Filing fees and deposits, if any, shall be set by the Gorge Commission's Executive Director and shall not exceed the true cost to the Commission of handling the appeal.

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AMENDATORY SECTION**350-70-060. Special Review Process.**

(1) In any development review decision by the Executive Director ~~under [any] a rule adopting ordinances,~~ where the applicant contends the result eliminates all beneficial use of the property, the applicant must request special review as follows:

- (a) Make the request in writing.
- (b) Set out the pertinent portions of the ordinance that apply;
- (c) Describe how the ordinance impacts the use of the property;
- (d) Attach copies of any documents (maps, deeds, easements, etc.) that are relevant; and
- (e) Explain why the requested use must be allowed to provide economic or beneficial use of the property.
- (f) The request for special review shall be served, concurrently with the Notice of Appeal, on the Executive Director and all persons entitled to service of the Notice of Appeal parties, within 10 working days of receipt of the decision. If a person who was not served with a copy of the request for special review intervenes, then the applicant shall, as soon as possible, serve a copy of the request for special review on the intervenor.

(g) An intervenor ~~All other parties~~ shall have the opportunity to specifically respond to the applicant's petitioner's request and any response shall ~~submission must be filed and served and~~ within 14 days after the applicant serves the request for special review on the intervenor field within 10 working days of receipt of the request.

(2) The Director, on receipt of a request for special review and intervenors' responses (if any), ~~reconsideration,~~ shall take the following steps:

- (a) Evaluate the request for special review and intervenors' responses.
- (b) Take one of the following steps:
 - (1) Where appropriate, recommend options for use of the property that are consistent with the ordinance, or
 - (2) Where the Director finds that enforcement of the land use ordinance will deprive the landowner of all economic or beneficial use of the property, the Director shall recommend the Commission allow a use for the property. The economic or beneficial use recommended shall be the use that on balance best protects the affected resources. This section applies:
 - (A) if the Forest Service or the federal government does not provide just compensation for a Special Management Area designation it made; or
 - (B) for a General Management Area designation made by the Gorge Commission.
- (c) Include proposed findings of fact in the recommendation ~~proposed findings of fact.~~ This shall be completed within 30 days after the last due date for the filing of an intervenor's response; of receipt of the request for special review; and
- (d) Specify the factual and/or legal principles relied on in support of the recommendations.

(3) The Executive Director shall serve the recommendation on the request for special review on the applicant and all

~~intervenors. The time period for submission of the Request for Review to the Gorge Commission shall not begin to run until the day after the Executive Director completes the recommendation.~~

(4) ~~The applicant and anyone who intervened may continue the appeal process below once the special review process is completed. The filing of a request for special review shall toll all subsequent time periods specified in these rules, except for intervention specified in 350-70-170. The time periods, beginning with the filing of the record pursuant to 350-70-070 shall begin to run on the date that the Executive Director serves the recommendation on the request for special review.~~

(5) The recommendation on a request for special review shall not be construed as an approval or denial of any land use. The applicant may continue the appeal or may submit a new land use application for the recommended land use(s).

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AMENDATORY SECTION**350-70-070. Record.**

(1) Contents of Record: The record shall include the following:

(a) The final decision including findings of fact and conclusions of law ~~of the Director's decision;~~

(b) All evidence, exhibits, maps, documents or other written materials included ~~as part of the record during the course of in~~ the Executive Director's land use application file; proceeding; photos, maps, and exhibits that were prepared by or presented to the Executive Director in color shall be provided to the Commission in color in the original or certified copy of the record and all duplicate copies of the record;

(c) Minutes of any meetings conducted by the Executive Director as required by law.

(d) All documents relating to an applicant's request for special review, including the applicant's request, the Executive Director's recommendation, and all documents relied on by the Executive Director in making the recommendation.

(e) The Executive Director may retain any audiotape recording, large maps, or exhibits and documents which are difficult to duplicate, until the date of oral argument. The Executive Director shall make these items reasonably available for inspection and duplication by any person during the pendency of the appeal, and shall specify in its filing of the record the procedure for reviewing for these items.

(2) ~~Transmittal of Record: The Executive Director shall within 30 days after service of the Notice transmit to the Commission the original or a certified copy, and two copies of the record of the proceeding under review. The Executive Director may, however, retain any large maps or documents which are difficult to duplicate, until the date of the hearing.~~

(23) Preparation and Service of Record: Contemporaneously with transmittal, Within 30 days after the Notice of Appeal is filed, the Executive Director shall prepare and

serve a copy of the record, exclusive of audiotape recordings, large maps and other exhibits and documents which are difficult to duplicate, on the appellant petitioner or the lead petitioner, if one is designated, and intervenors all other parties.

(34) Specifications of Record:

(a) The record shall:

(A) ~~Be filed in a suitable folder; the~~ Include a cover shall bear bearing the title of the case as it appears in the Notice; ~~and the Commission's numerical designation for the case, and shall indicate the numerical designation given the land use decision by the Executive Director;~~

(B) Begin with a table of contents, listing each item contained therein, and the page of the record where the item begins (~~see Exhibit 2~~), and listing each audiotape recording, large map or other exhibit or document retained by the Executive Director governing body under subsection (2) of this rule;

(C) Be securely fastened;

(D) Have pages numbered consecutively, with the page number at the bottom right-hand corner of each page;

(E) Be arranged in inverse chronological order, with the most recent item on top.

~~(b) A record which does not conform to the preceding requirements shall not be accepted by the Commission.~~

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

350-70-080. Objections to the Record.

~~(1) Before filing an objection to the record, a person party shall attempt to resolve the matter with the Executive Director's legal counsel and the other parties. If the Executive Director amends the record in response to an objection, the date the amendment is received by the Commission shall be considered the date the record is received for the purpose of computing time limits as required by these rules.~~

(2) An objection to the record shall be filed with at the Commission office and served within 10 days following service of the record on the person filing the objection. The person filing the objection to the record shall certify that the objection is made in good faith, that the objection is material, that the objection was not made for the purpose of delay, and that he or she has contacted the Executive Director and attempted to resolve the objection. Objections may be made on the following grounds:

(a) The record does not include all materials ~~included as part of the record during the proceedings before in~~ the Executive Director's land use application file. The omitted item(s) shall be specified, as well as the basis for the claim that the item(s) are part of the record.

(b) The record contains material not included ~~as part of the record during the proceedings before in~~ the Executive Director's land use application file. The item(s) not included ~~as part of the record during the proceedings before the Executive Director~~ shall be specified, as well as the basis for the claim that the item(s) are not part of the record. A document that is excluded from the record under this subsection may

still be submitted to the Commission as otherwise provided in this division.

(c) The minutes or transcripts of meetings or hearings are incomplete or do not accurately reflect the proceedings. (3) An objection on grounds that the minutes or transcripts are incomplete or inaccurate shall demonstrate with particularity how the minutes or transcripts are defective and shall explain with particularity why the defect is material. Upon such demonstration, the Chair of the Commission shall require the Executive Director to produce additional evidence to prove the accuracy of the contested minutes or transcripts. If the evidence regarding contested minutes is an audiotape recording, a transcript of the relevant portion shall be submitted.

(34) The Chair of the Commission may conduct a telephone conference ~~with the parties~~ to consider and resolve any objections to the record.

(45) If an objection to the record is filed, the time limits for all further procedures under these rules shall be suspended. When the objection is resolved, the Chair of the Commission shall issue a letter or order declaring settling the record ~~complete~~ and setting forth the schedule for subsequent events. Unless otherwise provided by the Chair of the Commission, the date of the Commission's letter or order shall be deemed the date of receipt of that the record is settled for purposes of computing subsequent time limits.

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

350-70-085 Alternative Dispute Resolution

The Commission recognizes: that many of the matters that come before the Commission on appeal may be resolved through alternative dispute resolution (ADR), such as mediation; that ADR may be a faster and less expensive process than appeal pursuant to these rules and beyond to the states' courts; that agreements reached through ADR may be more lasting and acceptable than a decision on the merits by the Commission or the states' courts; and, that ADR is a voluntary process.

(1) If, after reviewing the ADR statements and evaluating the matter itself, the Executive Director believes that ADR may be successful in resolving or partially resolving the matter, then it shall initiate ADR. This subsection shall not be construed to mean that participation in settlement or ADR is mandatory.

(2) On motion by any person or her own motion the Chair of the Commission shall place the appeal in abeyance or shall grant all necessary extensions of time to facilitate resolution through settlement or ADR. Should settlement or ADR be unsuccessful, the Chair of the Commission shall reinstate the matter or reset the applicable time periods.

(3) Any oral discussion, written documents, or other record produced exclusively for the purpose of settlement or ADR, whether or not pursuant to this section, shall be confidential and not part of the record on appeal to the Gorge Commission, nor part of the Gorge Commission's record to any reviewing court.

(4) The Commission shall not consider, as a basis for any decision pursuant to this division, a person's decision to not participate in settlement or ADR, or knowledge that the matter was not resolved through settlement or ADR.

(5) Settlement

(A) If the case is settled in a manner that is substantially different than the proposed development stated in the original or subsequent notices of the proposed development, then the Executive Director shall be required to provide notice of the development proposed in the settlement and conduct a review of the proposed development as required by the land use ordinance.

(B) When an appeal, or any issue in an appeal, is settled, the Commission shall not be required to review the settlement as a condition of the settlement. The Commission shall not be bound by any terms of the settlement agreement in the instant or future matters.

(C) Upon settlement of a case, the appellant shall dismiss the appeal in accordance with 350-70-225.

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

350-70-090. Request for Review Appellant's Brief

(1) Filing and Service of Brief Request: The appellant shall file Request for Review shall be filed with at the Commission office and serve an Appellant's Brief within 30 days after the date the record is filed under subsection .070 above, or settled under section .080 above, received by the Commission. The Brief Request shall also be served on intervenors, the Executive Director and any party who has filed a motion to intervene. Failure by the Appellant to file an Appellant's Brief Request for Review within the time required by this section shall result in dismissal of the appeal and forfeiture of the filing fee and deposit for costs to the Gorge Commission.

(2) Specifications of Brief Request: The Brief Request for Review shall

(a) Begin with a table of contents;

(b) Not exceed 50 pages, exclusive of appendices, unless permission for a longer brief petition is given by the Chair of the Commission. If an Appellant's Brief Request for Review exceeding the 50 page limit is filed without permission, the Chair of the Commission shall notify the author, and a revised brief satisfying the 50 pages limit shall be filed and served within three (3) days of notification by the Commission.

(c) Have a blue cover page, stating the full title of the proceeding, and the names, addresses and telephone numbers of the appellant and all intervenors all parties unrepresented by attorney. If any of the above are a party is represented by an attorney, the name, address and telephone number of the attorney shall be substituted for the party. If there is more than one petitioner, the cover page shall specify the petitioner(s) are filing the Request. An intervenor shall be designated as either petitioner or respondent.

(d) If there is more than one appellant, the cover page shall specify the appellant(s) that are filing the Brief.

(ed) Be typewritten, in pica type, and double spaced;

(fe) Be signed on the last page by the author.

(3) Contents of Brief Request: The Appellant's Brief Request for Review shall:

(a) State the facts that establish petitioner's standing;

(ab) Present a clear and concise statement of the case, in the following order, with separate section headings:

(A) The nature of the land use decision and the relief sought by the appellant petitioner;

(B) A summary of the arguments appearing under the assignments of error in the body of the Request;

(C) A summary of the material facts. The summary shall be in narrative form with citations to the pages of the record where the facts alleged can be found, or other documents that the appellant intends to introduce at the hearing.

(e) State why the challenged decision is a land use decision subject to the Commission's jurisdiction;

(bd) Set forth each issue assignment of error under a separate heading. Where several issues assignments of error present essentially the same legal questions, the argument in support of those issues assignments of error shall be combined;

(e) Contain a copy of the challenged decision, including any adopted findings of fact and conclusions of law;

(cf) Contain, each as separate appendices, a copy of any copies of all management plan provisions, comprehensive plan provisions, and all local state, regional, and federal laws ordinance or other provision of local law cited in the brief request, unless the provision is quoted verbatim in the Brief Request.

(d) Contain, each as separate appendices, copies of any documents and evidence, not contained in the record, that are referred to in the Brief.

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.

REPEAL SECTION

350-70-100. Respondent's Submission.

(1) Filing and Service of Submission: Respondent's submission and/or brief shall be filed within 30 days after the Request for Review is received by the Commission. A copy of the respondent's submission shall be served on the petitioner or lead petitioner and all intervenors.

(2) Specifications of Submission: Respondent's submission shall conform to the specifications of the petition for review, except that it shall have a red cover. If there is more than one respondent, the cover page shall specify which respondent is filing the brief.

(3) Contents of Submission:

(a) The respondent's submission shall follow the form prescribed for the Request for Review. The respondent shall specifically accept the petitioner's statement of the case or shall cite any alleged omissions or inaccuracies therein and may state additional relevant facts or other matters. The statement shall be in narrative form with citations to the pages of the record where support for the facts alleged are found.

(b) Respondent shall accept or challenge petitioner's statement of the Commission's jurisdiction and petitioner's

~~statement of standing. The basis for any challenge shall be stated. If respondent contends that the facts alleged by petitioner in support of standing are not true, respondent shall specify which allegations are contested.~~

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

350-70-110. Response and Reply Briefs.

A Response and reply briefs shall not be filed.

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

350-70-120. Prehearing Conference. Motions, Generally and Procedural Orders.

For the purpose of this section only, the term "party" shall refer to the appellant and any intervenor.

(1) Any party may submit a motion for action by the Chair of the Commission. For matters not otherwise specified by this division, the Chair of the Commission and all parties shall observe the following procedures for submittal and disposition of motions.

(2) A motion shall be filed at the Commission office by mail or personal delivery, except that motions to which all parties consent may be filed by fax as provided in 350-70-040.

(3) All contested motions shall be filed not less than 21 days prior to the date of the hearing before the Commission, except for good cause. A party seeking to file a motion less than 21 days prior to the hearing shall consult with all parties about the motion and present with the motion, an agreed schedule for responsive briefs. The schedule shall leave no less than 7 days prior to the hearing for the Chair of the Commission to issue an order, unless the Chair of the Commission consents to a shorter period.

(4) The movant shall serve a copy of the motion on all of the parties at the same time that the motion is filed and in the same manner as the motion was filed.

(5) Unless otherwise ordered by the Chair of the Commission, any party has 10 days to file a response to a motion, except that no response shall be filed for uncontested motions. The responding party shall serve a copy of the response on all of the parties at the same time that the response is filed and in the same manner that the response was filed. No party may file a reply to the response(s).

(6) Any motion or response to a motion that does not conform to this subsection shall be rejected.

The Commission, on its own motion or at the request of the appellant or any intervenor party, may call a prehearing conference to consider:

- (1) Simplification of the issues;
- (2) The possibility of obtaining admissions of fact and documents which will avoid unnecessary proof;
- (3) Limitation of the number of witnesses;
- (4) The form and substance of any prehearing order;

~~(5) Such other matters as may aid in the disposition of the appeal.~~

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

350-70-130. Proposed Prehearing Order. Notice of Hearing

(1) The Commission shall send a notice of hearing in accordance with Commission Rule 350-16-009, and shall also include in the Notice of Hearing the due date and procedure for submitting written comments on the appeal, and the procedure that will be used for the hearing.

(2) The Commission shall provide the Notice of Hearing by first class mail to the appellant, all intervenors, and the applicant (if different from the appellant) at least 20 days prior to the hearing. The Commission shall publish notice of the hearing on or before the date the Notice of Hearing is mailed.

~~The Commission with or without a prehearing conference, may require that the parties prepare and sign a proposed prehearing order to be filed with the Commission on or before a date specified by the Commission. The order shall contain:~~

- ~~(1) A statement of contentions of law of each party;~~
- ~~(2) A concise statement of all contentions of fact to be proved by each party;~~
- ~~(3) A statement of all agreed facts;~~
- ~~(4) A list of witnesses and a summary of their testimony;~~
- ~~(5) A list of exhibits and a statement of the contents of each;~~
- ~~(6) Such other matters as the Commission may require in order to expedite the hearing and appeal.~~

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

350-70-140. Hearing.

(1) The hearing before the Commission shall be "de novo" but shall include the record submitted by the Executive Director.

(2) Conduct of hearing:
(a) The hearing shall be conducted in the following order:

(A) The Executive Director shall briefly summarize the decision on appeal and any recommendation if different from the decision on appeal;

(B) The appellant petitioner shall present its evidence including that of any witnesses;

(C) Any person supporting the appellant shall present his or her testimony and evidence in support of the appellant; The other party(ies) shall have the opportunity to present evidence disputing that of the petitioner;

(D) Any person opposing the appellant shall present his or her testimony and evidence opposing the appellant;

(E) Any person who wishes to offer evidence or testify but neither supports nor opposes the appellant shall present his or her testimony.

(F) The Executive Director may respond to the testimony and evidence presented raised by the testimony and evidence presented by the written and oral testimony, including exhibits.

(G) The appellant petitioner shall be allowed to present rebuttal evidence as permitted by the Commission, limited to the specific issues raised by the testimony and evidence presented by the written and oral testimony, including exhibits, and the Executive Director;

(H) The applicant, if different than the appellant and if an intervenor, shall be allowed to present rebuttal evidence limited to the specific issues raised by the testimony and evidence presented by the written and oral testimony, including exhibits, and the Executive Director.

(b) The appellant and members of the Gorge Commission may ask questions orally of the persons testifying. Any other person who desires to ask a question shall submit that question in writing to the Chair of the Commission, who shall ask the question on behalf of the person. The Chair of the Commission may choose not to ask any question that is repetitive, unduly prejudicial, or unrelated to the testimony and issues raised in the appeal. The Chair of the Commission may also limit the number of questions, including from members of the Commission and the appellant to ensure hearings proceed on schedule with the Commission's agenda. Any witness is subject to cross examination by opposing parties;

(c) Any member of the Commission may question any person testifying, including witnesses;

(d) The burden of presenting evidence in support of a fact or proposition rests on the proponent of the fact or proposition;

(e) The Commission may continue a hearing, may leave open the record for submission of additional evidence necessary to address issues raised at the hearing, and may set time limits for any hearing, including time limits for oral presentations;

(f) Exhibits shall be marked to identify the person party offering the exhibits. The Appellant shall mark his or her exhibits as "Appellant's Exhibit [n]." All other participants shall mark their exhibits as "[PARTICIPANT'S NAME'S] Exhibit [n]." The exhibits shall be preserved by the Commission as part of the record.

(3) Evidentiary Rules:

(a) Evidence of a type commonly relied upon reasonably prudent person in conduct of their serious affairs shall be admissible.

(b) Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

(c) All evidence not objected to, shall be received by the Commission, subject to the Commission's power to exclude irrelevant, immaterial or unduly repetitious matter.

(d) Evidence objected to may be received by the Commission. The Chair of the Commission shall rule on all offers of evidence, including objections to testimony. Rulings on the admissibility of such evidence, if not made at the hearing, shall be made at or before the time a final order is issued.

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

Reviser's note: 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

350-70-150. Depositions.

On petition of any person party, the Chair of the Commission may order testimony of any witness to be taken by deposition in the same manner prescribed for depositions in civil actions. Depositions may also be taken by the use of audio or audio visual recordings. The petition for deposition shall set forth:

(1) The name and address of the witness whose testimony is desired;

(2) A showing of relevance and materiality of the testimony;

(3) A request for an order that the testimony of the witness be taken.

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

350-70-160. Subpoenas.

The Chair of the Commission shall issue subpoenas to any person party ~~to the appeal~~ upon written request and upon a showing that the witness or the documents to be subpoenaed will provide relevant evidence generally not available without subpoena. Subpoenas may also be issued under the signature of the attorney of record for a person of a party. Witnesses appearing pursuant to subpoena, other than the appellant, any person providing written or oral testimony, parties or employees of the Commission, shall be tendered fees and mileage as prescribed by law for witnesses in civil actions. The person party requesting the subpoena shall be responsible for service of the subpoena and tendering the witness and mileage fees to the witness.

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

350-70-170. Intervention.

~~(1) Standing to Intervene:~~ The applicant and any interested person who appeared before the Executive Director may intervene in an appeal review proceeding before the Commission. Status as an intervenor shall be recognized upon filing a Notice of Intervention. ~~by letter or order of the Commission when a motion to intervene is filed.~~

(2) ~~Motion to Intervene~~ Notice of Intervention: In the interests of promoting timely resolution of appeals, a ~~motion to intervene~~ Notice of Intervention shall be filed at the Commission office within 14 ~~to~~ days after the Notice of ~~Intent to Appeal and Petition~~ is filed pursuant to 350-70-050. The ~~motion to intervene~~ Notice of Intervention (exhibit 23) shall:

(a) State whether the person supports or opposes the appellant, or whether the person neither supports nor opposes the appellant; the party is intervening on the side of the petitioner or the respondent;

(b) Include a brief statement of the reasons for filing the motion for intervention, including citations to the decision and land use ordinance, if different than the reasons set forth in the Notice of Appeal. State the facts which show the party is entitled to intervene, supporting the statement with affidavits, citations to the record or other proof;

(c) Include a brief "Intervenor's ADR Statement" stating whether the intervenor is willing to attempt to participate in resolving the case through negotiation through negotiation or alternative dispute resolution, such as mediation. This statement shall not be used to argue merits of the appeal.

(ed) Be served upon the Commission and on the appellant and all other persons who have filed a Notice of Intervention. parties.

(3) A person who files a Notice of Intervention shall be entitled to receive a copy of all matters that are filed with the Commission.

(43) Intervenor's Brief: Submission:

(a) If intervention is sought as a petitioner, the submission (or brief) shall be filed within the time limit for filing the Request for Review, and shall satisfy the requirements for a Request for Review. An intervenor who supports the Appellant may file a brief, due at the same time as the appellant's brief, that satisfies the requirements in 350-70-090, except that the Brief shall be entitled, "Intervenor [NAME]'s Brief in Support of Appellant".

(b) If intervention is sought as a respondent, the submission (or brief) shall be filed within the time for filing a respondent's brief and shall satisfy the requirements for a respondent's brief in 350-70-100. An intervenor who opposes the Appellant may file a brief, due at the same time as the appellant's brief, that satisfies the requirements in 350-70-090, except that the Brief shall be entitled, "Intervenor [NAME]'s Brief Opposing Appellant", and shall have a red cover.

(4) Objections to a motion to intervene shall be filed within 7 days of the filing of the motion.

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

Reviser's note: 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.

REPEAL SECTION

350-70-180. Amicus Participation.

(1) A person or organization may appear as amicus only by permission of the Commission on written motion. The motion shall set forth the specific interest of the movant and state reasons why a review of relevant issues would be significantly aided by participation of the amicus. A copy of the motion shall be served on all parties to the proceeding.

(2) Appearance as amicus shall be by submission and/or brief only. An amicus brief shall be subject to the same rules as those governing briefs of parties to the appeal and shall be

filed within the time required for filing respondent's brief. No filing fee is required. An amicus brief shall have a green cover.

(3) An amicus brief shall be submitted at the time the respondent's brief is due.

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

350-70-190. Consolidation.

The Commission, at the request of any party person or on its own motion, may consolidate two or more proceedings, provided the proceedings seek review of the same or closely related land use decision(s).

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

350-70-200. Extensions of Time.

(1) In no event shall the time limit for the filing of the Notice of Intent to Appeal and Petition be extended.

(2) All other time limits may be extended upon written consent of the appellant and participants, the Commission's motion, or the motion of the appellant or a participant. In no event shall the time limit for the filing of the Request for Review be extended without good cause shown, written consent by all parties and approval of the Gorge Commission.

(3) A motion for extension of time shall state the reasons for granting the extension and must be filed and served within the time required for performance of the act for which an extension of time is requested. In the event the Commission extends the deadline for issuance of its final order without consent of the parties, it shall enter the specific findings to explain such action.

(4) A first motion for extension of time for any act, which requests an extension for no greater than 30 days and is stipulated to by all the appellant and all intervenors, shall be presumed granted on the date that the motion is filed. The Chair of the Commission shall confirm the extension to the appellant and all intervenors.

(5) Any other motion for extension of time that is stipulated to by all the appellant and all intervenors shall be presumed granted for a period of 14 days. The Chair of the Commission shall issue an order granting or denying the extension, and may modify the request.

(6) Any motion for extension of time that is not stipulated to by the appellant and all intervenors shall be treated as a contested motion pursuant to 350-70-130 above.

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**350-70-210. Stays.**

(1) Only an appellant or intervenor who would have standing to appeal a land use decision may file a motion for a stay. The movant may file a Notice of Intervention concurrently with the motion for a stay. A motion for a stay of a land use decision shall include:

(a) A statement setting forth the movant's right to standing to appeal the decision;

(b) A statement explaining why the challenged decision is subject to the Commission's jurisdiction;

(c) A statement of facts and reasons for issuing a stay, demonstrating a colorable claim of error in the decision and specifying how the movant will suffer irreparable harm if a stay is not granted;

(d) A suggested expedited briefing schedule;

(e) A copy of the decision under review and copies of all ordinances, resolutions, plans or other documents necessary to show the standards applicable to the decision under review.

(2) A copy of a motion for stay shall be served ~~on the Executive Director and the applicant for the land use decision, as well as any other parties, if any,~~ on the same day the motion is filed with the Commission.

(3) Unless otherwise ordered by the Chair of the Commission, a response to a motion for a stay of a land use decision shall be filed within 10 days after the motion is filed and shall set forth all matters in opposition to the motion and any facts showing any adverse effect, including an estimate of any monetary damages that will accrue if a stay is granted.

(4) The Chair of the Commission shall base her ~~its~~ decision on the stay, including the right to a stay, or conditions of any stay order, upon the motion presented. Documents may be attached to the motion in the form of affidavits, maps or other materials, or presented at a hearing which may be convened at the discretion of the Chair of the Commission and follow the process in 350-70-140.

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**350-70-220. Final Order of Commission.**

(1) An Final Order of the Commission shall: is final when the cover page of the order containing the caption of the appeal:

(a) Contain the caption of the appeal and state States "Final Opinion and Order";

(b) Contains findings of fact and conclusions of law or incorporates them from the record below.

(c) Indicates whether the Commission's decision being reviewed is dismissed, affirmed, reversed or remanded;

(d) Contains the date of the final order; and

(e) Be signed by the Chair of the Commission. Is date stamped by the Commission.

(2) The order shall be ~~mailed to~~ served on all parties.

(3) When an order of the Commission becomes final it shall be made available to interested members of the public.

The Commission may charge a reasonable fee for copies of its final orders or other orders furnished to members of the public.

~~(4) Notwithstanding subsections (1) (a) and (b) of this section, an order granting a motion to dismiss an appeal is a final order.~~

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**350-70-225. Dismissal by the Commission**

(1) Voluntary dismissal: The Chair of the Commission shall dismiss an appeal upon motion by the Appellant. The dismissal shall be considered with prejudice and shall be effective on the date it is filed.

(2) Involuntary Dismissal: The Chair of the Commission may dismiss an appeal when it appears to the Chair that the Appellant has failed to prosecute the appeal diligently; when the appeal is moot, or any other situation in which continuing the case would be manifestly unjust. The Chair of the Commission shall send a Notice of Intent to Dismiss stating the facts and reason for dismissal. The Appellant and intervenors shall have 10 days to respond to the notice, unless the Notice of Intent to Dismiss specifies a longer time.

(3) The Chair of the Commission shall issue and serve on the Appellant and intervenors an order of dismissal, which shall be an appealable action by the Commission.

(4) When an appeal is dismissed, the Commission shall make no decision on the merits of the appeal. In the event that the Appellant and intervenors have entered into any settlement agreement concerning the issues raised in the appeal, the Commission shall not be bound by any terms of the settlement agreement in the instant or future matters.

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**350-70-230. Reversal or Remand of Land Use Decisions.**

(1) The Chair of the Commission may grant a stipulated motion for a voluntary remand of a land use decision, or may order a remand upon motion by the Executive Director upon finding that all of the following criteria are met.

(a) The Executive Director shall rescind the land use decision that is the subject of the appeal;

(b) The Executive Director shall agree to address all of the issues raised in the appeal in a subsequent land use decision, however, the Executive Director shall not be required to issue any subsequent land use decision;

(c) In issuing a subsequent land use decision, the Executive Director shall follow all procedures that would apply if the matter were being considered for the first time.

(d) An oral decision of the Commission has not been rendered in the matter.

~~(1) The Commission shall reverse a land use decision when:~~

~~(a) The Executive Director exceeded his/her jurisdiction;~~

PROPOSED

- ~~(b) The decision is unconstitutional;~~
- ~~(e) The decision violates a provision of applicable law and is prohibited as a matter of law; or~~
- ~~(d) The decision was clearly erroneous or arbitrary and capricious.~~
- ~~(2) The Commission shall remand a land use decision for further proceedings when:~~
 - ~~(a) The findings are insufficient to support the decision;~~
 - ~~(b) The decision is not supported by substantial evidence in the whole record;~~
 - ~~(c) The decision is flawed by errors that prejudice the substantial rights of the petitioner(s); or~~
 - ~~(d) The decision improperly construes the applicable law.~~

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

EXHIBIT 1
(350-70-050)

BEFORE THE COLUMBIA RIVER GORGE COMMISSION

<u>In the matter of an appeal of Development Review Decision No. [FILE NUMBER]</u>)	
<u>BER]</u>)	<u>NOTICE OF APPEAL</u>
<u>By Jane Clark</u>)	
<u>Jane Clark,</u>)	
<u>Petitioner,</u>)	
<u>vs.</u>)	<u>CRGC No.</u>
<u>Executive Director,</u>)	
<u>Respondent.</u>)	

NOTICE OF INTENT TO APPEAL AND PETITION

I.

Notice is hereby given that Jane Clark petitioner intends to appeals Development Review Decision No. [INDICATE TITLE NUMBER OF LAND USE DECISION], which became final on [INDICATE DATE] and which involves [SET FORTH A BRIEF STATEMENT OF THE NATURE OF THE DECISION]

The reasons for this appeal are: [SET FORTH THE REASONS FOR FILING THE APPEAL, INCLUDING CITATIONS TO THE DECISION AND LAND USE ORDINANCE].

ADR STATEMENT: [SET FORTH A BRIEF STATEMENT INDICATING WHETHER YOU ARE WILLING TO ATTEMPT TO RESOLVE THE APPEAL THROUGH MEDIATION OR OTHER ALTERNATIVE DISPUTE RESOLUTION].

II.

Petitioner Appellant, Jane Clark, is represented by: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY, IF ANY].

Respondent, Executive Director, has as its mailing address and telephone number: [INDICATE MAILING ADDRESS AND TELEPHONE NUMBER] and has, as its legal counsel: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER].

III.

Applicant, John Developer, was represented in the proceeding below by: [INDICATE NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY].

Other persons mailed written notice of the land use decision by Executive Director, as indicated by its records in this matter, include: [INDICATE NAMES, ADDRESSES AND TELEPHONE NUMBER OF ALL PERSONS WHOM THE EXECUTIVE DIRECTOR'S RECORDS INDICATE WERE MAILED WRITTEN NOTICE OF THE LAND USE DECISION. THE TELEPHONE NUMBERS OF SUCH PERSONS MAY BE OMITTED].

NOTICES:

Anyone designated in paragraph III of this Notice who desires to receive a copy of the record and participate in all matters prior to the hearing, as a party in this case before the Columbia River Gorge Commission must file with the Commission a Motion to Intervene in this proceeding as required by CR Commission Rule 350-70-170 130. Filing a motion to intervene is not a prerequisite to giving written or oral testimony in this appeal.

The Commission will set the date for hearing and provide notice of the hearing approximately 20 days prior to the date of the hearing.

Written comments on the appeal will be accepted by the Commission until the close of the public hearing, but that persons are encouraged to submit written comments within 60 days from the date of the Notice of Appeal.

Dated: _____

Petitioner (each petitioner must sign)

or

Attorney for Petitioner(s)

[Add Certificate of Service. See form in Exhibit 3.]

CERTIFICATE OF SERVICE

I hereby certify that on [INDICATE DATE], I served a true and correct copy of this Notice of Intent to Appeal and Petition on all persons listed in paragraphs II and III of this Notice pursuant to CR 350-70-050(2) by (a) first class mail or (b) personal delivery. [INDICATE WHICH]

Dated: _____

Signature

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.

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.

REPEAL SECTION

III. (OPTIONAL)

EXHIBIT 2
(350-70-070)
TABLE OF CONTENTS
OF RECORD

Table with 2 columns: item, page. Lists items 1-7 including Notice of Intent to Appeal and Petition, Notice of Intervention, and various comments.

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

EXHIBIT 23
(350-70-1730)

BEFORE THE COLUMBIA RIVER GORGE COMMISSION

In the matter of an appeal of Development Review Decision No. [FILE NUMBER] BER] JOHN SMITH'S NOTICE OF INTERVENTION
By Jane Clark
Jane Clark, Petitioner,
vs.
Executive Director, ERGC No.
Respondent.

MOTION TO INTERVENE

I.

John Smith gives notice that he moves to intervene in favor of the appellant or in opposition to the appellant on the side of (a) Petitioner or (b) Respondent [INDICATE WHICH] in the above-captioned appeal.

[IF THE REASONS FOR INTERVENING DIFFER FROM THE REASONS FOR THE APPEAL AS SET FORTH IN THE NOTICE OF APPEAL, THEN STATE THE REASONS, INCLUDING CITATIONS TO THE DECISION AND LAND USE ORDINANCE.]

ADR STATEMENT: [SET FORTH A BRIEF STATEMENT INDICATING WHETHER YOU ARE WILLING TO ATTEMPT TO RESOLVE THE APPEAL THROUGH MEDIATION OR OTHER ALTERNATIVE DISPUTE RESOLUTION].

II.

The facts establishing movant's right to intervene are as follows: [SET FORTH STATEMENT OF FACTS].

In support of this motion, John Smith relies on the attached affidavit, Memorandum of Law or both.

Date John Smith
or
Barbara Neil, Attorney for John Smith

[Add Certificates of Filing and Service on separate page. See forms in Exhibits 3 4 and 5.]

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.

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.

REPEAL SECTION

EXHIBIT 4
CERTIFICATE OF FILING
[For Document Other Than Notice of Intent to Appeal]

I hereby certify that on [INDICATE DATE], I filed the original of this [IDENTIFY DOCUMENT], together with [INDICATE NUMBER OF COPIES] copies, with the Columbia River Gorge Commission, 288 E. Jewett Blvd., P.O. Box 730, White Salmon, WA 98672, by (a) first class mail or (b) personal delivery [INDICATE WHICH].

Dated:
Signature

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.

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

EXHIBIT 35
CERTIFICATE OF SERVICE
[For Document Other Than Notice of Intent to Appeal]

I hereby certify that on [INDICATE DATE], I served a true and correct copy of this [IDENTIFY DOCUMENT] by (a) first class mail or (b) personal delivery, or facsimile [INDICATE WHICH] on the following persons: [LIST NAME AND ADDRESS OF THE APPELLANT (OR THE APPELLANT'S ATTORNEY) AND EACH INTERVENOR PARTY OR THE INTERVENOR'S PARTY'S ATTORNEY].

John Appellant (or Attorney)
123 Main Street
City, State, Zip

PROPOSED

John Intervenor (or Attorney)
124 Main Street
City, State, Zip

Dated: _____

Signature

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.

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

WSR 03-09-143
PROPOSED RULES
OFFICE OF THE
INSURANCE COMMISSIONER
[Filed April 23, 2003, 10:45 a.m.]

Supplemental Notice to WSR 03-03-132.

Preproposal statement of inquiry was filed as WSR 02-15-173.

Title of Rule: WAC 284-30-390 Automobile claims, repairs, and total loss settlements.

Purpose: Automobile total loss settlement is the single largest source of consumer inquiries and complaints received by the property and casualty section of the consumer advocacy division. The commissioner has reviewed WAC 284-30-390 and this proposed regulation clarifies, simplifies, and makes this chapter more effective.

Other Identifying Information: Insurance Commissioner Matter No. R 2002-06.

Statutory Authority for Adoption: RCW 48.02.060, 48.30.010.

Statute Being Implemented: RCW 48.02.060, 48.30-010.

Summary: WAC 284-30-390 is amended, clarified and presented in more consumer-friendly language. The subject is the single largest source of consumer complaints received by the property and casualty section of the consumer advocacy division.

Reasons Supporting Proposal: Automobile total loss settlement is the single largest source of consumer inquiries and complaints received by the property and casualty section of the consumer advocacy division. Considerable time is spent by the Office of the Insurance Commissioner (OIC) and industry in administering the regulation. A clearer, more understandable regulation will be better understood by consumers and easier to implement.

Name of Agency Personnel Responsible for Drafting: Jon Hedegard, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7039; Implementation and Enforcement: Scott Jarvis, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7262.

Name of Proponent: Mike Kreidler, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Automobile total loss settlement is the single largest source of consumer inquiries and complaints received by the property and casualty section of the consumer advocacy division. The current WAC 284-30-390 is entitled "Standards for prompt, fair and equitable settlements applicable to automobile insurance" and addresses claims handling processes, valuation, repair, and total losses. Considerable agency staff time is spent working with consumer complaints through the existing regulation. Even more time is spent by the insurers themselves responding to the complaints whether received by the OIC or directly from their insureds. One goal of this rule making is to make these processes more understandable to consumers. Consumers should have a greater awareness of their rights and clearer expectations of what may occur in the claims process. Another goal is to create more certainty in the standards for compliance for the industry representatives who administer the claims process. Another goal is a reduction in the time and cost spent by the OIC and insurer staff in responding to consumer complaints due to the increased clarity and specific changes to the rules.

A previous CR-102 was filed in this rule-making process on January 22, 2003, and a previous public hearing held on February 26, 2003. The commissioner received many comments and suggestions. The commissioner decided that all parties would be best served by the ability to comment on a revised draft that incorporated many of the suggestions proposed by interested parties.

Proposal Changes the Following Existing Rules: WAC 284-30-390 would be amended and new WAC 284-30-3901 through 284-30-3916 would be created.

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

Small Business Economic Impact Statement

Automobile Claims and Total Loss Settlements
R 2002-06

Background: Automobile claims and total loss settlements are the single largest source of consumer inquiries and complaints received by the property and casualty section of the Insurance Commissioner's Consumer Advocacy Division. A massive amount of agency time is spent working with insureds working through the existing regulation and insurers' total loss process. Considerably more time is spent by the insurers themselves. They must respond to complaints received by the Office of the Insurance Commissioner (OIC) as well as the inquiries and complaints they receive directly from their insureds.

On July 24, 2002, the insurance commissioner filed a CR-101 announcing his intention to review WAC 284-30-390 and determine if the current regulation could be clarified, simplified, and made more effective. The current WAC section is entitled "Standards for prompt, fair and equitable settlements applicable to automobile insurance" and addresses claims handling processes, valuation, repair, and total losses. One goal of this rule making is to make these processes more understandable to insureds. Insureds should have a greater

PROPOSED

awareness of their rights and clearer expectations of what may occur in the claims process. Another goal is to create more certainty in the standards for compliance for the industry representatives who administer the claims process. Another goal is a reduction in the time and cost spent by OIC and insurer staff in responding to consumer complaints; the goal is to be achieved by the increased clarity and specific text changes to the rules.

The CR-102 was filed on January 22, 2003, and a hearing was held on February 26, 2003, in Olympia, Washington. Based on the comments after the filing of the rule, the commissioner decided to make numerous changes. A great many of the changes were technical or editing in nature. Though a new CR-102 was not required, the commissioner decided that a new CR-102 and hearing would reduce any possible confusion about the regulation and allow for the fullest possible participation by interested parties.

Is the Rule Required by Federal Law or Federal Regulation? This rule is not required by federal law or regulation.

Industry Affected by the Proposed Rule: The proposed rules would impact 100% of property and casualty insurers who offer insurance on vehicles. The SIC Code is #6331 - Fire, Marine, and Casualty Insurance.

Parts of the Proposed Rule That May Impose a Cost to Business: The agency staff reviewed procedures adopted by other states and discussed drafts with industry. Since a goal of the rule making is to make the process easier to understand for insureds, the rules are written in an easy to read question and answer format.

Below is an overview of each proposed WAC section.

Proposed WAC 284-30-390 eliminates existing provisions and serves as a scope section.

Proposed WAC 284-30-3901 provides definitions for the following WAC sections.

Proposed WAC 284-30-3902 poses and responds to the question of what must occur when a vehicle is repairable.

Proposed WAC 284-30-3903 asks and answers if an insured can get their vehicle repaired at a shop of their choice.

Proposed WAC 284-30-3904 asks and answers if the insurer will try to collect the insured's deductible.

Proposed WAC 284-30-3905 asks and answers if insured will be fully reimbursed if the insurer collects the insured's deductible.

Proposed WAC 284-30-3906 asks and answers if the insurer can refuse to settle damages and force an insured to use their collision coverage.

Proposed WAC 284-30-3907 asks and answers how an insurer may settle a total loss claim.

Proposed WAC 284-30-3908 asks and answers if there are factors that may reduce the insured's settlement.

Proposed WAC 284-30-3909 asks and answers if the insured can keep their total loss vehicle.

Proposed WAC 284-30-39010 asks and answers if the insurer can move the vehicle prior to settlement.

Proposed WAC 284-30-39011 asks and answers what information must be in the insurer's total loss valuation report.

Proposed WAC 284-30-39012 asks and answers what happens if the insured accepts the insurer's settlement offer but can't find a reasonably close, comparable vehicle.

Proposed WAC 284-30-39013 asks and answers what the insurer must do prior to denying storage or towing costs.

Proposed WAC 284-30-39014 asks and answers questions about the insured's right to a rental vehicle when dealing with someone else's insurer.

Proposed WAC 284-30-39015 asks and answers what happens if the other insurer offers a flat rental amount.

Proposed WAC 284-30-39016 addresses the situation when a vehicle is a total loss and the outstanding balance on the lease or loan exceeds actual cash value.

Compliance Costs for the Industries Affected by the Proposed Rules: Conversations with industry indicate that they have few, if any, cost concerns with the proposed rule, with the exception of the reopening option. The commissioner recognizes the concerns regarding the reopening option but does not agree that this will incur significant costs. The insurers may be reading greater duties and costs into the rule than exist. The rule requires the insurer to reopen the file when an insured agrees to a settlement amount but can't find a comparable replacement car for that amount within thirty-five days. If the insured can only find a more expensive comparable vehicle they can ask that their claim file be reopened. The insurer can locate a comparable vehicle for the settlement amount, pay the difference between the settlement amount and a comparable vehicle, or settle the loss via the appraisal part of the policy. The provision does not apply if the insurer informs the insured of a specific vehicle and the insured does not buy it. It does not apply if the insured buys a more expensive vehicle before notifying the insurer.

This provision gets at the limited instances where an insured settles for an amount based on information provided by the insurer and then finds that it is not adequate to replace their vehicle. This can happen where specific, local vehicles are not used to value the loss. If the settlement amount is based on specific, comparable vehicles identified by the insurer that are available for purchase, there should be no need to reopen a file. All the insurer needs to do is pass along the specific information about one or more of those vehicles that can be purchased for the settlement amount. It is only if they are not actually comparable, not actually local, or not actually available for the settlement amount that the claim may ever have to be reopened. In any of those cases, there may be a problem in the valuation that the insured was not and could not have been aware of by relying on the information provided by the insurer. Several carriers noted that the insured may not want to buy a comparable car but may want to trade up. The provision will presumably never be an issue then. The arguments regarding this issue are discussed in greater detail in the "Mitigation" sections (both on steps taken and those considered and not taken). The commissioner does not believe that this issue will result in any significant costs if the valuation processes are undertaken in the manner that industry insists they are and will continue to be.

The contiguous zip codes or searching by radius was a concern of insurers. They contract these searches out to vendors. The OIC staff has had several conversations with the

vendors and the commissioner has been assured that the vendors have the current ability to do these searches in either fashion by distance or by zip code. The searches should not incur any more expense than the current procedures.

The list of vehicles used in a valuation in WAC 284-30-3911 was the subject of several comments. The previous proposal indicated at least two cars had to be used and this caused concern. Vendors indicated that there should be the minimum number of vehicles necessary for statistical validity. An actual number was not provided but their comments and testimony indicated that thirty vehicles was the lowest acceptable practice in current use. The commissioner included a minimum of thirty vehicles for valuation. While the vendors wanted to use a minimum number of vehicles to establish value, they did not want to provide all of the information they actually used to the insured. Several commentators indicated that they would prefer to limit the list of the number of vehicles and information provided to the insured. It was stated that a vendor may use hundreds of comparable vehicles in a valuation and to inform the insured of all of the actual cars used in their valuation would be onerous. It was suggested that perhaps five or ten vehicles would be enough to provide to the insured. In response to a question regarding providing the most heavily weighted or most comparable car, testimony was provided that this was not the manner that the information was developed or could be provided. Since the testimony was that the most heavily relied upon information could not be segregated out, presumably some random sampling would be given to the insured. As noted by the vendors, those vehicles might not be the most accurate representations of value. The commissioner is not satisfied that a small fraction of a list of vehicles that are used to establish value is in any way satisfactory. In fact, this has been one of the problems that have driven many consumer complaints. When provided a list of five or ten cars used to establish value, the insureds have had difficulty finding the cars or determine that the prices are wrong or the contact information is incorrect or the cars are not comparable. Often the abbreviated list used to establish value does not work in any mathematically ascertainable fashion. The reason for that, at least in part, is that there is a much bigger list out being used by the vendor or the insurer. This concept that the information provided to them is a portion of all that is used is not comforting to the insured when it does not seem representative in any statistically valid manner. A goal of this rule making is to provide information to the insured about how the processes work. A list of only five to ten cars which may be 1-2% or less of all vehicles used in the valuation hardly seems to provide adequate information to the insured or adequate documentation that the valuation was done correctly. Since the vendors requested the ability to use a minimum of thirty vehicles to establish value, they should provide a list of at least thirty comparable vehicles. The commissioner believes that this strikes an appropriate balance and welcomes comments from all parties on the issue.

Reporting, Record-Keeping, and Other Compliance Requirements of the Proposed Rule: There are no new reporting requirements as a result of this rule. There is a potential record-keeping issue related to proposed WAC 284-

30-3912 though. The proposed rule section addresses the situation where an insured accepts the settlement amount offered by an insurer and can't find a comparable vehicle for the settlement amount. Under this scenario, the insurer may have to reopen a file according to the proposed rule. The option must be exercised by the insurer within thirty-five days. As noted earlier, this scenario is limited to when the insurer does not give the insured details of specific, comparable vehicles that are available for the settlement amount. If the insurer provides that insured with detailed information on where they can get the specific vehicle and that vehicle is comparable, the insurer has no further duty. As noted above and in the Mitigation section, if an insurer uses a statistical method they will have to provide a list of at least thirty comparable vehicles to the insured. This is a reduction from all vehicles used in the valuation but should provide the insured with valuable information without requiring the reporting of all vehicles used in the valuation; a total which can be hundreds or even thousands of vehicles.

Professional Services That May Be Needed to Comply with the Requirements of the Proposed Rule:

Cost of equipment: There is no anticipated additional cost of equipment.

Cost of supplies: There is no anticipated additional cost of supplies.

Cost of labor and increased administration: There may be some additional costs of increased labor and administration. The commissioner has attempted to mitigate or eliminate as many of those costs as possible (see the section addressing Mitigation techniques that were incorporated into the rule). There is possible additional administration in the "right of recourse" but the insurer can preclude that option if it provides specific, timely information to the insured. The rules are written in an easy-to-read style and include provisions that are intended to offset labor and/or administration costs. Currently, this is the single largest source of complaints for the property/casualty section of the Consumer Advocacy Division. Rules that are easier to understand and implement should lead to lessened consumer confusion, fewer complaints, and less time resolving complaints or inquiries. Hopefully, carriers can reduce their time and costs spent interacting with their insureds and with the OIC regarding total losses and other vehicle claims.

Mitigation Measures That Could Be Used to Reduce the Economic Impact of the Rule on Small Businesses and Still Meet the Objectives:

As noted earlier, the commissioner and staff have been discussing these issues with industry and interested parties for many months. Proposed concepts and language has been exposed for comments and suggestions in an attempt to mitigate costs. The commissioner filed a previous CR-102 and held a hearing. The comments received led to many changes for clarity and to increase the participation of interested parties, the commissioner decided to file another CR-102 and hold a new hearing on text that addresses many of the concerns raised and incorporates many suggestions made by interested parties. The commissioner will continue to be receptive to suggestions that will allow the regulation to be administered more efficiently while meeting the objectives of the rule making.

Mitigation Techniques or Clarifying Suggestions That Have Been Incorporated into the Proposed Rule:

The commissioner and his staff have had numerous discussions with industry and interested parties as the proposal was developed. The proposal has been through several drafts and numerous changes to clarify and mitigate potential costs have been made. The commissioner would like to thank the industry and interested parties for providing timely and useful comments and suggestions throughout this process. Clearer, more efficient regulation benefits the insured, industry, and the regulator. There have been many concepts and many changes. Some examples of mitigatory or clarifying changes that have been made since the original draft rule was discussed include:

Proposed WAC 284-30-3901(1) "Actual cash value" - it was requested that the word "retail" be removed or changed from the definition. It was believed that the word confused the issue of who was selling and at what price. "Retail" was eliminated and "available to you" was added. It was noted that "applicable taxes, license fees, and other fees incidental to transfer of evidence of ownership" was not a part of the actual cash value but, rather something that may be added to the actual cash value. This language was removed from the definition of actual cash value and it was noted that these must be added to the actual cash value in proposed WAC 284-30-3907 and 284-30-3908.

Proposed WAC 284-30-3901(1) "Comparable vehicle" - additional language was added to further clarify how deductions or additions for options, mileage, or condition can be determined and measured. A long-standing consumer complaint has been that national averages are used as the basis for deductions that disadvantage Washington residents.

Proposed WAC 284-30-3901(6) "Verified" - it was requested that the language should be added to allow a phone call by subcontractor to establish comparability. This was done. After the first CR-102 was filed, the definition continued to be viewed as problematic. It was suggested that this was unnecessary and possibly burdensome. The definition was removed.

Proposed WAC 284-30-3902(1) was modified. It was noted that insurers may not make their own estimate and will not estimate repair damages in obvious total loss situations. Language was changed to require insurers to provide an estimate when they use the estimate as the basis for payment. Subsection (5) was modified to reflect that this is a contractual right of the insurer and applies to first party claims. It was also noted that the language regarding "causing the vehicle to be repaired" raised issues concerning the insurer's role. It was asked if this burden on the insurance company was applicable only if the company specifically designates the shop where the vehicle is to be repaired. That is the purpose of the language which was clarified.

Proposed WAC 284-30-3903 - an insurer noted that insured choice may incur liability beyond the insured's estimate. Language to that effect was added.

Proposed WAC 284-30-3904(1) - an insurer noted that they do not always pursue subrogation and do not always have an interest. The subsection was modified to account for when the insurer is pursuing subrogation.

Proposed WAC 284-30-3905 - an insurer stated that their recovery provision was more generous than contemplated by the proposed WAC. The language was modified to account for this possibility.

Proposed WAC 284-30-3907 (2)(a) - it was requested that the contiguous zip code language might be difficult to administer or may be too confusing. Several insurers search that way today, others expand out in mileage increments. The language was changed to have an increasing circle of twenty-five mile increments. It was requested that the word "retail" be removed. It was believed that the word confused the issue of who was selling and at what price. "Retail" was eliminated and "available to you" was added. After the first CR-102 was filed, it was suggested that the language would be more clear if it read "actual cash value." The change was made. After the first CR-102 was filed, it was suggested that language be clarified and the limit of two vehicles be removed. This change was made.

Proposed WAC 284-30-3907 (2)(b) - it was asked if the comparable vehicles should be replaced by licensed dealers. The change was made. After the first CR-102 was filed, it was noted that average cash value would be easier to implement and make more sense grammatically than the requirement and sentence structure that was proposed. This change was made.

Proposed WAC 284-30-3907 (2)(d) - after the first CR-102 was filed, it was suggested that the existing structure did not account as well as possible for statistical databases. A new subsection was created to better address those issues. It was suggested that a minimum of thirty vehicles be used. This standard is being proposed. As noted in new subsection (2)(f), insurers remain responsible for the valuations.

Proposed WAC 284-30-3907 (2)(e) - after the first CR-102 was filed, it was suggested that many insureds may want to resolve their claims more quickly or in a different fashion than proposed WAC 284-30-3907 allowed. It was asked if a provision could be included where the insured agreed to a different method or valuation. For example, if an insurer offered the amount in Kelley's Blue Book and the insured feels that offer is fair and satisfactory, can the insurer and insured agree on the amount without further valuation processes. A provision was created to allow for this possibility. This should help reduce costs where the insurer and insured agree on an amount and want to resolve the matter as quickly as possible. The insurer must document and justify the valuation of the figure in their claim file.

Proposed WAC 284-30-3907(3) - it was noted that not all companies may include an appraisal clause; language was modified to reflect that possibility.

Proposed WAC 284-30-3907(4) - after the first CR-102 was filed, it was suggested that applicable taxes should be addressed here rather than in the definition section. This change was made.

Proposed WAC 284-30-3908 - an insurer asked if there should be additions or reductions for conditions given the definition of "comparable vehicle." The language in subsection (3) was modified to do so. It was requested that the number of days be reduced from thirty-five to thirty and that the insurer be protected from changes in the salvage condition. The timeline was reduced to thirty days. A sentence was

added to eliminate the option if the condition of the salvage is changed.

Proposed WAC 284-30-3911 (3)(d) - the original proposal included "asking price." This was changed at the request of industry to "selling price" prior to the first CR-102. After the first CR-102 was filed, it was requested that this be changed back. It was noted that it could be quite difficult to ascertain the price that a vehicle was actually sold for since a private seller may not want to disclose that information to third parties.

Proposed WAC 284-30-3911 (3)(e) - after the first CR-102 was filed, it was requested that this be changed from "sold price, if verified" to "sold price if the sold price is available and verified." This is intended to remove the need to provide information when it is difficult or impossible to ascertain.

Proposed WAC 284-30-3911 (3)(f) - an insurer stated that they currently note the city but do not provide distances and stated that they or their vendor would have to expend considerable extra labor and incur costs. While it is our understanding that the vendors have the mileage already in their database (based on reports from the vendors that note the mileage), we have changed the wording to simply require the location. An insurer stated that they weren't clear about the meaning of provision preventing the exclusion of a vehicle based on a mathematical formula. The sentence was deleted. It was noted that there was a requirement for two lists and it was asked if those could be combined. The lists were combined and redundancies eliminated. It was noted that if a vehicle has been sold, the insurance company will not know "the location of the comparable vehicle." This was clarified to the location of the comparable vehicle "at the time of the valuation."

Proposed WAC 284-30-3911 (3)(g) - prior to the original CR-102 filing, it was asked if the list of "all" vehicles could be changed to a representative sampling. The commissioner believes that it is important that an insured has the right to all information used to determine value. Additionally, how "representative" a sample would surely lead to disputes. This was noted as in the mitigatory changes not made section in the previous SBEIS. It was also requested that the language be changed to better account for statistical methods and the sample be expanded beyond two vehicles.

As the discussions around this provision continued after the filing of the first CR-102, vendors explained that the list of vehicles could be quite large and noted that many insureds may find this overwhelming or not helpful. The vendors also indicated that they did not or would not be able to weight the vehicles and simply supply a list of the most comparable. They reiterated that they wanted to provide a list of five or ten cars that would be representative. Unfortunately, they did not provide or suggest a method to ensure that the cars on the list would actually be representative. The implication was that merely by being a part of the group, this subset would be representative. This concept seems to contradict the minimum number of cars requirement that they say establishes the statistical validity of their methods to determine value in the first place.

The commissioner also decided that since the minimum for statistical validity is going to be set at thirty, which should

be the minimum provided to the insured. While this is larger than the five or ten proposed by vendors, it is significantly less than the possible hundreds that may be used to determine value. Additionally, the provision of the larger list would seem to significantly lessen the potential for "reopening" a file because an insured cannot find a comparable vehicle for the price established by the insurer. Not only would the insured have a better understanding of the settlement amount but they also would already have a larger list of comparable vehicles.

Proposed WAC 284-30-3912 - an insurer asked for additional clarity regarding the mechanics of the process and how a reopened claim was resolved. Additional language was added and the section was clarified regarding the reopening of claims and the options for insurers for resolution. After the first CR-102 was filed, the commissioner was asked to clarify proposed subsection (2)(c) and modified the language regarding appraisals.

Proposed WAC 284-30-3913 - it was requested that letters to insureds or claimants should be required in addition to documenting the claim file. The language was changed from "reasonable notice" to "written or electronic mail notice." It was also suggested that the answer implied that coverage might be broader than in the contract. A reference to possible contract language was added. It was asked if a phone call could be sufficient if documented. The language was changed to allow an appropriately documented phone call. After the first CR-102 was filed and receiving comments on the proposed text, subsection (2) was amended to put a cap on the time of five days.

Proposed WAC 284-30-3914 - an insurer noted that they did not see a provision for cash-outs, which can be of benefit to insureds. Language was changed to address this concern.

Proposed WAC 284-30-3915 - asks what happens if the other insurer offers a flat rental amount. It was stated that it was not clear if this was applicable to first and/or third party claimants. The question was changed to indicate the applicability to third party claimants.

Proposed WAC 284-30-3916 - after the first CR-102 was filed, the OIC received comments that this area was the subject of consumer confusion. The new section was proposed by the commentator and added. The new section addresses the situation when a vehicle is a total loss and the outstanding balance on the lease or loan exceeds actual cash value.

Mitigation Techniques or Clarifying Changes That Were Considered for Incorporation into the Proposed Rule but Were Rejected: This rule making has involved numerous detailed discussions with interested parties. The dialogue continues to be very productive and has led to many changes. The commissioner did not accept and adopt all of the suggestions intended to clarify language or mitigate potential costs. In many instances, there were several contradictory suggestions or several options to address an issue. Some suggestions were not included because they did not further the goals of the rule making. Several suggestions or questions were made regarding provisions that are requirements of the current WAC section and the commissioner feels those provisions are important to retain. All for the suggestions were reviewed but the following are some examples

of mitigatory or clarifying changes that were not made in the proposed draft include:

Proposed WAC 284-30-3901(2) "Comparable vehicle" - it was suggested that the requirement that a car be the same year or newer was too restrictive, older cars may be better matches, some cars may be difficult to value, and some manufacturer use different models with the same style and that may have a similar value. While there may be some situations where a car is similar to a car that is three or more years older or a different make by the same manufacturer, this could be the basis for much confusion and some abuse. An insured may not agree that their Ford Taurus should be compared to a Mercury Sable and this could lead to additional complaints and suits. The insurers do have other evaluation options if they believe that fairer, more consistent results can be achieved.

Proposed WAC 284-30-3902(5) - it was suggested that there are problems in requiring the vehicle to be "restored to its condition prior to the loss." This wording, "restored to its condition prior to the loss" is part of existing WAC 284-30-390(6). This portion of the current WAC has not been the subject of complaints or problems.

Proposed WAC 284-30-3906 - an insurer asked how it was determined that "liability and damages are reasonably clear?" They suggested that language should be changed to when both parties agree liability is reasonably clear. The proposed language exists in the existing WAC 284-30-390(2) and it has not been suggested to be a problem in the past to administer by insurers or the subject of consumer complaints. No change.

Proposed WAC 284-30-3907 (2)(b) - it was suggested that dealer quotes only be allowed if the other methods are exhausted. The option is written as it now exists in WAC 284-30-390 (1)(b)(ii), this option has not been the source of consumer complaints so no change is made at this time. The requirement to verify that a vehicle is comparable was questioned. It was stated that requiring phone or other contact would be too time-consuming and expensive and preclude the use of private ads. This is a current requirement of WAC 284-30-390 (1)(b)(i). Despite this requirement, insurers have, on some occasions, used vehicles in comparisons to establish value that are not similar in condition, mileage, or other features. The commissioner does not want to remove this valuable consumer protection and questions how the use of limited information can establish value. It was asked if vendors could track by zip codes because insurers would have to track that if the function could not be outsourced to their current vendors. The OIC had conversations with the three major vendors and it is our understanding they already track by zip code so no change is necessary.

Proposed WAC 284-30-3908 - it was stated by an insurer that they only deduct certain limited items and suggested that only unusual deductions should be explained. This provision has not substantively changed from existing WAC 284-30-390(8) and the commissioner chooses not to make changes at this point.

Proposed WAC 284-30-3911 - as noted in the section addressing "mitigatory changes that were made," vendors indicated that they wanted to provide a list of five or ten vehicles. The change was made from all vehicles to a minimum

of thirty. The details for that change are noted in the prior section.

Proposed WAC 284-30-3912 - this section raised numerous questions. Changes have been made but not all of the changes are in response to the questions. An insurer asked if they went through the appraisal process, could the policyholder come back and challenge that result, then go through the entire process again. The answer is no. The section applies to a "settlement based on the insurer's valuation." A settlement based on the use of the appraisal clause in the policy would not apply. An insurer was concerned about getting the vehicle identification numbers (VIN) for all cars. The VIN number is needed only when the settlement was based on a specific comparable vehicle. It was stated that allowing dealer quotes and the insurer to choose the settlement procedure would also streamline this process. This section does not preclude the use of dealer quotes, advertisements, etc. and does not preclude the insurer from negotiating a deal with a dealer for a comparable vehicle. An insurer was concerned about the possibility of a claimant paying more than the settlement for a replacement vehicle and asking the carrier for the difference, using a higher priced but allegedly comparable vehicle as evidence. The section states that it does not apply if the insured purchased a vehicle at a higher price without giving the insurer notice prior to the purchase of the vehicle. It was suggested that the time-frame be reduced from thirty-five days to fifteen or twenty days. The commissioner chose not to make that change at this time. An insurer noted that the insurer has no control over what the insured does after receipt of the money and that many people do not buy the same type of vehicle but utilize the money to upgrade. A few comments were received that asked to delete this provision. Some comments said something to the effect that once the claim is negotiated and settled, the value of property does not change based on the ability or inability to replace the property. The insurer should not have to shop around for and purchase a replacement vehicle for the insured or to hold a claim open until the insured finds a replacement vehicle.

The commissioner recognizes that insurers have concerns. However, a common complaint of the insureds is that the price the insurer has established of a "comparable" vehicle by using their complex valuation programs or via another mechanism does not actually fully compensate them since they can't actually buy a comparable vehicle for that price. The point of this section is not to give insureds the right to delay the process or push up settlements. The purpose is to ensure that when an insurer states that a vehicle is comparable and uses it to establish value, an actual vehicle exists that can be found and purchased for that amount. If the insured can only find comparable vehicles that cost more than the settlement amount, it is difficult to avoid the presumption that the amount was not adequate. In this last scenario, the insurer still has several options. The insurer can locate a vehicle that is available for the settlement amount; pay the difference between a comparable vehicle and the settlement amount or purchase a comparable vehicle for the insured; or use the appraisal section in the policy. This section does not apply when the insured is given written information about a spe-

cific vehicle that is available, including location and VIN at the time of settlement.

The concern regarding the insured dawdling and not buying an available vehicle is not applicable. If an insured is not buying a comparable vehicle but "trading up," this section should not come into play. When an insurer is telling the insured that comparable vehicles are used to value their car and the insured finds that the vehicles are not comparable or not available for the settlement amount, there is a fundamental problem. This section addresses that scenario. There are eight states who have similar "Right of Recourse" provisions in effect; Illinois, California, Indiana, Rhode Island, Utah, Oregon, New York and Hawaii. Those states have not reported administrative difficulties or costs in implementing these sections and are satisfied that the provisions are working well. It is reported to the OIC that less than 0.5% of total loss claims end up using the "reopening process." That total is less than the industry anecdotally states it reopens without such a provision today.

Steps the Commissioner Will Take to Reduce the Costs of the Rule on Small Businesses: The commissioner does not believe that there are any property and casualty insurers that operate in Washington that employ fewer than fifty employees. However, the commissioner is interested in reducing the costs for all business, especially smaller businesses. OIC staff has engaged in lengthy discussions about reducing the costs of the rules; the mitigatory techniques used to date are listed previously in this document. The commissioner welcomes any new suggestions that could lessen any economic impacts that are attributable to the rules.

The Proportionality of the Cost of Compliance: The cost of compliance should be proportional for smaller businesses. The rules should not create any difference in terms of implementation, processes, or impacts. While claims processing procedures insurers choose to use may impact some of the costs of compliance, those compliance costs are not related in any way to the size of the insurer. The commissioner has received no information or comments that suggest that one size of carrier is any more or less likely to have issues with any provision of the proposed or existing rule. In general costs should be proportionate since the costs should parallel the amount of insureds. Smaller insurers should, in general, have fewer insureds and fewer claims. There should be fewer potential disputes. Similarly, any costs issues with the "right of recourse" should be proportional due to the proportionality of insureds and of claims. The fewer insureds should lead to fewer probable occurrences of claims and fewer possible times that an insured may need to exercise this right. The commissioner is hoping that the new rules will allow for quicker, less contentious settlement of automobile claims. There will hopefully be some cost savings due to the increased clarity and fewer disputes with insureds. Any offsets or saving should also be proportional. The commissioner welcomes any comments regarding the proportionality of compliance and is committed to a diligent review of any issues posed.

Informing and Involving Affected Businesses: The CR-101 was filed on July 24, 2002. The proposal was published in the Washington State Register and was posted on

the insurance commissioner's website with contact names and numbers. Affected parties, including smaller insurers, were mailed the CR-101. The CR-101 requested comments and gave agency contact numbers for parties interested in participating in the rule-making process.

The commissioner provided concepts and draft language to interested parties and encouraged comments, suggestions, and critiques. More refined concepts and drafts were shared and additional responses were solicited. Staff held many different discussions and welcomed meetings with impacted parties to clarify any ambiguities and improve the regulation. These conversations helped shape the original proposed rule. The previous CR-102 was sent to impacted insurers and all known interested parties. It was posted on the website and e-mailed to the rules listserv.

As noted, after the filing of the rule and the public hearing, the commissioner decided to make numerous changes based on the comments on the proposal. A great many of the changes were technical or editing in nature. Though a new CR-102 was not required, the commissioner decided that a new CR-102 and hearing would reduce any possible confusion and allow for the fullest possible participation by interested parties. A revised draft of the rules that incorporated many of the suggestions received by the OIC was shared with interested parties and comments were solicited prior to the new CR-102. No comments were received at that point.

The commissioner continues to encourage comments from insurers and any interested parties on the proposal. The commissioner asks for any and all suggestions that make the proposed rule clearer, fairer, or easier to administer.

Informing and Involving Small Business in the Development of the Proposed Rule: See above.

A copy of the statement may be obtained by writing to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

RCW 34.05.328 applies to this rule adoption. This proposal is a significant legislative rule for the purposes of RCW 34.05.328.

Hearing Location: Insurance Commissioner's Office, Training Room 120, 5000 Capitol Boulevard, Tumwater, WA, on June 10, 2003, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Lori Villaflores by June 6, 2003, TDD (360) 664-3154 or (360) 407-0198.

Submit Written Comments to: Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109, by June 6, 2003.

Date of Intended Adoption: June 11, 2003.

April 23, 2003

Mike Kreidler

Insurance Commissioner

AMENDATORY SECTION (Amending Order R 87-5, filed 4/21/87)

WAC 284-30-390 (~~Standards for prompt, fair and equitable settlements applicable to automobile insurance.~~) **Regulation of settlements of insurance claims relating to vehicles.** (~~The following standards apply to~~

insurance claims relating to motorcycles and private passenger automobiles as defined in RCW 48.18.297:

(1) When the insurance policy provides for the adjustment and settlement of first party automobile total losses on the basis of actual cash value or replacement with another of like kind and quality, one of the following methods must apply:

(a) The insurer may elect to offer a replacement automobile which is a specific comparable automobile available to the insured, with all applicable taxes, license fees and other fees incident to transfer of evidence of ownership of the automobile paid, at no cost other than any deductible provided in the policy. The offer and any rejection thereof must be documented in the claim file.

(b) The insurer may elect a cash settlement based upon the actual cost, less any deductible provided in the policy, to purchase a comparable automobile including all applicable taxes, license fees and other fee incident to transfer of evidence of ownership of a comparable automobile. Such cost may be determined by

(i) The cost of a comparable automobile in the local market area when a comparable automobile is available in the local market area. Any settlement offer which relies upon prices of automobiles advertised for sale in local newspapers may include only prices for automobiles verified by the insurer as being comparable in age and condition to the insured automobile; or

(ii) One of two or more quotations obtained by the insurer from two or more qualified dealers located within the local market area when a comparable automobile is not available in the local market area. An insurer must accurately describe the age and condition of the insured automobile to the dealers surveyed and may use only price quotations for the retail selling price of a comparable automobile.

(c) When a first party automobile total loss is settled on a basis which deviates from the methods described in subsections (1)(a) and (1)(b) of this section, the deviation must be supported by documentation giving particulars of the automobile condition. Any deductions from such cost, including deduction for salvage, must be measurable, discernible, itemized and specified as to dollar amount and shall be appropriate in amount. The basis for such settlement shall be fully explained to the first party claimant.

(2) Where liability and damages are reasonably clear, insurers shall not recommend that third party claimants make claim under their own policies solely to avoid paying claims under such insurer's insurance policy or insurance contract.

(3) Insurers shall not require a claimant to travel unreasonably either to inspect a replacement automobile, to obtain a repair estimate or to have the automobile repaired at a specific repair shop, or to obtain a temporary rental or loaner automobile.

(4) Insurers shall, upon the claimant's request, include the first party claimant's deductible, if any, in subrogation demands. Subrogation recoveries shall be shared on a proportionate basis with the first party claimant, unless the deductible amount has been otherwise recovered. No deduction for expenses can be made from the deductible recovery unless an outside attorney is retained to collect such recovery. The deduction may then be for only a pro rata share of the allo-

ated loss adjustment expense. An insurer shall keep first party claimants apprised of its efforts relative to subrogation claims.

(5) If an insurer prepares an estimate of the cost of automobile repairs, such estimate shall be itemized and shall be in an amount for which it may be reasonably expected the damage can be satisfactorily repaired. The insurer shall give a copy of the estimate to the claimant and shall, upon request, furnish to the claimant the names of repair shops convenient to the claimant that will satisfactorily complete the repairs for the estimated cost, having in mind, particularly, the problems associated with the repair of unibody vehicles.

(6) In first party claim situations, if an insurer elects to exercise a contract right to repair and designates a specific repair shop for automobile repairs, the insurer shall cause the damaged automobile to be restored to its condition prior to the loss at no additional cost to the claimant other than as stated in the policy and within a reasonable period of time.

(7) In any claim situation, an insurer shall make a good faith effort to honor a claimant's request for repairs to be made in a specific repair shop of the claimant's choice, and shall not arbitrarily deny such request. A denial of such a request solely because of the repair shop's hourly rate is arbitrary if such rate does not result in a higher overall cost of repairs. The insurer shall make an appropriate notation in its claim file setting forth the reason it has rejected a claimant's request.

(8) Deductions for betterment and depreciation are permitted only for parts normally subject to repair and replacement during the useful life of the insured motor vehicle. Deductions for betterment and depreciation shall be limited to the lesser of an amount equal to the proportion that the expired life of the part to be repaired or replaced bears to the normal useful life of that part, or the amount which the resale value of the vehicle is increased by the repair or replacement. Calculations for betterment, depreciation, and normal useful life must be included in the insurer's claim file.) WAC 284-30-390 through 284-30-3915 are the standards for prompt, fair, and equitable settlements for insurance claims relating to vehicles.

NEW SECTION

WAC 284-30-3901 Definitions for settlement of vehicle claims. In addition to the definitions in WAC 284-30-320, the following definitions apply to WAC 284-30-3901 through 284-30-3915.

(1) "Actual cash value" means the cost to you to replace your vehicle with a comparable vehicle.

(2) "Comparable vehicle" means a vehicle that has been verified by the insurer to be the same make and model, same or newer year, similar body style, similar options and mileage as your vehicle and in as good or better overall condition as established by current data. To achieve comparability, any deductions or additions for options, mileage or condition can only be made as determined and measured within the principally garaged area.

(3) "Current data" means data no older than ninety days from the date of loss.

(4) "Principally garaged" means the zip code where the vehicle is normally kept.

(5) "Settlement" means when the payment is actually made to you and/or your lien holder.

NEW SECTION

WAC 284-30-3902 When my vehicle is repairable, what can I expect from the insurer? (1) The insurer must provide you a copy of the itemized estimate it is using as the basis for payment.

(2) Upon your request, the insurer must provide you names of repair shops within your principally garaged area that will satisfactorily complete the repairs for the estimated cost.

(3) The insurer cannot require you to travel unreasonably to:

- (a) Inspect a replacement vehicle;
- (b) Obtain a repair estimate;
- (c) Have the vehicle repaired at a specific repair shop; or
- (d) Obtain a temporary rental or loaner vehicle.

(4) Deductions for betterment and depreciation may be taken only for parts normally subject to repair and replacement during the useful life of the insured motor vehicle. Deductions for betterment and depreciation are limited to the increase in the actual cash value of the vehicle caused by the replacement of the part, or the amount equal to the proportion that the expired life of the part to be repaired or replaced bears to the normal useful life of that part, whichever is less.

(5) Your insurer may elect to exercise its right, under the terms of your insurance contract, to repair your vehicle and designate a specific repair shop for your vehicle repairs. In this case, the insurer shall restore your vehicle to its condition prior to the loss at no additional cost to you other than as stated in your policy.

NEW SECTION

WAC 284-30-3903 Can I get my vehicle repaired at a shop of my choice? (1) The insurer must make a good faith effort to honor your request for repairs to be made in a specific repair shop and cannot arbitrarily deny your request.

(2) A denial of your request solely because of the repair shop's hourly rate is arbitrary if the rate does not result in a higher overall cost of repairs.

(3) If the overall cost of repairs cannot be agreed upon, the insurer will:

- (a) Provide you with the name of a reputable repair shop that can satisfactorily complete the repairs for the amount of their estimate; and
- (b) Make an appropriate notation in its claim file setting forth the reason it has rejected your request.

(4) If you choose to take your vehicle to a repair facility in which the overall cost for a satisfactory repair is higher than the insurer's estimate, you may be liable for any additional amount above their estimate.

NEW SECTION

WAC 284-30-3904 Will my insurer pursue collection of my deductible? (1) Yes, if the company is pursuing collection of its interest, you may request they pursue collection of your deductible for you.

(2) The insurer will inform you of its efforts relative to collection of your deductible.

NEW SECTION

WAC 284-30-3905 If my insurer collects my deductible back, will I recover the full amount of my deductible?

(1) At a minimum, recovery will be shared on a proportionate basis with your insurer.

(2) No deduction for expenses can be made from the deductible recovery unless an outside attorney is retained to collect such recovery, and then only for the pro rata share of the allocated loss adjustment expense.

NEW SECTION

WAC 284-30-3906 If another party is responsible for my vehicle damage, can that party's insurer refuse to settle my vehicle damage and force me to use my own collision coverage? When liability and damages are reasonably clear, another party's insurer cannot recommend that you make a claim under your own collision coverage solely to avoid paying the claim.

NEW SECTION

WAC 284-30-3907 How can an insurer settle my vehicle total loss claim? An insurer can adjust and settle vehicle total losses by one of the following methods:

(1) Replacing your vehicle: An insurer can settle your claim by offering to replace your vehicle with a comparable vehicle that is available for inspection within a reasonable distance from where your vehicle is principally garaged. An insurer must advise you by phone or in writing of their settlement offer. This communication must be documented in the claim file. If it is a phone call, the documentation must include the date, time, and name of the person in your household they spoke with.

(2) Cash settlement: An insurer can settle your claim by offering a cash settlement based on the actual cash value to purchase a comparable vehicle. Only vehicles identified as comparable may be used to arrive at the actual cash value. You can request a copy of the "valuation report" that notes the information used to determine the amount of the cash settlement. The offer of a cash settlement must use one of the following methods:

(a) The actual cash value of a comparable vehicle based on current data obtained from the principally garaged area. If a comparable vehicle cannot be found within the principally garaged area, the search area may be expanded only in increasing circles of twenty-five mile increments until a comparable vehicle is identified.

(b) Quotations for the actual cash value of a comparable vehicle obtained from two or more licensed dealers located

within the principally garaged area. If two or more licensed dealers cannot be found within the principally garaged area, the search area may be expanded only in increasing circles of twenty-five mile increments until two or more quotes for comparable vehicles are obtained.

(c) The actual cash value of two or more comparable vehicles advertised for sale in the local media if the advertisements are no older than ninety days. The vehicle must be located within the principally garaged area. If two or more comparable vehicles cannot be found within the principally garaged area, the search area may be expanded only in increasing circles of twenty-five mile increments until two or more comparable vehicles are identified.

(d) Any source for determining statistically valid actual cash values within your vehicle's principally garaged area that meets all of the following criteria:

(i) The source must give primary consideration to the values of vehicles in the zip code where your vehicle was principally garaged.

(ii) The source's data base must produce values for at least eighty-five percent of all makes and models for a minimum of fifteen years taking into account the values of all major options for such vehicles.

(iii) The source must produce actual cash values based on current data available from the principally garaged area. If comparable vehicles cannot be found within the principally garaged area, the search area may be expanded until comparable vehicles are identified to assure statistical validity.

(iv) The source must rely upon the actual cash value of comparable vehicles that are currently available or were available in the market place within ninety days from the date of loss.

(v) Any adjustments for betterment or depreciation must be in compliance with WAC 284-30-3908.

(vi) The source must provide a list of the comparable vehicles (minimum thirty) used to determine the actual cash value.

(e) When you and your insurer both agree, an evaluation that varies from the methods described in (a) through (d) of this subsection may be used. The determination of value must be supported by documentation. The insurer must take reasonable steps to validate that the value so determined is accurate and representative of what the actual cash value would be of a comparable vehicle in the principally garaged area.

(f) Insurers remain responsible for the accuracy of evaluations based on outside sources used to establish actual cash values.

(3) Appraisal: If you and your insurer fail to agree on the actual cash value of your vehicle and your policy has an appraisal provision, you or your insurer may request that the appraisal provision of your policy be used as a method to resolve disputes concerning the actual cash value.

(4) Applicable taxes, license fees, and other fees incidental to transfer of evidence of ownership must be added to the actual cash value.

NEW SECTION

WAC 284-30-3908 Are there factors that may reduce my settlement? Your settlement may be reduced by one of the following methods:

(1) Deductions are allowable for prior damage. The amount of deduction can be no greater than the decrease in actual cash value due to prior damage.

(2) When you retain your total loss vehicle, your insurer may deduct the salvage value from the actual cash value, including all applicable taxes and fees. The insurer must provide you with the name and address of a salvage dealer or dismantler who will purchase the salvage for the amount deducted with no additional charge. This option must be available for at least thirty days after receipt of the settlement. This option will not be available if, after settlement, the condition of the salvage has been changed.

(3) Any additions or deductions from the actual cash value must be measurable, discernible, itemized and specified as to dollar amounts.

NEW SECTION

WAC 284-30-3909 If my vehicle is determined to be a total loss, can I keep it? (1) If your claim is being handled by another person's liability insurer, you may negotiate to keep your vehicle.

(2) If your claim is being handled under your insurance policy, it will depend on the terms and conditions in your policy.

NEW SECTION

WAC 284-30-3910 Can the insurer move my vehicle prior to settlement of the claim? Yes, the insurer may move your vehicle with your consent. An insurer may seek to move your vehicle to eliminate additional storage costs. If you do not consent to move your vehicle, you may be held liable for those additional storage costs.

NEW SECTION

WAC 284-30-3911 What information must be included in the insurer's valuation report? The valuation report must include:

(1) All information collected during the initial inspection that sets forth the condition, equipment, and mileage of the vehicle;

(2) All information that the insurer used to arrive at the actual cash value of the vehicle;

(3) A list of the comparable vehicles used by the insurer to arrive at the actual cash value. This list must include:

(a) The source of the information used;

(b) The date of the information;

(c) The seller's telephone number;

(d) The asking price;

(e) The sold price, if the sold price is available and verified;

(f) The location of each vehicle at the time of the valuation.

(g) When an insurer uses a source for determining statistically valid actual cash values meeting the requirements of WAC 284-30-3907 (2)(d), the list required under this section must include a minimum of thirty comparable vehicles and give primary consideration to vehicles in the zip code where your vehicle was principally garaged.

Any supplemental or ancillary information must be clearly identified with a separate heading. Any weighing of identified vehicles to arrive at an average must be documented and explained.

NEW SECTION

WAC 284-30-3912 What if I, as an insured, accept the settlement based on the insurer's valuation and cannot find a comparable vehicle within a reasonable distance of my vehicle's principally garaged area? (1) When you accept the settlement, your insurer must provide you with written notice regarding reopening of your claim file.

(2) If you notify your insurer within thirty-five days of receipt of the settlement that you cannot purchase a comparable vehicle for the settlement amount and you located, but did not purchase a comparable vehicle in excess of the settlement amount, the insurer must reopen your claim file and either:

(a) Locate a comparable vehicle that is currently available for the settlement amount;

(b) Pay you the difference between the settlement amount before applicable deductions and the cost of the comparable vehicle or purchase the comparable vehicle for you; or

(c) If not previously utilized, conclude the loss settlement in the manner provided in the appraisal section of your insurance policy in force at the time of the loss.

(3) Your insurer is not required to reopen your claim file if:

(a) At the time of settlement, you were provided written notification of the availability and location of a specific and comparable vehicle that could have been purchased for the settlement amount; and

(b) You did not purchase the vehicle within thirty-five days of the receipt of the settlement.

NEW SECTION

WAC 284-30-3913 What must the insurer do prior to the denial of storage and towing costs? The insurer must:

(1) Advise you by phone or in writing before they stop payment for storage of your vehicle. This communication must be documented in the claim file. If it is a phone call, the documentation must include the date, time, name of the person in your household they spoke with, and specifics of the conversation;

(2) Provide reasonable time, in no event greater than five business days, for you to remove your vehicle from storage before stopping payment; and

(3) Pay any and all reasonable towing charges unless otherwise provided in your policy. You may use any towing company unless the insurer provides you with the name of a specific towing company before your vehicle is towed.

NEW SECTION

WAC 284-30-3914 When I am dealing with someone else's insurer, what are my rights regarding a rental vehicle? In vehicle property damage liability claims in which liability is reasonably clear, the insurer will negotiate the reasonable and necessary costs in direct proportion to the extent of its liability for the rental of another vehicle and may not require you to rent a vehicle to actually cover these costs.

NEW SECTION

WAC 284-30-3915 What if the other person's insurer offers a flat rental amount per day, week, or month? When the insurer offers a flat rental amount per day, week, or month, they must disclose to you where you can obtain a vehicle for the amount of its payment.

NEW SECTION

WAC 284-30-3916 In a total loss situation, what happens if I have a loan or lease on my vehicle and the outstanding balance exceeds the actual cash value of my vehicle? Unless you have purchased auto loan/lease gap coverage, you will be responsible for the difference between the actual cash value of your vehicle and the outstanding balance owing to the lessor or finance company if your vehicle is a total loss. For example, if your vehicle's actual cash value is \$15,000 but you owe \$20,000 to the lessor or finance company, you will be responsible for the extra \$5,000. The insurer is not required to pay the difference unless you have purchased specific coverage for it, subject to your policy's terms and conditions.

WSR 03-10-036

PROPOSED RULES

BOARD OF ACCOUNTANCY

[Filed April 30, 2003, 10:05 a.m.]

Supplemental Notice to WSR 03-09-051.

Preproposal statement of inquiry was filed as WSR 03-01-101.

Title of Rule: WAC 4-25-720 How do I apply to take the CPA examination?

Purpose: To add language to the proposed rule filed on April 11, 2003.

Statutory Authority for Adoption: RCW 18.04.105(2).

Statute Being Implemented: RCW 18.04.105(2).

Summary: Adds a bullet to the list of items required in order to have a complete exam application: "A fully completed application form."

Reasons Supporting Proposal: To provide clear and concise requirements to persons applying to take the CPA exam. This supplemental language makes it clear that the board or its designee will not accept an incomplete application.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, Olympia, Washington, (360) 586-0163.

Name of Proponent: Primarily the Washington State Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The board's goal with all if its rule proposals is to:

- Promote clarity.
- Ensure effective communication.
- Ensure fairness in interpretation and application of the rules.
- Promote efficiencies through minimizing gray areas.

Specifically, RCW 18.04.105(2) directs the board to "prescribe the methods of applying for and taking the examination, including methods for grading examinations and determining a passing grade required of an applicant for a license and to establish provisions for transitioning to a new examination structure or to a new media for administering the examination." The proposed supplemental language will ensure that Washington candidates are fairly notified that the application must be fully completed.

Proposal Changes the Following Existing Rules: Adds a bullet to the list of items required in order to have a complete exam application: "A fully completed application form."

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: DoubleTree Hotel, Spokane City Center, 322 North Spokane Falls Court, Spokane, WA 99201, on July 25, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by July 18, 2003, TDD (800) 833-6384 or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, Executive Director, P.O. Box 9131, Olympia, WA 98507-9131, e-mail danam@cpaboard.wa.gov, fax (360) 664-9190, by July 7, 2003.

Date of Intended Adoption: July 25, 2003.

April 28, 2003

Dana M. McInturff, CPA
Executive Director

AMENDATORY SECTION (Amending WSR 02-04-064, filed 1/31/02, effective 3/15/02)

WAC 4-25-720 How do I apply to take the CPA examination? (1) **Application form and due dates:**

(a) For examinations held prior to January 1, 2004:

(i) Your application to take the CPA examination must be made on a form provided by the board's designee and filed with the board's designee on or before March 1 for the May examination and September 1 for the November examination. Applications, including all required documentation, for the May examination must be postmarked by March 1 (and received by March 10). Applications, including all required documentation, for the November examination must be post-

marked by September 1 (and received by September 10). An application is not considered filed until the ~~((examination fee has been received by the))~~ board's designee has received the examination fee.

(ii) Proctoring CPA exam candidates: The board may agree to request the assistance of another accountancy board in proctoring Washington's applicants at out-of-state exam sites and may agree to proctor another accountancy board's applicants at a Washington exam site, both subject to space and staffing constraints. The board will not arrange for out-of-state proctoring for applicants domiciled out-of-state who wish to take the uniform CPA exam as Washington candidates. Such applicants must take the CPA exam in Washington on a space available basis.

(b) For examinations held after December 31, 2003: Your application to take the CPA examination must be made on a form provided by the board's designee and filed with the board's designee by the due date specified by the board on the application form. Your application is not considered filed until all of the following are received by the board's designee:

- A fully completed application form;
- Fee(s);
- Proof that you have met the education requirements;
- Your proof of identity as determined by the board and specified on the application form;
- Other required supporting documents; and
- Proof from NASBA's National Candidate Data Base that you have not previously taken, or applied to take, the exam during the current examination period.

(2) Failure to attend the exam: If you fail to appear for examination ~~((or reexamination))~~, you forfeit the fees charged for examination ~~((and reexamination))~~.

(3) Notice of admittance to the examination or denial of your application:

(a) For examinations held prior to January 1, 2004: Notice of the denial of your application, or notice of your admittance to the examination along with the time and place of the examination, will be mailed to you at least ten days prior to the date set for the examination.

~~((4))~~ **(b) For examinations held after December 31, 2003:** Notice of the denial of your application, or notice of your eligibility to take the examination will be mailed to you by the board's designee. You will contact the board's designee or the approved test site to schedule the time and location for your examination. Your notice of eligibility to take the examination will be valid for one taking of the examination within the six months following the date of your notice of eligibility to take the examination.

(4) Examination content: The CPA examination shall test the knowledge and skills required for performance as an entry-level certified public accountant. The examination shall include the subject areas of accounting and auditing and related knowledge and skills as the board may require. The examination will consist of the following four sections: Auditing and attestation; financial, accounting and reporting; regulation; and business environment and concepts.

(5) Examination, grading and conditioning:

PROPOSED

(a) For examinations held prior to January 1, 2004:

The board uses all parts of the uniform CPA examination and the advisory grading services of the American Institute of Certified Public Accountants. Seventy-five or better is a passing grade for each section of the examination. Each time you sit for the examination you must take all sections you have not previously passed. You are required to pass all sections of the examination in order to qualify for a license. If at a given sitting of the examination you pass two or more, but not all sections of the examination, then you will receive credit for those sections that you pass and you will not be required to take those sections again provided:

~~((a))~~ (i) You took all unpassed sections of the examination at that sitting;

~~((b))~~ (ii) You attained a minimum grade of fifty on each section of the examination not passed at that sitting;

~~((c))~~ (iii) You pass the remaining sections of the examination within six consecutive examinations given after the one at which the first sections were passed;

~~((d))~~ (iv) At each subsequent sitting you take all sections not yet passed and you attain a minimum grade of fifty on those sections taken but not passed at that sitting; and

~~((e))~~ (v) In order to receive credit for passing additional sections in a subsequent sitting you attain a minimum grade of fifty on sections taken but not passed at that sitting.

~~((5))~~ (b) **For examinations held after December 31, 2003:** The board uses all parts of the uniform CPA examination and the advisory grading services of the American Institute of Certified Public Accountants.

(i) To qualify to apply for a license you must attain the national uniform passing grade, approved by the board by policy, on all four sections of the examination.

(ii) You may take the required four sections individually and in any order. Credit for any section(s) taken and passed after December 31, 2003, will be valid for eighteen months from the actual date you took the passed section, without having to attain a minimum score on any failed section(s) and without regard to whether you have taken other sections.

(iii) You must pass all four sections of the examination within a rolling eighteen-month period, which begins on the date that the first section(s) is passed. When determining the date that a section is passed the date that is used is the date that you took the exam section and not the date that your grade(s) is released.

(iv) You may not retake a failed section(s) in the same examination window. An examination window refers to a three-month period in which candidates have an opportunity to take the examination (comprised of two months in which the examination is available to be taken and one month in which the examination will not be offered while routine maintenance is performed and the item bank is refreshed).

(v) In the event you do not pass all four sections of the examination within the rolling eighteen-month period, credit for any section(s) passed prior to the eighteen-month period will expire and you must retake that section(s).

(c) Transitioning for candidates obtaining conditional credits under the provisions of (a) of this subsection:

(i) If you earned conditional credit(s) under the provisions of (a) of this subsection and as of February 15, 2004, those conditional credits remained valid under the provisions of (a) of this subsection, you will retain conditional credit for the corresponding sections of the examination as follows:

<u>Examination section taken prior to January 1, 2004</u>	<u>Examination section taken after December 31, 2003</u>
<u>Auditing</u>	<u>Auditing and Attestation</u>
<u>Financial Accounting and Reporting (FARE)</u>	<u>Financial Accounting and Reporting</u>
<u>Accounting and Reporting (ARE)</u>	<u>Regulation</u>
<u>Business Law and Professional Responsibilities (LPR)</u>	<u>Business Environment and Concepts</u>

(ii) If you qualify for conditional credit(s) for a section of the examination under (c)(i) of this subsection, you will lose the conditional credit(s) for the section unless you complete all remaining section(s) of the examination within the transition period which is the lesser of:

- The maximum number of testing opportunities that you had remaining to complete all sections of the examination under the provisions of (a) of this subsection; or

- The number of remaining testing opportunities you had remaining to complete all sections of the examination under the provisions of (a) of this subsection multiplied by six months.

(iii) If you do not pass all remaining sections during the transition period, the conditional credit for the section(s) you passed under the provision of (a) of this subsection will become invalid. Any section you pass after December 31, 2003, will be subject to the provisions of (b) of this subsection with the following exception:

- You will not lose conditional credit for any section passed during the transition period, even though more than eighteen months may have elapsed from the date the section is passed, until the end of your transition period.

(iv) You will retain credit for any and all sections of an examination passed in another state if credit would have been given under the Washington state requirements in effect on the date you took the examination.

(v) If you pass a section of the examination, the date you took the section of the examination is the date you receive credit for passing the section.

(6) Ethics exam: Upon passing the CPA examination, applicants for licensure are required to attain and demonstrate a passing grade of ninety percent or better on the AICPA professional code of conduct examination.

~~((6))~~ ~~Proctoring CPA exam candidates: The board may agree to request the assistance of another accountancy board in proctoring Washington's applicants at out-of-state exam sites and may agree to proctor another accountancy board's applicants at a Washington exam site, both subject to space and staffing constraints. The board will not arrange for out-of-state proctoring for applicants domiciled out-of-state who wish to take the uniform CPA exam as Washington candidates. Such applicants must take the CPA exam in Washington on a space available basis.)~~

WSR 03-10-043
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed May 1, 2003, 10:20 a.m.]

Original Notice.

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

Title of Rule: WAC 246-282-990 Sanitary control of shellfish—Fees.

Purpose: The proposed rule increases fees for shellfish export certificates within the 3.29% fiscal growth factor for fiscal year 2003 in order to cover inflationary increases in program costs.

Other Identifying Information: These fees will increase from \$10 to \$10.30 per export certificate.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: RCW 34.70.250 [43.70.-250].

Summary: The Department of Health finds the proposed fee increase necessary to cover the costs of issuing export certificates. This service is done at the request of the affected industry, and is necessary to enable Washington shellfish dealers to ship product to Asian countries. The fee charged for export certificates has remained unchanged since its implementation in 1996.

Reasons Supporting Proposal: The inflationary costs associated with this service can no longer be absorbed by the program. Initial feedback received from exporting companies indicates that this increase could be easily absorbed into business costs.

Name of Agency Personnel Responsible for Drafting: Jan Jacobs, New Market Center, Building 4, Tumwater, (360) 236-3316; Implementation and Enforcement: Jennifer Tebaldi, New Market Center, Building 4, Tumwater, (360) 236-3325.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Food Safety and Shellfish Programs (FSSP) has issued export certificates to dealers shipping Washington product to Asian countries since 1993. In 1996 a \$10.00 fee was implemented for each certificate issued to cover the cost of administering this service. The \$10.00 fee has not been changed since that time. However, FSSP can no longer absorb inflationary costs associated with issuing and administering export certificates. This proposed rule revision would raise the fee for an individual export certificate within the 3.29% fiscal growth factor for fiscal year 2003. The fee would increase from \$10.00 to \$10.30.

Proposal Changes the Following Existing Rules: The proposed rule increases fees for shellfish export certificates within the 3.29% fiscal growth factor for fiscal year 2003.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025, a small business economic impact statement is not required for rules that set or adjust fees pursuant to legislative standards.

RCW 34.05.328 does not apply to this rule adoption. Under RCW 34.05.328 (5)(b)(vi), rules that set or adjust fees pursuant to legislative standards, as this proposal does are exempt from the requirements of RCW 34.05.328.

Hearing Location: Department of Health, Food and Safety Shellfish Programs, 7171 Cleanwater Lane, Building 6, Olympia, WA 98504-7824, on June 11, 2003, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Jan Jacobs by June 4, 2003, TDD (800) 833-6388 or (360) 236-3327.

Submit Written Comments to: Jan Jacobs, Food Safety and Shellfish Programs, P.O. Box 47824, Olympia, WA 98504-7824, fax (360) 236-3327, by June 11, 2003.

Date of Intended Adoption: June 12, 2003.

April 28, 2003

Mary C. Selecky
 Secretary

AMENDATORY SECTION (Amending WSR 02-15-094, filed 7/16/02, effective 8/16/02)

WAC 246-282-990 Fees. (1) Annual shellfish operation license fees are:

Type of Operation	Annual Fee
Harvester	\$250.
Shellstock Shipper	
0 - 49 Acres	\$282.
50 or greater Acres	\$452.
Scallop Shellstock Shipper	\$282
Shucker-Packer	
Plants with floor space < 2000 sq. ft.	\$514.
Plants with floor space 2000 sq. ft. to 5000 sq. ft.	\$622.
Plants with floor space > 5000 sq. ft.	\$1,147.

(2) The fee for each export certificate is ~~\$(40)~~10.30.

(3) Annual PSP testing fees for companies harvesting intertidally (between the extremes of high and low tide):

Fee Category	Number of Harvest Sites	Fee
Harvester	≤ 2	\$173
Harvester	3 or more	\$259
Shellstock Shipper	≤ 2	\$195
0 - 49 acres		
Shellstock Shipper	3 or more	\$292
0 - 49 acres		
Shellstock Shipper	N/A	\$468
50 or greater acres		
Shucker-Packer	≤ 2	\$354
(plants < 2000 ft²)		

PROPOSED

Fee Category

Type of Operation	Number of Harvest Sites	Fee
Shucker-Packer (plants < 2000 ft ²)	3 or more	\$533
Shucker-Packer (plants 2000-5000 ft ²)	≤ 2	\$429
Shucker-Packer (plants 2000-5000 ft ²)	3 or more	\$644
Shucker-Packer (plants > 5000 ft ²)	N/A	\$1,189

(a) The number of harvest sites will be the total number of harvest sites on the licensed company's harvest site certificate:

- (i) At the time of first licensure; or
- (ii) January 1 of each year for companies licensed as harvesters; or
- (iii) July 1 of each year for companies licensed as shell-stock shippers and shucker packers.

(b) Two or more contiguous parcels with a total acreage of one acre or less is considered one harvest site.

(4) Annual PSP testing fees for companies harvesting subtidal geoduck (below extreme low tide):

Harvester	Fee
Department of natural resources (leased tracts harvested by nontribal licensees)	\$17,178
Jamestown S'Klallam Tribe	\$3,135
Lower Elwah Klallam Tribe	\$3,423
Nisqually Indian Tribe	\$4,316
Port Gamble S'Klallam Tribe	\$5,312
Puyallup Tribe of Indians	\$3,862
Skagit System Cooperative	\$555
Skokomish Indian Tribe	\$2,490
Squaxin Island Tribe	\$5,153
Suquamish Tribe	\$11,595
Tulalip Tribe	\$981

(5) PSP fees must be paid in full to department of health before a commercial shellfish license is issued or renewed.

(6) Refunds for PSP fees will be given only if the applicant withdraws a new or renewal license application prior to the effective date of the new or renewed license.

**WSR 03-10-045
PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed May 1, 2003, 10:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-11-097.

Title of Rule: Chapter 308-93 WAC, Vessel registration and certificates of title.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 88.02.070, 88.02.100.

Summary: Amending WAC 308-93-230 Procedure for perfecting security interest.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, (360) 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does no impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on June 10, 2003, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by June 9, 2003, TTY (360) 664-8885 or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by June 9, 2003.

Date of Intended Adoption: July 8, 2003.

April 30, 2003

D. McCurley, Administrator
Title and Registration Services
by Katherine Vasquez

AMENDATORY SECTION (Amending WSR 02-04-001, filed 1/23/02, effective 2/23/02)

WAC 308-93-230 Procedure for perfecting security interest. (1) How is the security interest in a vessel perfected?

A security interest in a vessel (~~for which a certificate of ownership is required~~) is perfected (~~only by compliance with~~) when the requirements of RCW 46.12.095 for vehicles is followed. When the security interest in a vessel other than one held as inventory by a manufacturer or a dealer and for

PROPOSED

which a certificate of ownership is required is perfected only by completing the requirements of RCW 46.12.103 for vessels under the circumstances provided for in this section:

(a) The existing certificate and application for certificate of ownership containing the name and address of the secured party is received by the department with required fees; or

(b) The secured interest is perfected as of the time of its creation if the secured party's name and address appear on the outstanding certificate of ownership when received in (a) of this subsection with appropriate fees; or

(c) The vessel is subject to a security interest when brought into this state. The perfection of the security interest is determined by the jurisdiction where the vessel was when the security interest was attached.

If perfected through the laws of another jurisdiction, the following applies:

(i) If the name of the secured party is shown on the existing certificate of ownership issued by that jurisdiction, the security interest continues perfected in this state.

(ii) If the security interest was not perfected under the law of the jurisdiction where the vessel was when the security interest was attached, it may be perfected in this state, in that case perfection dates from the time of perfection in this state.

The application must be as provided for vehicles and WAC 308-93-069 and 308-93-070 as provided for vessels.

(2) When would the Department of Licensing not issue a certificate of ownership?

(a) Vessels that are documented in compliance with federal regulations are issued a registration and are not issued a certificate of ownership; or

(b) Vessels that are ownership in doubt; or

(c) Vessels when out-of-state lien holder retains title.(3)

What fees are charged for adding, deleting or changing a secured party?

~~(The)~~ An application fee ~~((is one dollar. A))~~ and filing fee ~~((is))~~ are due for each transaction and an additional service fee is charged if a licensing subagent processes the transaction as referenced in RCW 88.02.070.

~~((3)) (4) What is the secured party's obligation when the lien has been satisfied?~~

When a certificate of ownership is required, the secured party must comply with RCW 46.12.170 as provided for vehicles, and WAC 308-93-069 and 308-93-070 as provided for vessels and pay the required fees.

~~((4)) Requirements for application for certificate of ownership:~~

(a) New vessels:

(i) Application for certificate of ownership to a vessel never before licensed or titled shall be accompanied by a manufacturer's statement of origin, carpenter's certificate, or a copy of the factory invoice.

(ii) The manufacturer's statement of origin, carpenter's certificate, or factory invoice must reflect the model year, make, length and hull identification number of the vessel.

(iii) The department will not accept any manufacturer's statement of origin, carpenter's certificate, or factory invoice for the issuance of a certificate of ownership unless all persons named on the manufacturer's statement of origin, includ-

ing dealers, have released or assigned their interest, or on a release of interest form approved by the department.

(iv) Dealer-to-dealer transfers may be accomplished either by appropriate endorsement of the manufacturer's statement of origin, carpenter's certificate, or factory invoice, or release of interest form approved by the department. A complete chain of ownership must be reflected from the original dealer named on the manufacturer's statement of origin to the retail selling dealer making the application.

(v) A copy of the factory invoice may be used in lieu of the manufacturer's statement of origin or carpenter's certificate only when such documents are not available and obtaining a replacement from the manufacturer would cause an undue amount of delay in titling the vessel. A certificate of fact describing why the statement of origin or carpenter's certificate is not available must be accompanied by the photocopy of the factory invoice and any necessary releases of interest on a form approved by the department.

(b) Vessels with existing certificate of ownership from a foreign titling jurisdiction:

(i) Excise exemption affidavit;

(ii) A copy of the bill of sale or sales agreement;

(iii) Declaration of value form;

(iv) Previous ownership document properly released;

(v) Proof of sales tax paid;

(vi) Release of interest;

(vii) Other verification of ownership approved by the department to include:

(A) A judgment from a district or superior court of any county of this state awarding ownership; or

(B) Document from an involuntary divestiture sale or auction; and/or

(C) Copy of certificate of documentation of vessel issued by the United States Coast Guard.

(c) Vessels without existing certificate of ownership or from a nontitling jurisdiction:

(i) Excise exemption affidavit;

(ii) A copy of the bill of sale or sales agreement;

(iii) Declaration of value form;

(iv) Previous ownership document properly released;

(v) The registration, if it is from a nontitle state;

(vi) Proof of sales tax paid;

(vii) Manufacturer's statement of origin, factory invoice, or carpenter's certificate;

(viii) An affidavit in lieu of title;

(ix) Release of interest;

(x) Other verification of ownership approved by the department to include:

(A) A judgment from a district or superior court of any county of this state awarding ownership; or

(B) Document from an involuntary divestiture sale or auction; and/or

(C) Copy of certificate of documentation of vessel issued by the United States Coast Guard; and/or

(D) An affidavit certifying when and where the vessel was acquired or brought into the state.

(5) What is the secured party's obligation when the lien has been satisfied due to the sale of the vessel?

PROPOSED

The secured party (~~shall~~) must comply with RCW 46.12.101 as provided for vehicles and WAC 308-93-069 and 308-93-070 as provided for vessels.

~~((5))~~ Vessel owners applying for certificate of ownership and/or registration of a vessel must submit an application, which includes, but is not limited to:

(a) Expiration date of the certificate of registration;
(b) The name of each owner of the vessel and if the vessel is subject to security interest, the name of each secured party;

(c) The department-assigned customer account number for each owner of the vessel including secured parties if available;

(d) The address at which one of the owners regularly receives mail;

(e) The mailing address of the first secured party;

(f) The Washington registration number as assigned;

(g) Make and model year;

(h) Length of vessel;

(i) Type of power (gasoline, diesel, etc.);

(j) Primary use (commercial, pleasure, etc.);

(k) Primary method of propulsion (inboard, sail, etc.);

(l) Type of vessel (runabout, cabin, etc.);

(m) Primary vessel construction (fiberglass, wood, etc.);

(n) County of moorage;

(o) Hull identification number, if one has been assigned;

(p) Latest purchase price and purchase year or, if the vessel was not acquired by purchase, a declaration of value and year of declaration.

For the purposes of this section, purchase price or declared value includes the vessel, vessel motor, or engine, and all other equipment and accessories, excluding a boat trailer, purchased or acquired in a single transaction;

(q) United States Coast Guard document number, if applicable.

In addition to the information listed above, upon original application for certificate of ownership and/or registration of a homemade vessel, the owner shall complete and sign a declaration of value form. The owner's signature must be notarized/certified in accordance with WAC 308-93-470.

(6) Is the secured party liable for the acts of the vessel owner?

No. The secured party is not liable or responsible for any act or contract made by the vessel owner or by any person representing the vessel owner.

WSR 03-10-048
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed May 1, 2003, 1:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-06-055.

Title of Rule: WAC 388-505-0210 Children's medical eligibility.

Purpose: Amend to add language that was inadvertently deleted. Added additional clarifying language at the request of field staff.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.04.050.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, MAA, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1330.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment is necessary to add language that was inadvertently deleted.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no impact on small businesses. The rule only affects client eligibility for services.

RCW 34.05.328 applies to this rule adoption. The rule meets the definition of a significant legislative rule under RCW 34.05.328. However, RCW 34.05.328 (5)(b)(vii) exempts rules relating to DSHS client financial and medical eligibility.

Hearing Location: Office Building 2, Auditorium, 14th and Jefferson, Olympia, WA 98504, on June 10, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact DSHS Rules Coordinator by June 3, 2003, 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 June 10, 2003.

Date of Intended Adoption: Not sooner than June 11, 2003.

April 28, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-17-030, filed 8/12/02, effective 9/12/02)

WAC 388-505-0210 Children's medical eligibility.

(1) A child under the age of one is eligible for categorically needy (CN) medical assistance when:

(a) The child's mother was eligible for and receiving coverage under a medical program at the time of the child's birth; and

(b) The child remains with the mother and resides in the state.

(2) Children under the age of nineteen are eligible for CN medical assistance when they meet the requirements for:

(a) Citizenship or U.S. national status as described in WAC 388-424-0005(1) or immigrant status as described in WAC 388-424-0010 (1) or (2);

(b) State residence as described in chapter 388-468 WAC;

(c) A social security number as described in chapter 388-476 WAC; and

(d) Family income levels as described in WAC 388-478-0075 (1)(c).

(3) Children under the age of nineteen are eligible for the state children's health insurance program (SCHIP), as described in chapter 388-542 WAC, when:

(a) They meet the requirements of subsection (2)(a) ~~((and))~~ (b), and (c) of this section;

(b) They do not have other creditable health insurance coverage; and

(c) Family income exceeds two hundred percent of the federal poverty level (FPL), but does not exceed two hundred fifty percent of the FPL as described in WAC 388-478-0075 (1)(c) and (d).

(4) Children under the age of twenty-one are eligible for CN medical assistance when they meet:

(a) Citizenship or immigrant status, state residence, and social security number requirements as described in subsection (2)(a), (b), and (c) of this section;

(b) Income levels described in WAC 388-478-0075 ~~((when income is counted according to WAC 388-408-0055 (1)(e)))~~; and

(c) One of the following criteria:

(i) Reside, or are expected to reside, in a medical hospital, intermediate care facility for mentally retarded (ICF/MR), or nursing facility for ~~((more than))~~ thirty days or more;

(ii) Reside in a psychiatric or chemical dependency facility for ninety days or more;

(iii) Are in foster care; or

(iv) Receive subsidized adoption services.

(d) For a child meeting the criteria (c)(i) of this subsection, the only parental income the department considers available to the child is the amount the parent chooses to contribute.

(e) For a child meeting the criteria in (c)(ii) of this subsection, parental income is counted as described in WAC 388-408-0055 (1)(c).

(5) Children are eligible for CN medical assistance if they:

(a) Receive Supplemental Security Income (SSI) payments based upon their own disability; or

(b) Received SSI cash assistance for August 1996, and except for the August 1996 passage of amendments to federal disability definitions, would be eligible for SSI cash assistance.

(6) Children under the age of nineteen are eligible for medically needy (MN) medical assistance as defined in chapter 388-500 WAC when they:

(a) Meet citizenship or immigrant status, state residence, and social security number requirements as described in subsection (2)(a), (b), and (c); and

(b) Have income above the income levels described in WAC 388-478-0075 (1)(c).

(7) A child is eligible for SSI-related MN when the child:

(a) Meets the blind and/or disability criteria of the federal SSI program or the condition in subsection (5)(b); and

(b) Has countable income above the level described in WAC 388-478-0070(1).

(8) There are no resource limits for children under CN, MN, or SCHIP coverage.

(9) Children may also be eligible for:

(a) Family medical as described in WAC 388-505-0220;

or

(b) Medical extensions as described in WAC 388-523-0100.

(10) Except for a client described in subsection (4)(c)(i) and (ii), an inmate of a public institution, as defined in WAC 388-500-0005, is not eligible for CN or MN medical coverage.

WSR 03-10-055

PROPOSED RULES

SECRETARY OF STATE

[Filed May 5, 2003, 10:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 3-07 [03-07-086].

Title of Rule: Registering voters with nontraditional addresses, special absentee ballots, and preliminary abstract of votes.

Purpose: Establish a uniform procedure for registering voters with nontraditional addresses and updating special absentee ballot and preliminary abstract of votes provisions.

Statutory Authority for Adoption: RCW 29.04.080.

Summary: Establish a uniform procedure for registering voters with nontraditional addresses and updating special absentee ballot and preliminary abstract of votes provisions.

Reasons Supporting Proposal: Improve the administration of elections.

Name of Agency Personnel Responsible for Drafting: Bill Huennekens, Office of the Secretary of State, (360) 902-4169; Implementation and Enforcement: Dean Logan, Office of the Secretary of State, (360) 902-4180.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establish a uniform procedure for registering voters with nontraditional addresses and updating special absentee ballot and preliminary abstract of votes provisions. The effect is the improved administration of elections.

Proposal Changes the Following Existing Rules: Establishes a procedure for registering voters with nontraditional addresses.

Eliminates the definition of special absentee ballot that is out of date.

Clarifies the procedure for reviewing the preliminary abstract of votes and eliminates the verification of the auditor's abstract definition that is not necessary.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rules do not impact small business.

PROPOSED

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(ii) establishes that this section does not apply to rules relating only to internal government operations.

Hearing Location: Office of the Secretary of State, 520 Union Avenue S.E., Olympia, WA, on June 16, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Bill Huennkens by June 16, 2003, TDD (800) 422-8683 or (360) 902-4169.

Submit Written Comments to: Bill Huennkens, Office of the Secretary of State, P.O. Box 40229, Olympia, WA, fax (360) 902-4169, by June 16, 2003.

Date of Intended Adoption: July 10, 2003.

May 5, 2003

Steve Excell

Assistant Secretary of State

NEW SECTION

WAC 434-208-100 Registering to vote—Nontraditional address. No person registering to vote, who meets all the qualifications of a registered voter in the state of Washington, shall be disqualified because of a nontraditional physical address being used as a residence address. Nontraditional addresses may include shelters, parks or other identifiable locations which the voter deems to be his/her residence. Voters using such an address will be registered and precincted based on the location provided. Voters without a traditional address will be registered at the county courthouse, city hall or other public building near the area that the voter considers his/her residence. Registering at a nontraditional address will not disqualify a voter from requesting ongoing absentee voter status provided the voter designates a valid mailing address.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-262-010 Definitions. As used in these regulations:

(1) "Canvassing" is that process of examining in detail a ballot, groups of ballots, election subtotals, or grand totals, in order to determine the final official returns of a primary, special, or general election, and to safeguard the integrity of the election process.

(2) "County canvassing board" is that body charged by law with the duty of canvassing absentee ballots, of ruling on the validity of questioned or challenged ballots, of the verifying all unofficial returns as listed in the auditor's abstract of votes, and the producing of the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and chairman of the board of the county legislative authority, or their designated representatives.

(3) (~~"Preliminary abstract of votes" is that report prepared by the county auditor which lists registered voters, votes cast, and all vote totals by precinct, or by combination of precincts if applicable, but it shall not include any absentee ballot totals or any subtotals or county-wide totals.~~)

(4)) "Auditor's abstract of votes" is that report prepared by the county auditor which lists the number of registered voters, votes cast, all of the vote totals by precinct, or by combination of precincts if applicable, and which includes absentee ballot totals, legislative district subtotals, if any, and county-wide totals. Vote totals in the auditor's abstract of votes shall be unofficial until verified and certified by the county canvassing board.

~~((5)) "Verification of the auditor's abstract of votes" is that process whereby the county canvassing board determines that all of the individual precinct and absentee ballot totals, as shown on the auditor's abstract of votes, have been correctly listed and that the various subtotals are an accurate reflection of the sum of these individual precinct and absentee ballot totals.~~

~~(6))~~ (4) "County canvass report" is the auditor's abstract of votes after verification by the county canvassing board and shall contain a certificate which shall include the oath as specified in RCW 29.62.040, the original signatures of each member of the county canvassing board, the county seal, and all other material pertinent to the election.

~~((7))~~ (5) "Certified copy of the county canvass report" is that report transmitted by the county auditor to the secretary of state which contains registered voters and votes cast by precinct, or combination of precincts if applicable, votes cast for and against state measures, and votes cast for candidates for federal and statewide offices and for any office whose jurisdiction encompasses more than one county, absentee ballot totals for those measures and candidates, subtotals if applicable, and county-wide totals. It shall also include a certificate, bearing original signatures and an original county seal, identical to that included in the official county canvass report, and any other material which may be pertinent to the canvass of the election.

AMENDATORY SECTION (Amending WSR 02-07-028, filed 3/12/02, effective 4/12/02)

WAC 434-262-020 Preliminary abstract of votes. Following the election and prior to the official canvass, the county auditor shall prepare ~~((an))~~ a preliminary abstract of votes, listing the number of registered voters and votes cast. The preliminary abstract of votes must also list separately for votes cast by absentee ballot and those cast at the polls, votes cast for and against measures, votes cast for candidates, overvotes and undervotes, by precinct or groups of precincts in the event that precincts have been combined in accordance with RCW 29.04.055, for canvassing purposes. The county auditor shall inspect the ~~((report))~~ preliminary abstract of votes for errors or anomalies that may affect the results of the election. Correction of any errors or anomalies discovered must be made prior to the official canvass.

AMENDATORY SECTION (Amending WSR 02-20-037, filed 9/24/02, effective 10/25/02)

WAC 434-240-010 Definitions. As used in this chapter:

(1) An "elector" of the state of Washington is any person who qualifies under state or federal law as an overseas voter, service voter, or out-of-state voter and who:

(a) Is not currently a registered voter in Washington or any other state;

(b) Will be at least eighteen years of age at the time of the next election;

(c) Is a citizen of the United States;

(d) Is a legal resident of the state, county, and precinct for at least thirty days preceding the election at which he or she offers to vote;

(e) Is not currently being denied his or her civil rights by being convicted of a crime for which he or she could have been sentenced to the state penitentiary;

(2) "Out-of-state voters," "overseas voters," "protected records voters," and "service voters" are electors of the state of Washington and are **not** registered voters of Washington or any other state; electors of the state of Washington who are spouses or dependents of service voters shall be considered to be either out-of-state voters or overseas voters;

(3) "Service voters" are electors of the state of Washington who are outside the state during the period available for voter registration and who are members of the armed forces while in active service, are students or members of the faculty at a United States military academy, are members of the merchant marine of the United States, are members of a religious group or welfare agency officially attached to and serving with the armed forces of the United States, or are certified participants in the address confidentiality program authorized by chapter 40.24 RCW.

(4) "Canvassing" is that process of examining, in detail, a ballot, groups of ballots, election subtotals, or grand totals in order to determine the final official returns of a primary, special, or general election and in order to safeguard the integrity of the election process;

(5) "Territorial limits of the United States" means the fifty United States and the District of Columbia;

(6) "Ongoing absentee ballot" is a ballot provided to voters who have requested in writing to automatically receive an absentee ballot for each ensuing election for which he or she is entitled to vote, and provided to voters who are certified participants in the address confidentiality program, pursuant to the provisions of chapter 40.24 RCW;

(7) "Hospital absentee ballot" is that absentee ballot provided to voters confined to a health care facility on the day of a primary or election;

~~(8) ("Special absentee ballot" is that ballot provided to registered voters and electors in state primary and general elections who indicate on their application that they believe they will be residing or stationed or working outside the continental United States at the time of the election and that they will be unable to vote and return a regular absentee ballot during the time period provided by law;~~

~~(9))~~ "Regular absentee ballot" is that absentee ballot provided to voters or electors who request an absentee ballot and who do not either request or qualify for an ongoing absentee ballot, hospital absentee ballot, or special absentee ballot;

~~((10))~~ (9) "Secure storage" are those locations provided for the storage of all material connected with the absentee ballot process, including ballots, and shall be under the direct control of the county auditor. Secure storage shall employ the

use of numbered seals and logs or any other security measures which will detect any inappropriate access to the secured materials when such materials are not being prepared or processed by the county auditor or persons authorized by the county canvassing board;

~~((11))~~ (10) "Challenged ballot" is that ballot issued to any voter whose registration has been challenged pursuant to the provisions of chapter 29.10 RCW and this chapter;

~~((12))~~ (11) "Special ballot" is that ballot issued to a voter by precinct election officers pursuant to WAC 434-253-043.

~~((13))~~ (12) "County auditor" shall be as defined by RCW 29.01.043, and with respect to the processing of absentee ballots and applications, the term includes any employee of the county auditor who is directed in writing to perform those duties on behalf of the county auditor.

~~((14))~~ (13) "Mail ballot precinct" is any precinct containing less than two hundred active registered voters at the closing of voter registration under RCW 29.07.160 in which the county auditor has determined to conduct the voting by mail ballot.

WSR 03-10-057

PROPOSED RULES

WASHINGTON STATE UNIVERSITY

[Filed May 5, 2003, 10:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-010.

Title of Rule: Campus traffic and parking regulations—Spokane.

Purpose: To reorganize, clarify and streamline existing parking regulations in accordance with board of regents directive.

Statutory Authority for Adoption: RCW 28B.30.150.

Summary: To reorganize, clarify and streamline existing parking regulations and allows fines to be set without codification in the WAC in accordance with board of regents directive.

Reasons Supporting Proposal: To reorganize, clarify and streamline existing parking regulations in accordance with board of regents directive.

Name of Agency Personnel Responsible for Drafting: John A. Shaheen, Director, Public Safety Building, Washington State University, (509) 335-4911; Implementation and Enforcement: Jon Schad, 310 North Riverpoint Boulevard, Spokane, WA 99202, (509) 358-7500.

Name of Proponent: Washington State University, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Reorganization and streamlining of current parking regulations. Will permit board of regents to change fines without recodification.

Proposal Changes the Following Existing Rules: Changes eliminate fine structure from WAC.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Washington State University, Lighty Student Services Building, Room 401, Pullman, Washington 99164, on June 10, 2003, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Deborah Bartlett by June 6, 2003, dbartl@wsu.edu, (509) 335-2005.

Submit Written Comments to: Deborah Bartlett, Washington State University, Office of Procedures and Forms, P.O. Box 641225, Pullman, WA 99164-1225.

Date of Intended Adoption: July 10, 2003.

May 2, 2003

Kirsten Pauli

Rules Coordinator

WASHINGTON STATE UNIVERSITY:

CAMPUS TRAFFIC AND PARKING

REGULATIONS FOR

WASHINGTON STATE UNIVERSITY SPOKANE

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

WAC 504-14-810 Violations, fines, and sanctions. (1) Violations and fines: Parking violations will be processed by the university. Fines must be paid at authorized locations ~~(at the following rates:)~~. Schedules for parking violations, fines, and sanctions are posted in the public area of the parking services office and on the parking services web site.

((a) Overtime/nonpayment at meter	\$ 10.00)
((b) Overtime in time zone	\$ 10.00)
((c) No parking permit	\$ 25.00)
((d) No parking permit for this area	\$ 20.00)
((e) No parking zone	\$ 20.00)
((f) Improper display of permit/indicator	\$ 5.00)
((g) Blocking traffic	\$ 25.00)
((h) Unauthorized parking in a disability space	\$ 250.00)
((i) Parking in a fire zone	\$ 50.00)
((j) Unauthorized parking in reserved area	\$ 40.00)
((k) Illegal use of permit	\$ 65.00)
((l) Display of lost or stolen permit	\$ 200.00)
((m) Wheel lock fee	\$ 50.00)
((n) Unauthorized/overtime parking in service space	\$ 25.00)
((o) Unauthorized/overtime parking on the pedestrian mall	\$ 50.00)
((p) All other parking violations	\$ 20.00)

(2) Reduction of fines: Fines for violations ~~((in subsection (1)(a) and (b) of this section))~~ of overtime/nonpayment at meter and overtime in time zone paid within twenty-four hours will be reduced by one-half. Eligible violations received on Friday or Saturday can be paid on the following

Monday to satisfy the twenty-four-hour requirement. Mailed fines must be postmarked within twenty-four hours to receive the one-half reduction. If a permit holder of record neglects to display his/her permit and receives a notice of violation for no parking permit, ~~((subsection (1)(e) of this section;))~~ that fine will be reduced ~~((to five dollars))~~ when possession of a valid parking permit for the location is verified by WSU Spokane public safety within twenty-four hours.

(3) Visitors: The first violation of ~~((the))~~ notices ~~((listed in subsection (1)(e) of this section;))~~ for no parking permit ~~((;))~~ and ~~((subsection (1)(d) of this section;))~~ no parking permit for this area ~~((;))~~ issued to visitors are considered warning notices upon presentation to WSU Spokane public safety.

(4) Inoperable vehicles: It is the owner's responsibility to immediately contact WSU Spokane public safety in the event that the owner's vehicle becomes inoperable.

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

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

WAC 504-14-830 Other violations and sanctions. (1) Schedules for parking violations fines and sanctions are posted in the public area of the parking operations office and on the parking operations web site.

~~((1))~~ (2) Late payment of fines: Failure to pay fines and charges will result in the total amount assessed being referred the WSU controller's office for collection. Forty-five days after issuance of a notice of violation a ~~((ten-dollar charge))~~ late fee shall be added to all unpaid parking violations.

(a) If a WSU student or staff member fails to pay the fine assessed for any violation, the fine will be referred to the WSU controller's office for collection. The controller may, if other collection efforts fail withhold the amount of the outstanding fines from damage deposits or other funds held for any student in order to secure payment. Where collection efforts are unsuccessful, the controller may notify the registrar to refrain from issuing student transcripts or to withhold permission to reenroll for a subsequent term until outstanding fines are paid.

(b) The procedures discussed above are not exclusive, however, and failure by anyone to pay fines may lead to towing or use of the wheel lock device described in these regulations. The procedures discussed above are not a precondition to towing or use of the wheel lock.

~~((2))~~ (3) Impound by wheel lock or towing:

(a) Any vehicle with an accumulation of three or more unpaid parking violations or any vehicle displaying a lost or stolen permit may be temporarily immobilized by use of a wheel lock device placed on a wheel. A ~~((fifty-dollar))~~ wheel lock fee will be assessed on vehicles which are immobilized with a wheel lock.

(b) Any vehicle may be towed away at owner's/operator's expense if the vehicle:

(i) Has been immobilized by wheel lock more than twenty-four hours; or

- (ii) Is illegally parked in a marked tow-away zone; or
 - (iii) Is a hazard or obstruction to vehicular or pedestrian traffic (including, but not limited to, vehicles parked at curbs or rails painted yellow or red or in crosswalks); or
 - (iv) Cannot be impounded with a wheel lock device; or
 - (v) Is illegally parked in a disability space.
- (c) The driver and/or owner of a towed vehicle shall pay towing and storage expenses.
- (d) Any vehicle immobilized by use of the wheel lock device in excess of twenty-four hours will be assessed an additional storage fee (~~(of ten dollars)~~) for each calendar day or portion thereof, beyond the first twenty-four hours.
- (e) The university assumes no responsibility in the event of damages resulting from towing, use of wheel lock devices, storage, or attempts to move a vehicle with a wheel lock device installed.
- (f) No vehicle impounded by towing or wheel lock devices shall be released until the following fines are paid in cash:
- (i) All unpaid parking violation penalties against said vehicle and any other vehicle registered to the violator;
 - (ii) A (~~fifty dollar~~) wheel lock fee;
 - (iii) All towing and storage fees.
- (g) Any vehicle impounded pursuant to these regulations in excess of thirty calendar days shall be considered an abandoned vehicle and shall be disposed of in accordance with chapter 46.55 RCW.
- (h) A person wishing to challenge the validity of any fines or fees imposed under this subsection may appeal such fines or fees as elsewhere provided in these regulations. However, in order to secure release of the vehicle, such person must pay the amount of such fines or fees as a bond which will be refunded to the extent the appeal is successful.
- (i) An accumulation of six unpaid violations during any twelve-month period, exclusive of meter violations, and overtime in time zone violations, will subject the violator to revocation or denial of parking privileges. Vehicles without permits which accumulate the above number of violations may be prohibited from parking on university property.
- ~~((3))~~ (4) Failure to pay fines: Failure to pay a fine or comply with other penalties assessed pursuant to these regulations after exhausting or failing to exercise appeals provided for in these regulations constitutes a violation of RCW 28B.10.560. A citation or complaint for such violations may be issued and filed with the district court. Upon request of the university, the department of licensing may withhold vehicle registration pending the payment of outstanding parking fines.

Title of Rule: Campus traffic and parking regulations—Intercollegiate College of Nursing/Washington State University College of Nursing.

Purpose: To reorganize, clarify and streamline existing parking regulations in accordance with board of regents directive.

Statutory Authority for Adoption: RCW 28B.30.150.

Summary: To reorganize, clarify and streamline existing parking regulations and allows fines to be set without codification in the WAC in accordance with board of regents directive.

Reasons Supporting Proposal: To reorganize, clarify and streamline existing parking regulations in accordance with board of regents directive.

Name of Agency Personnel Responsible for Drafting: John A. Shaheen, Director, Public Safety Building, Washington State University, (509) 335-4911; Implementation and Enforcement: Bill Middlebrook, 2917 West Fort George Wright Drive, Spokane, WA 99224, (509) 324-7338.

Name of Proponent: Washington State University, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Reorganization and streamlining of current parking regulations. Will permit board of regents to change fines without recodification.

Proposal Changes the Following Existing Rules: Changes eliminate fine structure from WAC.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Washington State University, Lighty Student Services Building, Room 401, Pullman, Washington 99164, on June 10, 2003, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Deborah Bartlett by June 6, 2003, dbartl@wsu.edu, (509) 335-2005.

Submit Written Comments to: Deborah Bartlett, Washington State University, Office of Procedures and Forms, P.O. Box 641225, Pullman, WA 99164-1225.

Date of Intended Adoption: July 10, 2003.

May 2, 2003

Kirsten Pauli

Rules Coordinator

WASHINGTON STATE UNIVERSITY:
PARKING REGULATIONS—
INTERCOLLEGIATE COLLEGE OF NURSING/
WASHINGTON STATE UNIVERSITY
COLLEGE OF NURSING

AMENDATORY SECTION (Amending WSR 01-18-019, filed 8/24/01, effective 9/24/01)

WAC 504-18-170 Administration and enforcement.

(1) The finance officer of the (~~ICNE~~) college of nursing in Spokane is responsible for the administration and enforcement of the college parking regulations.

WSR 03-10-058

PROPOSED RULES

WASHINGTON STATE UNIVERSITY

[Filed May 5, 2003, 10:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-011.

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(2) Anyone observed in violation of parking regulations may be given a notice of violation.

(3) The university reserves the right to impound any illegally parked vehicle at either or both the owner's or driver's expense.

(4) Parking violations will be processed by the office of finance and operations of the college in Spokane and will be paid in that office. Parking violations may be appealed in writing within 10 days of the violation. WAC 504-18-170(7) describes the appeals procedure.

(5) ~~((The))~~ A schedule of parking fines ~~((for staff and students will be:~~

~~((a))~~ \$10.00 for absence of parking permit when required, or improper parking, or parking in an area not allowed by permit.

~~((b))~~ \$20.00 for parking in a disabled parking space without a disability permit)) and sanctions will be available at the college of nursing receptionist's desk, posted at the college's office of finance and operations, and filed with the university rules coordinator.

(6) Failure of a student or staff member to pay the fine assessed for any violation will result in the total amount of the fines being referred to Washington State University for collection. Washington State University, may, if other collection efforts fail, withhold outstanding fines from damage deposits or other funds held for students. Where collection efforts are unsuccessful, Washington State University may refrain from issuing copies of student transcripts or withhold permission to reenroll for an ensuing term until outstanding fines are paid.

(7) Appeal procedure

This procedure serves two primary purposes: To assure an impartial evaluation of certain circumstances and situations relating to an appeal and to aid in the appraisal of parking problems. The initial appeal must be in writing. The forms for this purpose may be obtained at the office of finance and operations of the college in Spokane. Appeals are reviewed and acted on by the college finance officer or designee.

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.

WSR 03-10-059

PROPOSED RULES

WASHINGTON STATE UNIVERSITY

[Filed May 5, 2003, 10:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-009.

Title of Rule: Campus traffic and parking regulations—Vancouver.

Purpose: To reorganize, clarify and streamline existing parking regulations in accordance with board of regents directive.

Statutory Authority for Adoption: RCW 28B.30.150.

Summary: To reorganize, clarify and streamline existing parking regulations and allows fines to be set without codification in the WAC in accordance with board of regents directive.

Reasons Supporting Proposal: To reorganize, clarify and streamline existing parking regulations in accordance with board of regents directive.

Name of Agency Personnel Responsible for Drafting: John A. Shaheen, Director, Public Safety Building, Washington State University, (509) 335-4911; Implementation and Enforcement: Ed Owens, 14204 N.E. Salmon Creek Avenue, Vancouver, WA 98686-9600, (360) 546-9786.

Name of Proponent: Washington State University, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Reorganization and streamlining of current parking regulations. Will permit board of regents to change fines without recodification.

Proposal Changes the Following Existing Rules: Changes eliminate fine structure from WAC.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Washington State University, Lighty Student Services Building, Room 401, Pullman, Washington 99164, on June 10, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Deborah Bartlett by June 6, 2003, dbartl@wsu.edu.

Submit Written Comments to: Deborah Bartlett, Washington State University, Office of Procedures and Forms, P.O. Box 641225, Pullman, WA 99164-1225.

Date of Intended Adoption: July 10, 2003.

May 2, 2003

Kirsten Pauli

Rules Coordinator

WASHINGTON STATE UNIVERSITY:

CAMPUS TRAFFIC AND PARKING

REGULATIONS FOR WASHINGTON STATE UNIVERSITY

VANCOUVER

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

WAC 504-19-810 Violations, fines, and sanctions. 1) Violations and fines: Parking violations will be processed by the university. Fines must be paid at authorized locations ~~((, at the following rates:))~~. Schedules for parking violations, fines, and sanctions are posted in the public area of the parking services office and on the parking services web site.

- ~~((a))~~ Overtime/nonpayment at meter \$ ~~10.00~~)
- ~~((b))~~ Overtime in time zone \$ ~~10.00~~)
- ~~((c))~~ No parking permit \$ ~~25.00~~)
- ~~((d))~~ No parking permit for this area \$ ~~20.00~~)
- ~~((e))~~ No parking zone \$ ~~20.00~~)

((f)) Improper display of permit/indicator	\$ 5.00))
((g)) Blocking traffic	\$ 25.00))
((h)) Unauthorized parking in a disability space	\$ 50.00))
((i)) Parking in a fire zone	\$ 50.00))
((j)) Unauthorized parking in reserved area	\$ 40.00))
((k)) Illegal use of permit	\$ 65.00))
((l)) Display of lost or stolen permit	\$ 200.00))
((m)) Wheel lock fee	\$ 50.00))
((n)) Unauthorized/overtime parking in service space	\$ 25.00))
((o)) Unauthorized/overtime parking on the pedestrian mall	\$ 50.00))
((p)) All other parking violations	\$ 20.00))

(2) Reduction of fines: Fines for violations ~~((in subsection (1)(a) and (b) of this section))~~ of overtime/nonpayment at meter and overtime in time zone paid within twenty-four hours will be reduced by one-half. Eligible violations received on Friday or Saturday can be paid on the following Monday to satisfy the twenty-four-hour requirement. Mailed fines must be postmarked within twenty-four hours to receive the one-half reduction. If a permit holder of record neglects to display his/her permit and receives a notice of violation for no parking permit, ~~((subsection (1)(c) of this section;))~~ that fine will be reduced ~~((to five dollars))~~ when possession of a valid parking permit for the location is verified by WSUV public safety within twenty-four hours.

(3) Visitors: The first violation of ~~((the))~~ notices ~~((listed in subsection (1)(c) of this section;))~~ for no parking permit~~((;))~~ and ~~((subsection (1)(d) of this section;))~~ no parking permit for this area~~((;))~~ issued to visitors are considered warning notices upon presentation to WSUV public safety.

(4) Inoperable vehicles: It is the owner's responsibility to immediately contact WSUV public safety in the event that their vehicle becomes inoperable.

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

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

AMENDATORY SECTION (Amending WSR 01-19-028, filed 9/13/01, effective 10/14/01)

WAC 504-19-830 Other violations and sanctions. (1) Schedules for parking violations, fines and sanctions are posted in the public area of the parking services office and on the parking services web site.

~~((4))~~ (2) Late payment of fines: Failure to pay fines and charges will result in the total amount assessed being referred for collection. Forty-five days after issuance of a notice of violation a ~~((ten-dollar charge))~~ late fee shall be added to all unpaid parking violations.

If a student or staff member fails to pay the fine assessed for any violation, the fine will be referred to the WSU controller's office for collection. The controller may, if other collection efforts fail, deduct outstanding fines from the salary warrants of employees or withhold the amount of the outstanding fines from damage deposits or other funds held for any student in order to secure payment. Where collection efforts are unsuccessful, the controller may notify the registrar to refrain from issuing student transcripts or to withhold permission to reenroll for a subsequent term until outstanding fines are paid. The procedures discussed above are not exclusive, however, and failure by anyone to pay fines may lead to towing or use of the wheel lock device described in these regulations. The procedures discussed above are not a precondition to towing or use of the wheel lock.

~~((2))~~ (3) Impound by wheel lock or towing:

(a) Any vehicle with an accumulation of three or more unpaid parking violations or any vehicle displaying a lost or stolen permit may be temporarily immobilized by use of a wheel lock device placed on a wheel. A ~~((fifty-dollar))~~ wheel lock fee will be assessed on vehicles which are immobilized with a wheel lock.

(b) Any vehicle may be towed away at owner's/operator's expense if the vehicle:

(i) Has been immobilized by wheel lock more than twenty-four hours; or

(ii) Is illegally parked in a marked tow-away zone; or

(iii) Is a hazard or obstruction to vehicular or pedestrian traffic (including, but not limited to, vehicles parked at curbs or rails painted yellow or red or in crosswalks); or

(iv) Cannot be impounded with a wheel lock device; or

(v) Is illegally parked in a disability space.

(c) The driver and/or owner of a towed vehicle shall pay towing and storage expenses.

(d) Any vehicle immobilized by use of the wheel lock device in excess of twenty-four hours will be assessed a storage fee ~~((of ten dollars))~~ for each calendar day or portion thereof, beyond the first twenty-four hours.

(e) The university assumes no responsibility in the event of damages resulting from towing, use of wheel lock devices, storage, or attempts to move a vehicle with a wheel lock device installed.

(f) No vehicle impounded by towing or wheel lock devices shall be released until the following fines are paid in cash:

(i) All unpaid parking violation penalties against said vehicle and any other vehicle registered to the violator;

(ii) A ~~((fifty-dollar))~~ wheel lock fee;

(iii) All towing and storage fees.

(g) Any vehicle impounded pursuant to these regulations in excess of thirty calendar days shall be considered an abandoned vehicle and shall be disposed of in accordance with chapter 46.55 RCW.

(h) A person wishing to challenge the validity of any fines or fees imposed under this subsection may appeal such fines or fees as elsewhere provided in these regulations. However, in order to secure release of the vehicle, such person must pay the amount of such fines or fees as a bond which will be refunded to the extent the appeal is successful.

(i) An accumulation of six unpaid violations during any twelve-month period, exclusive of meter violations, and overtime in time zone violations, will subject the violator to revocation or denial of parking privileges. Vehicles without permits which accumulate the above number of violations may be prohibited from parking on university property.

((3)) (4) Failure to pay fines: Failure to pay a fine or comply with other penalties assessed pursuant to these regulations after exhausting or failing to exercise appeals provided for in these regulations constitutes a violation of RCW 28B.10.560. A citation or complaint for such violations may be issued and filed with the district court. Upon request of the university, the department of licensing may withhold vehicle registration pending the payment of outstanding parking fines.

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 03-10-060

PROPOSED RULES

WASHINGTON STATE UNIVERSITY

[Filed May 5, 2003, 10:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-010.

Title of Rule: Standards of conduct for students.

Purpose: Clarifies existing standards of conduct for students in accordance with board of regents directive.

Statutory Authority for Adoption: RCW 28B.30.150.

Summary: Clarifies existing standards of conduct for students in accordance with board of regents directive.

Reasons Supporting Proposal: Reorganizes and clarifies existing standards of conduct for students in accordance with board of regents directive.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Elaine Voss, Associate Dean of Students, Office of Student Affairs, Lighty 360, Pullman, Washington 99164, (509) 335-4531.

Name of Proponent: Office of Student Affairs, Washington State University, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Clarifies existing standards of conduct for students in accordance with board of regents directive.

Proposal Changes the Following Existing Rules: Removes right of appeal for multiple violations of drug/alcohol policy. Requires sanctioned students to have drug/alcohol assessment. Makes students on disciplinary probation ineligible for elected office, some campus jobs and service on University Conduct Board.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Washington State University, Lighty Student Services Building, Room 403, Pullman, Washington 99164, on June 24, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Deborah Bartlett by June 20, 2003, dbartl@wsu.edu, (509) 335-2005.

Submit Written Comments to: Deborah Bartlett, Washington State University, Office of Procedures and Forms, P.O. Box 641225, Pullman, WA 99164-1225, by June 20, 2004 [2003].

Date of Intended Adoption: July 10, 2003.

May 6, 2004 [May 6, 2003]

Kirsten Pauli

Rules Coordinator

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 03-11 issue of the Register.

WSR 03-10-062

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 5, 2003, 4:13 p.m.]

The Washington State Department of Agriculture is formally withdrawing its rule proposal WSR 03-07-081 regarding (1) hourly regular and overtime inspection rates; and (2) the establishment of a fee structure for good agricultural practices (GAP) and good handling practices (GHP) audits.

William E. Brookreson

Deputy Director

WSR 03-10-063

PROPOSED RULES

LAKE WASHINGTON TECHNICAL COLLEGE

[Filed May 6, 2003, 8:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-085.

Title of Rule: WAC 495D-135-040.

Purpose: Amend campus refund policy, simplifying it. Remove implementing procedures from the policy; they will reside separately in campus procedures.

Statutory Authority for Adoption: RCW 28B.15.605 and 28B.50.140.

Statute Being Implemented: RCW 28B.15.605.

Summary: The current college refund policy includes details that are better characterized as procedures, not policy. The proposal makes a distinction between the college's policy and the procedures for implementing the policy.

Reasons Supporting Proposal: This change simplifies college policy. It secondarily enables the college to respond more quickly to changing student needs related to refunds, helping us serve students and clients better.

Name of Agency Personnel Responsible for Drafting: David Minger, E124, Lake Washington Technical College, (425) 739-8233; Implementation and Enforcement: Brenda Mason, W300, Lake Washington Technical College, (425) 739-8231.

Name of Proponent: Lake Washington Technical College, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule removes detailed procedures from existing policy, and rewords policy as a statement of compliance with state law, etc. The purpose is simplification and improvement of the college's ability to respond better to student needs and changing situations.

It will also have the effect of allowing the college to revise refund procedures effective fall 2002. The key planned changes in procedures, separate from but related to the policy change, are: (1) 100% deadline will be extended through first week of quarter; (2) refunds from 11th through 20th calendar day will become 40%. Both changes are within parameters of RCW 28B.15.605. These procedural changes will also be discussed at the public meeting on June 10, 2003.

Proposal Changes the Following Existing Rules: While the proposal does not by itself change existing rules, it simplifies policy by removing implementing procedures from the policy.

This in turn will require a revision of existing procedures. The new implementing procedures will set refund deadlines consistent with the proposed revised policy.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No known or logical impact on small business.

RCW 34.05.328 does not apply to this rule adoption. No known applicability.

Hearing Location: Lake Washington Technical College, 11605 132nd Avenue N.E., Room W305, Kirkland, WA 98034, on June 10, 2003, at 12 noon.

Assistance for Persons with Disabilities: Contact Rob Harden by June 10, 2003, TDD (425) 739-8109 or (425) 739-8204.

Submit Written Comments to: David Minger, Lake Washington Technical College, Admissions and Registration, Room E124, Kirkland, Washington 98034, e-mail david.minger@lwtc.edu, phone (425) 739-8233, fax (425) 739-8110; by June 10, 2003.

Date of Intended Adoption: June 11, 2003.

May 5, 2003

David Minger, Director
Admissions and Registration

AMENDATORY SECTION (Amending WSR 00-03-030, filed 1/12/00, effective 2/12/00)

WAC 495D-135-040 Tuition and special course/program connected fees refund policy. (~~Upon withdrawal from college or reduction in class load and the completion of all applicable fee refund forms, the student may receive a tuition and/or fee refund under the following conditions:~~

(1) ~~A full refund of general tuition fees, operating fees, special course/program connected fees, and services and activities fees will be made if the student has properly withdrawn prior to the first class session.~~

(2) ~~A full refund will be made when courses or programs are cancelled by the college.~~

(3) ~~Upon withdrawal or termination from a state supported course on or after the first day of instruction and prior to the sixth day of instruction of the regular quarter or registration period for which the tuition and fees have been paid or are due, an eighty percent refund will be made. When a registration is for a first-time federally funded student, his or her refund will be calculated on a pro rata basis consistent with applicable federal rules.~~

(4) ~~Upon withdrawal or termination from a state supported course after the fifth day of instruction and up to the twentieth calendar day of the regular quarter or registration period for which the tuition and fees have been paid or are due, a fifty percent refund will be made. When a registration is for a first-time federally funded student, his or her refund will be calculated on a pro rata basis consistent with applicable federal rules.~~

(5) ~~Refunds for withdrawals or terminations from state-supported courses that start after the regular quarter begins, or from state-supported short courses, shall be made in proportion to the amounts prescribed in subsections (3) and (4) of this section. However, the college will use the start date of the student's longest course or registration period during the regular quarter when calculating refunds upon the student's withdrawal from all courses. Refunds will be made prior to the second scheduled class meeting for self-supported courses, except that refunds will be made only prior to a single session self-supported course.~~

(6) ~~Refund requests must be made in person or in writing. Refund requests may not be made by telephone.~~

(7) ~~Refund processing procedures shall be established by the president.~~

(8) ~~Exceptions may be made at the president's discretion for students who withdraw for bona fide medical reasons or when called into the military service.~~

(9) ~~The college may charge a registration or transfer fee set by the president for registration or transfer processing.~~

(10) ~~Refunds of less than five dollars will not be made.~~

(11) ~~Students who have paid fees for equipment or material which have a return/refund value must obtain written verification and approval on an appropriate form from the instructor or staff person who is responsible for the return/refund.~~

(12) ~~Fees which are nonrefundable and not subject to this policy will be set by the president and identified as such in the quarterly course schedule and/or course announcement.)~~

It shall be the policy of Lake Washington Technical College that students shall receive refunds of tuition and fees in a fair and equitable manner in accordance with policy expressed in state law. Further, all applicable federal laws and regulations will be observed and implemented when doing so is necessary to maintain eligibility for federal funding of programs, as allowed by state law.

WSR 03-10-067
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 6, 2003, 9:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-07-072.

Title of Rule: Chapter 296-45 WAC, Safety standards for electrical workers.

Purpose: To eliminate confusion about the location of a standby employee(s) when required, length of a hot stick, describe what constitutes a multiphase electrical feed, update national consensus standards, and to correct some references.

AMENDED SECTIONS:

WAC 296-45-045 NESC applicable.

- Subsection (1) updated a reference to a national consensus standard and an address.

WAC 296-45-255 Protective equipment.

- Subsection (1) rewrote for clarity and updated two national consensus standards.

WAC 296-45-325 Working on or near exposed energized parts.

- Subsection (2)(e) corrected a reference, rewrote a note for clarity, added a note, and changed a number on a note. Specified that a hot stick must not be more than twelve feet in length. Allows the standby employee to be stationed at the lower lift controls when a worker is installing or removing a hot line clamp on a multiphase system, provided the connection or disconnection does not pick up a load. Requires that the hot line clamp and connecting jumper be constructed so it cannot come in contact with any other energized part. Stipulates that the work cannot be performed above lines or apparatus energized at more than 600 volts.
- Subsection (3)(c) Rewrote for clarity and added two notes. Stipulates that the hot line clamp and connecting jumper must be constructed so it cannot make contact with any other energized parts. This applies to a multiphase feed only when one single-phase line or apparatus is present on the load side.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: Standby employees may now remain at the lower controls of the lift while a worker is lifting a hot line clamp on a multiphase system, but this work may not be performed above lines or apparatus energized at more than 600 volts; a hot stick must be no longer than twelve feet in length; a hot line clamp or jumper must be constructed so they cannot make contact with any other energized parts; updated consensus standards for rubber insulating blankets and hoods.

Reasons Supporting Proposal: The issue was contentious and caused a rift between labor and management in the utility industry. The department has worked extensively with the Electrical Utility Safety Advisory Committee (EUSAC) in developing the proposed wording amendments.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: To eliminate confusion about the location of a standby when required, length of a hot stick, describe what constitutes a multiphase electrical feed, update national consensus standards, and to correct some references. See Purpose above.

Proposal Changes the Following Existing Rules: Standby employees may now remain at the lower controls of the lift while a worker is lifting a hot line clamp on a multiphase system, but this work may not be performed above lines or apparatus energized at more than 600 volts; a hot stick must be no longer than twelve feet in length; a hot line clamp or jumper must be constructed so they cannot make contact with any other energized parts; updated consensus standards for rubber insulating blankets and hoods.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules regarding a multiphase electrical feed and housekeeping changes which will correct the dates of national consensus code references do not impose costs on any business, since one is a definitional [definition] change and the other is a technical correction for consensus code dates. The proposed rule regarding the location of the standby person merely specifies the location of the standby person and would not impose costs. The proposed rule in regards to the length of a hot stick was determined to impose zero costs after conducting a telephone survey of affected businesses. Therefore no small business economic impact statement is required because the costs associated with the proposed rules do not place more than a minor impact on business in the electrical utilities industry.

RCW 34.05.328 applies to this rule adoption. Significant rule-making criteria does apply to these rule changes.

Hearing Location: Department of Labor and Industries, 7273 Linderson Way S.W., Auditorium, Tumwater, WA 98501, on June 18, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by June 9, 2003, (360) 902-5484.

Submit Written Comments to: Sally Elliott, Department of Labor and Industries, P.O. Box 44620, Tumwater, WA 98506-4620, e-mail yous235@lni.wa.gov, fax (360) 902-5529, by June 25, 2003.

Date of Intended Adoption: August 1, 2003.

May 6, 2003

Paul Trause

Director

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AMENDATORY SECTION (Amending WSR 99-09-080, filed 4/20/99, effective 8/1/99)

WAC 296-45-045 NESC applicable. (1) All electric utilities and entities operating transmission and distribution facilities within the state of Washington must design, construct, operate, and maintain their lines and equipment according to the requirements of the ((1997)) 2002 National Electrical Safety Code (NESC) (ANSI-C2), parts (1), (2), and (3).

Note: The department has copies of the NESC available for review at each service location across the state. To purchase a copy, write to:

The Institute of Electrical and Electronics Engineers, Inc. (IEEE, Inc.)
((345 East 47th Street)) 445 Hoes Lane
((New York, NY 10017-2394)) Piscataway, NJ 08855-1331

(2) The employer must ensure that climbing space is provided on all poles and structures. The climbing space must meet the requirements of the 1997 National Electrical Safety Code (NESC) (ANSI-C2), except that Rule 236H does not apply.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-255 Protective equipment. (1) Rubber protective equipment ((~~shall~~)) must be in accordance with and tested as follows:

Item	Standard
Rubber Insulating Gloves	(ASTM) D 120-87
Rubber Matting for Use Around Electrical Apparatus	(ASTM) D 178-88
Rubber Insulating Blankets	(ASTM) D ((1046-88a)) <u>1048-93</u>
Rubber Insulating Hoods	(ASTM) D ((1049-88)) <u>1049-93</u>
Rubber Insulating Line Hose	(ASTM) D 1050-90
Rubber Insulating Sleeves	(ASTM) D 1051-87

(2) No protective equipment or material other than rubber shall be used: Provided, That such other nonconductive equipment may be used if it provides equal or better (dielectric) electrical and mechanical protection than rubber protective equipment: Provided, That the employer obtain before placing in service, manufacturer's data or other data to demonstrate that such nonrubber protective equipment provided equal or better electrical and mechanical protection than approved rubber equipment.

(3) Protective equipment shall not be used at voltages in excess of that for which the manufacturer has supplied data to the employer demonstrating that it is fit for such voltages.

(4) No protective equipment shall be modified, altered, or used for purposes other than those for which it is designed unless and until the manufacturer has, in writing, agreed or suggested that there be such modification, alteration, or use.

(5) Each rubber glove before it is used shall be inspected for defects and an approved air test performed. If, upon

inspection, rubber gloves are either defective or appear to be defective, they shall not be used.

(6) Before being placed in service, all rubber protective equipment shall be numbered and records kept for test purposes and assignment.

(7) Rubber protective equipment shall not be used unless it has been dielectrically tested within six months and bears marking or identification of the date of the test or the expiration date.

(8) Protector gloves must be worn over insulating gloves.

Exception: Protector gloves need not be used with Class 0 gloves, under limited-use conditions, where small equipment and parts manipulation necessitate unusually high finger dexterity.

Note: Extra care is needed in the visual examination of the glove and in the avoidance of handling sharp objects.

(9) Rubber gloves when not in use shall be carried in an approved bag provided and designed for that purpose. It shall be provided by the employer and made available to the employees.

(10) Approved rubber gloves and carrying bag shall be assigned to each employee who works with, or is exposed to energized parts.

(11) Rubber protective equipment shall not be vulcanized or patched.

(12) A compartment or box shall be provided on each electric line truck, which box or compartment shall be used for storing rubber protective equipment. No equipment shall be stored in said compartment or box which can or could cause damage to the rubber equipment or goods placed in the compartment or box. Additionally, a separate container or compartment shall be provided for rubber blankets.

(13) Line hose shall not be doubled on themselves at any time. All blankets before storage must be wiped clean and rolled, not folded, before being placed in the container or box.

(14) Protective line equipment of material other than rubber shall be kept clean and visually inspected before each use.

(15) If protective line equipment of material other than rubber is found to be substantially defective or unsuitable for the purpose for which it is designed and intended, said protective line equipment shall not be used for personal protection of employees as may be required in Table 1 of this chapter. Said protective line equipment shall be marked defective but may be otherwise used unless the defect or damage to said protective line equipment creates additional safety hazards.

AMENDATORY SECTION (Amending WSR 99-09-080, filed 4/20/99, effective 8/1/99)

WAC 296-45-325 Working on or near exposed energized parts. This section applies to work on exposed live parts, or near enough to them, to expose the employee to any hazard they present.

(1) General. Only qualified employees may work on or with exposed energized lines or parts of equipment. Only qualified employees may work in areas containing

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unguarded, uninsulated energized lines or parts of equipment operating at 50 volts or more. Electric lines and equipment shall be considered and treated as energized unless the provisions of WAC 296-45-175 through 296-45-17565 or 296-45-335 have been followed.

(2) Except as provided in subsection (3) of this section, at least two qualified employees shall be present while the following types of work are being performed:

(a) Installation, removal, or repair of lines that are energized at more than 600 volts;

(b) Installation, removal, or repair of de-energized lines if an employee is exposed to contact with other parts energized at more than 600 volts;

(c) Installation, removal, or repair of equipment, such as transformers, capacitors, and regulators, if an employee is exposed to contact with parts energized at more than 600 volts;

(d) Work involving the use of mechanical equipment, other than insulated aerial lifts, near parts energized at more than 600 volts; and

(e) Other work that exposes an employee to electrical hazards greater than or equal to those posed by operations that are specifically listed in subsection (2)(a) through ((e)) (d) of this section.

Note 1: One employee ((shall)) will serve principally as a standby person who ((shall)) must be so located that they may physically reach the other employee in the event of an accident either with their hand or with a hot stick twelve feet or less in length. The stand-by ((shall)) will be so positioned as to be able to observe the other employee, their bodily movements, and verbally warn of any impending dangers. In no case when working in pairs ((shall)) will employees work simultaneously on energized wires or parts of different phases or polarity;

Note 2: When installing or removing a hot line clamp connection on a multiphase system, it is permissible for the second employee to stand by at the lower controls of the aerial lift provided the connection or disconnection does not interrupt or pick up load. The hot line clamp and connecting jumper must be constructed so it cannot make contact with any other energized parts. The work must not be performed above lines or apparatus energized at more than 600 V.

Note ((2)) 3: In cases of necessity the stand-by person may temporarily assist the other employee provided that they both work on wires or parts of the same phase or polarity. Both employees shall so position themselves so that the presence of the second person does not increase the hazard.

(3) The provisions of WAC 296-45-325(2) do not apply in the following circumstances:

(a) When re-fusing circuits or equipment with a hot stick.

(b) When operating switches by means of operating handle or switch sticks.

(c) When installing or removing a hot line clamp connection with an approved hot stick on a single-phase line or apparatus, providing that the connection or disconnection does not interrupt or pick up a load.

Note 1: The hot line clamp and connecting jumper must be constructed so that it cannot make contact with any other energized parts.

Note 2: On a multiphase feed this applies only when one single-phase line or apparatus is present on the load side.

(d) When installing or removing by hot stick simple load metering devices provided the connection does not interrupt or pickup load.

(e) Emergency repairs to the extent necessary to safeguard the general public.

(4) "Minimum approach distances." The employer shall ensure that no employee approaches or takes any conductive object closer to exposed energized parts than set forth in Table 1 through Table 4, unless:

The employee is insulated from the energized part (insulating gloves or insulating gloves and sleeves worn in accordance with subsection ((7)) (6) of this section are considered insulation of the employee only with regard to the energized part upon which work is being performed); or

The energized part is insulated from the employee and from any other conductive object at a different potential.

Note 1: WAC 296-45-475 (5)(a) and 296-45-48525(1) contain requirements for the guarding and isolation of live parts. Parts of electric circuits that meet these two provisions are not considered as "exposed" unless a guard is removed or an employee enters the space intended to provide isolation from the live parts.

Note 2: When an employee is required to work on or within reach of any unprotected conductors that are or may become energized at more than 50 volts and less than 600 volts between phases, they shall take the following precautions:

- 1: They shall wear approved insulating gloves or insulating gloves and sleeves during the time they are working on such conductor, or
- 2: They shall cover, with approved devices, any adjacent unprotected conductor that could be touched by any part of their body, and use insulated tools.
- 3: Cables which are properly insulated for the voltages to which they are energized, shall be considered as an effective barrier to protect the employees and Table 1 need not apply.

(5) Initial determination.

(a) Before any work is performed, the location of energized lines and their condition, the location and condition of energized equipment, the condition of the poles, the location of circuits and equipment including power communication lines, CATV and fire alarm circuits, shall be determined as shall any other particular hazard of a particular work site.

(b) No work shall be performed on energized lines or parts until the voltage of such equipment and lines is determined.

(6) Type of insulation. If the employee is to be insulated from energized parts by the use of insulating gloves (under subsection (4)((a))) of this section, insulating sleeves shall also be used. However, insulating sleeves need not be used under the following conditions:

(a) If exposed energized parts on which work is not being performed are insulated from the employee; and

(b) If such insulation is placed from a position not exposing the employee's upper arm to contact with other energized parts.

(7) Working position. The employer shall ensure that each employee, to the extent that other safety-related conditions at the worksite permit, works in a position from which a slip or shock will not bring the employee's body into contact with exposed, uninsulated parts energized at a potential different from the employee.

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(8) Making connections. The employer shall ensure that connections are made as follows:

(a) In connecting de-energized equipment or lines to an energized circuit by means of a conducting wire or device, an employee shall first attach the wire to the de-energized part;

(b) When disconnecting equipment or lines from an energized circuit by means of a conducting wire or device, an employee shall remove the source end first; and

(c) When lines or equipment are connected to or disconnected from energized circuits, loose conductors shall be kept away from exposed energized parts.

(9) Rubber gloves can only be used on 5,000 volts or less between phases.

(10) It shall not be permissible to consider one part of a high voltage switch or disconnect as de-energized for the purpose of doing work on it if the remainder of the switch or disconnect remains energized unless approved barriers are erected which will prevent employees who are doing the work on such equipment from coming in direct contact with the energized parts.

(11) Conductor support tools such as link sticks, strain carriers, and insulator cradles may be used: Provided, That the clear insulation is at least as long as the insulator string or the minimum distance specified in Table 1 for the operating voltage.

(12) Apparel.

(a) When work is performed within reaching distance of exposed energized parts of equipment, the employer shall ensure that each employee removes or renders nonconductive all exposed conductive articles, such as key or watch chains, rings, or wrist watches or bands, unless such articles do not increase the hazards associated with contact with the energized parts.

(b) The employer shall train each employee who is exposed to the hazards of flames or electric arcs in the hazards involved.

(c) The employer shall ensure that each employee who is exposed to the hazards of flames or electric arcs does not wear clothing that, when exposed to flames or electric arcs, could increase the extent of injury that would be sustained by the employee.

Note: Clothing made from the following types of fabrics, either alone or in blends, is prohibited by this subsection, unless the employer can demonstrate that the fabric has been treated to withstand the conditions that may be encountered or that the clothing is worn in such a manner as to eliminate the hazard involved: Acetate, nylon, polyester, rayon.

(d) Workers shall wear clothing appropriate to the season and the kind of work being performed. Shirts or jumpers must have full length sleeves that are rolled down. Protective hard hats and eye protection shall be worn when working on or near live parts or while climbing poles.

(13) Fuse handling. When fuses must be installed or removed with one or both terminals energized at more than 300 volts or with exposed parts energized at more than 50 volts, the employer shall ensure that tools or gloves rated for the voltage are used. When expulsion-type fuses are installed with one or both terminals energized at more than 300 volts, the employer shall ensure that each employee wears eye protection meeting the requirements of WAC 296-45-25505(1),

uses a tool rated for the voltage, and is clear of the exhaust path of the fuse barrel.

(14) Covered (noninsulated) conductors. The requirements of this section which pertain to the hazards of exposed live parts also apply when work is performed in the proximity of covered (noninsulated) wires.

(15) Noncurrent-carrying metal parts. Noncurrent-carrying metal parts of equipment or devices, such as transformer cases and circuit breaker housings, shall be treated as energized at the highest voltage to which they are exposed, unless the employer inspects the installation and determines that these parts are grounded before work is performed.

(16) Opening circuits under load. Devices used to open circuits under load conditions shall be designed to interrupt the current involved.

Table 1: AC Live Work Minimum Approach Distance

Voltage in kilovolts phase to phase*	Distance to employee			
	Phase to ground		Phase to Phase	
	(m)	(ft-in)	(m)	(ft-in)
0 to 0.050	not specified		not specified	
0.051 to 0.300	avoid contact		avoid contact	
0.301 to 0.750	0.31	1-0	0.31	1-0
0.751 to 15	0.65	2-2	0.67	2-3
15.1 to 36.0	0.77	2-7	0.86	2-10
36.1 to 46.0	0.84	2-9	0.96	3-2
46.1 to 72.5	1.00**	3-3**	1.20	3-11
72.6 to 121	0.95**	3-2**	1.29	4-3
138 to 145	1.09	3-7	1.50	4-11
161 to 169	1.22	4-0	1.71	5-8
230 to 242	1.59	5-3	2.27	7-6
345 to 362	2.59	8-6	3.80	12-6
500 to 550	3.42	11-3	5.50	18-1
765 to 800	4.53	14-11	7.91	26-0

*For single-phase systems, use the highest voltage available.

For single-phase lines off three phase systems, use the phase-to-phase voltage of the system.

**The 46.1 to 72.5 kV phase-to-ground 3-3 distance contains a 1-3 electrical component and a 2-0 inadvertent movement component while the 72.6 to 121 kV phase-to-ground 3-2 distance contains a 2-2 electrical component and a 1-0 inadvertent movement component.

Note 1: These distances take into consideration the highest switching surge an employee will be exposed to on any system with air as the insulating medium and the maximum voltages shown.

Note 2: The clear live-line tool distance shall equal or exceed the values for the indicated voltage ranges.

Note 3: See Appendix B to this section for information on how the minimum approach distances listed in the tables were derived.

**WSR 03-10-070
PROPOSED RULES
STATE BOARD OF EDUCATION**

[Filed May 6, 2003, 11:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-068.

Title of Rule: WAC 180-77-068 Requirements for coordinator of work-based learning initial or continuing certificates.

Purpose: Amend language to focus credit earning on meeting learning objectives rather than gaining work experience.

Statutory Authority for Adoption: RCW 28A.410.010 and 28A.305.130 (1) through (4).

Summary: See Purpose above.

Reasons Supporting Proposal: Teacher preparation programs are shifting toward performance/competency-based certification.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Proposed language for credit for work-based learning focus credit-learning on meeting learning objectives rather than gaining work experience. The emphasis for work-based learning coordinators shifts from student progress on workplace skills to student progress on academic and technical skill attainment.

Proposal Changes the Following Existing Rules: The proposed amendment deletes language that does not address performance/competency-based certification.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Fife School District, 5802 20th Street East, Tacoma, WA 98424-2000, on June 20, 2003, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Laura Moore by June 6, 2003, TTY (360) 664-3631 or (360) 725-6027.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by June 6, 2003.

Date of Intended Adoption: June 20, 2003.

May 5, 2003

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 02-04-018, filed 1/24/02, effective 2/24/02)

WAC 180-77-068 Requirements for coordinator of work-based learning initial or continuing certificates. To obtain a coordinator of work-based learning certificate, a candidate must:

(1) Possess a valid initial or continuing career and technical education teaching certificate; and

(2) ~~((Have completed five hundred hours of occupational experience within the past six years; and~~

(3)) Have completed an approved course in coordination techniques.

WSR 03-10-078

PROPOSED RULES

SEATTLE COMMUNITY COLLEGES

[Filed May 6, 2003, 12:27 p.m.]

Continuance of WSR 03-06-067.

Preproposal statement of inquiry was filed as WSR 02-22-084.

Title of Rule: 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).

Purpose: Add another public hearing date to receive comments and extend deadlines for written comments and requests for assistance for persons with disabilities, and date of intended adoption. Add option of sending written comments by e-mail.

Hearing Location: Seattle Community College District, District Office, Board Room (1st Floor), 1500 Harvard Avenue, Seattle, WA 98122-3803, on May 14, 2003, at 3:30 p.m.

Assistance for Persons with Disabilities: Contact Grace Estrella by May 1, 2003, TDD (206) 587-4155 or (206) 587-3877.

Submit Written Comments to: Cynthia Felice, Seattle Community Colleges, 1500 Harvard Avenue, Seattle, WA 98122-3803, e-mail cfelice@sccd.ctc.edu, fax (206) 587-3894, by May 9, 2003.

Date of Intended Adoption: July 10, 2003.

May 1, 2003

Carin Weiss

Rules Coordinator

WSR 03-10-079

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed May 6, 2003, 3:31 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-05-084.

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

Purpose: Provides taxpayers with stumpage value tables to determine timber excise tax as required by RCW 82.33-091.

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 downward adjustment for

hauling. The rule also contains two harvest adjustment tables for the volume per acre that 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 annual update to be used for the second 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: This proposed amendment of WAC 458-40-660 complies with RCW 84.33.091, which requires the department to publish stumpage values on a semiannual 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 a proposed revision of 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 June 10, 2003, at 1:30 p.m.

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

Submit Written Comments to: Ed Ratcliffe, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail edr@dor.wa.gov, by June 10, 2003.

Date of Intended Adoption: June 17, 2003.

May 5, 2003

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 03-02-004, filed 12/19/02, effective 1/1/03)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) **Stumpage value tables.** The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ((January)) July 1 through ((June 30)) December 31, 2003:

((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(2)	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.

PROPOSED

(3) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce-Pacific Silver Fir, as "White Fir."
 (4) Stumpage value per 8 lineal feet or portion thereof.
 (5) Stumpage value per lineal foot.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale (1)

Species Name	Timber Quality	Hauling Distance Zone Number	Species Code	Code Number	1	2	3	4	5
Douglas Fir	DF	+			\$395	\$388	\$381	\$374	\$367
Western Hemlock and Other Conifer (2)	WH	+			333	326	319	312	305
Western Redcedar (2)	RC	+			638	631	624	617	610
				4	367	360	353	346	339
				3	378	371	364	357	350
				2	389	382	375	368	361
				1	427	420	413	406	399
				3	240	233	226	219	212
				4	240	233	226	219	212
Red Alder	RA	+			310	303	296	289	282
				2	269	262	255	248	241
Black Cottonwood	BC	+			+	+	+	+	+
Other Hardwood	OH	+			178	171	164	157	150
Douglas Fir Poles	DPL	+			683	676	669	662	655
Western Redcedar Poles	RCL	+			1094	1087	1080	1073	1066
Chipwood	CHW	+			+	+	+	+	+
RC Shake Blocks	RCS	+			303	296	289	282	275
RC Single Blocks	RCP	+			121	114	107	100	93
RC & Other Posts (4)	RCP	+			0.45	0.45	0.45	0.45	0.45
DF Christmas Trees (5)	DFX	+			0.25	0.25	0.25	0.25	0.25
Other Christmas Trees (5)	TFX	+			0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington-See conversion methods WAC 458 40 680.
 (2) Includes Alaska Cedar.
 (3) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce-Pacific Silver Fir, as "White Fir."
 (4) Stumpage value per 8 lineal feet or portion thereof.
 (5) Stumpage value per lineal foot.

(3) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce-Pacific Silver Fir, as "White Fir."
 (4) Stumpage value per 8 lineal feet or portion thereof.
 (5) Stumpage value per lineal foot.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale (1)

Species Name	Timber Quality	Hauling Distance Zone Number	Species Code	Code Number	1	2	3	4	5
Douglas Fir (2)	DF	+			\$395	\$388	\$381	\$374	\$367
Western Hemlock and Other Conifer (4)	WH	+			333	326	319	312	305
Western Redcedar (3)	RC	+			638	631	624	617	610
				4	227	220	213	206	199
				3	335	328	321	314	307
				2	383	376	369	362	355
				1	427	420	413	406	399
				3	248	241	234	227	220
				4	221	214	207	200	193
Red Alder	RA	+			310	303	296	289	282
				2	269	262	255	248	241
Black Cottonwood	BC	+			+	+	+	+	+
Other Hardwood	OH	+			178	171	164	157	150
Douglas Fir Poles	DPL	+			683	676	669	662	655
Western Redcedar Poles	RCL	+			1094	1087	1080	1073	1066
Chipwood	CHW	+			+	+	+	+	+
RC Shake Blocks	RCS	+			303	296	289	282	275
RC Single Blocks	RCP	+			121	114	107	100	93
RC & Other Posts (5)	RCP	+			0.45	0.45	0.45	0.45	0.45
DF Christmas Trees (6)	DFX	+			0.25	0.25	0.25	0.25	0.25
Other Christmas Trees (6)	TFX	+			0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington-See conversion methods WAC 458 40 680.
 (2) Includes Western Larh.
 (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.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 2003

Species Name	Species Code	Quality	Hauling										
			Distance	Zone	Number	1	2	3	4	5			
Douglas Fir(2)	DF	+	\$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	+	167	160	153	146	139						
		1	167	160	153	146	139						
Ponderosa Pine	PP	+	332	325	318	311	304						
		1	332	325	318	311	304						
		2	275	268	261	254	247						
		3	253	246	239	232	225						
		4	242	235	228	221	214						
Red Alder	RA	+	310	303	296	289	282						
		1	310	303	296	289	282						
		2	269	262	255	248	241						
Black Cottonwood	BC	+	+	+	+	+	+						
		1	+	+	+	+	+						
Other Hardwood	OH	+	178	171	164	157	150						
		1	178	171	164	157	150						
Douglas Fir Poles	DPL	+	683	676	669	662	655						
		1	683	676	669	662	655						
Western Redcedar Poles	RCL	+	1094	1087	1080	1073	1066						
		1	1094	1087	1080	1073	1066						
Chipwood	CHW	+	+	+	+	+	+						
		1	+	+	+	+	+						
RC Shake Blocks	RCS	+	303	296	289	282	275						
		1	303	296	289	282	275						
RC Shingle Blocks	RCF	+	121	114	107	100	93						
		1	121	114	107	100	93						
RC & Other Posts(5)	RCP	+	0.45	0.45	0.45	0.45	0.45						
		1	0.45	0.45	0.45	0.45	0.45						
DF Christmas Trees(6)	DPX	+	0.25	0.25	0.25	0.25	0.25						
		1	0.25	0.25	0.25	0.25	0.25						
Other Christmas Trees(6)	OPX	+	0.50	0.50	0.50	0.50	0.50						
		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, and 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 lineal foot.
(6) Stumpage value per lineal foot.

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

Species Name	Species Code	Quality	Hauling										
			Distance	Zone	Number	1	2	3	4	5			
Douglas Fir(2)	DF	+	\$402	\$395	\$388	\$381	\$374						
		1	402	395	388	381	374						
		2	401	394	387	380	373						
		3	375	368	361	354	347						
		4	340	333	326	319	312						
Lodgepole Pine	LP	+	167	160	153	146	139						
		1	167	160	153	146	139						
Ponderosa Pine	PP	+	332	325	318	311	304						
		1	332	325	318	311	304						
		2	229	222	225	218	211						
		3	229	222	225	218	211						
		4	229	222	225	218	211						
Red Alder	RA	+	310	303	296	289	282						
		1	310	303	296	289	282						
		2	269	262	255	248	241						
Black Cottonwood	BC	+	+	+	+	+	+						
		1	+	+	+	+	+						
Other Hardwood	OH	+	178	171	164	157	150						
		1	178	171	164	157	150						
Douglas Fir Poles	DPL	+	683	676	669	662	655						
		1	683	676	669	662	655						
Western Redcedar Poles	RCL	+	1094	1087	1080	1073	1066						
		1	1094	1087	1080	1073	1066						
Chipwood	CHW	+	+	+	+	+	+						
		1	+	+	+	+	+						
RC Shake Blocks	RCS	+	303	296	289	282	275						
		1	303	296	289	282	275						
RC Shingle Blocks	RCF	+	121	114	107	100	93						
		1	121	114	107	100	93						
RC & Other Posts(5)	RCP	+	0.45	0.45	0.45	0.45	0.45						
		1	0.45	0.45	0.45	0.45	0.45						
DF Christmas Trees(6)	DPX	+	0.25	0.25	0.25	0.25	0.25						
		1	0.25	0.25	0.25	0.25	0.25						
Other Christmas Trees(6)	OPX	+	0.50	0.50	0.50	0.50	0.50						
		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, and 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 lineal foot.
(6) Stumpage value per lineal foot.

TABLE 7—Stampage Value Table

Stampage Value Area 7
January 1 through June 30, 2003

Stampage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Hauling					
		Quality	Distance	Zone	Number		
Douglas Fir(2)	DF	+	\$301	\$294	\$287	\$280	\$273
		+	245	238	231	224	217
Lodgepole Pine	LP	+	369	362	355	348	341
		2	298	291	284	277	270
Western Redcedar(3)	RC	+	505	498	491	484	477
		+	238	231	224	217	210
True Firs and Spruce(4)	WH	+	420	413	406	399	392
		+	50	43	36	29	22
Hardwoods	OH	+	516	509	502	495	488
		+	25	24	23	22	21
Small Logs	SML	+	92	85	78	71	64
		+	0.35	0.35	0.35	0.25	0.25
Chipwood	CHW	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
Western White Pine	WPP	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
Hardwoods	OH	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
Small Logs	SML	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
Chipwood	CHW	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
Western Redcedar Poles	RCP	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
R/C Shake & Shingle Blocks	RCP	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
LP & Other Poles(5)	LPP	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees(6)	PX	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(7)	DPX	+	0.25	0.25	0.25	0.25	0.25
		+	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 6—Stampage Value Table

Stampage Value Area 6
January 1 through June 30, 2003

Stampage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Hauling					
		Quality	Distance	Zone	Number		
Douglas Fir(2)	DF	+	\$280	\$273	\$266	\$259	\$252
		+	167	160	153	146	139
Lodgepole Pine	LP	+	332	325	318	311	304
		2	188	181	174	167	160
Ponderosa Pine	PP	+	505	498	491	484	477
		+	159	152	145	138	131
True Firs and Spruce(4)	WH	+	420	413	406	399	392
		+	50	43	36	29	22
Hardwoods	OH	+	516	509	502	495	488
		+	25	24	23	22	21
Small Logs	SML	+	92	85	78	71	64
		+	0.35	0.35	0.35	0.25	0.25
Chipwood	CHW	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
Western White Pine	WPP	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
Hardwoods	OH	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
Small Logs	SML	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
Chipwood	CHW	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
Western Redcedar Poles	RCP	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
R/C Shake & Shingle Blocks	RCP	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
LP & Other Poles(5)	LPP	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees(6)	PX	+	0.25	0.25	0.25	0.25	0.25
		+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(7)	DPX	+	0.25	0.25	0.25	0.25	0.25
		+	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
		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	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 ⁽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 1—Stumpage Value Table
Stumpage Value Area 1
 July 1 through December 31, 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	\$421	\$414
		2	374	367	360	353	346
		3	362	355	348	341	334
		4	358	351	344	337	330
Western Redcedar ⁽²⁾	RC	1	814	807	800	793	786
Western Hemlock and Other Conifer ⁽²⁾	WH	1	330	323	316	309	302
		2	236	229	222	215	208
		3	233	226	219	212	205
		4	231	224	217	210	203
Red Alder	RA	1	333	326	319	312	305
		2	284	277	270	263	256
Black Cottonwood	BC	1	1	1	1	1	1
Other Hardwood	OH	1	182	175	168	161	154
Douglas Fir Poles	DFL	1	676	669	662	655	648
Western Redcedar Poles	RCL	1	1079	1072	1065	1058	1051
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 ⁽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 2—Stumpage Value Table
Stumpage Value Area 2
 July 1 through December 31, 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	\$384	\$377	\$370	\$363	\$356
		2	379	372	365	358	351
		3	377	370	363	356	349
		4	285	278	271	264	257
Western Redcedar ⁽²⁾	RC	1	814	807	800	793	786
Western Hemlock and Other Conifer ⁽³⁾	WH	1	330	323	316	309	302
		2	250	243	236	229	222
		3	229	222	215	208	201
		4	226	219	212	205	198
Red Alder	RA	1	333	326	319	312	305
		2	284	277	270	263	256
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	182	175	168	161	154
Douglas-Fir Poles	DFL	1	676	669	662	655	648
Western Redcedar Poles	RCL	1	1079	1072	1065	1058	1051
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 3—Stumpage Value Table
Stumpage Value Area 3
 July 1 through December 31, 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	\$349	\$342	\$335	\$328	\$321
		2	323	316	309	302	295
		3	308	301	294	287	280
		4	308	301	294	287	280
Western Redcedar ⁽²⁾	RC	1	814	807	800	793	786
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	330	323	316	309	302
		2	247	240	233	226	219
		3	217	210	203	196	189
		4	185	178	171	164	157
Red Alder	RA	1	333	326	319	312	305
		2	284	277	270	263	256
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	182	175	168	161	154
Douglas-Fir Poles	DFL	1	676	669	662	655	648
Western Redcedar Poles	RCL	1	1079	1072	1065	1058	1051
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 4—Stumpage Value Table
Stumpage Value Area 4
 July 1 through December 31, 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	\$384	\$377	\$370	\$363	\$356
		2	380	373	366	359	352
		3	377	370	363	356	349
		4	366	359	352	345	338
Lodgepole Pine	LP	1	160	153	146	139	132
Ponderosa Pine	PP	1	310	303	296	289	282
		2	213	206	199	192	185
Western Redcedar ⁽³⁾	RC	1	814	807	800	793	786
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	330	323	316	309	302
		2	242	235	228	221	214
		3	233	226	219	212	205
		4	209	202	195	188	181
Red Alder	RA	1	333	326	319	312	305
		2	284	277	270	263	256
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	182	175	168	161	154
Douglas-Fir Poles	DFL	1	676	669	662	655	648
Western Redcedar Poles	RCL	1	1079	1072	1065	1058	1051
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

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 July 1 through December 31, 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	\$479	\$472	\$465	\$458	\$451
		2	395	388	381	374	367
		3	377	370	363	356	349
		4	348	341	334	327	320
Lodgepole Pine	LP	1	160	153	146	139	132
Ponderosa Pine	PP	1	310	303	296	289	282
		2	213	206	199	192	185
Western Redcedar ⁽³⁾	RC	1	814	807	800	793	786
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	330	323	316	309	302
		2	210	203	196	189	182
		3	210	203	196	189	182
		4	210	203	196	189	182
Red Alder	RA	1	333	326	319	312	305
		2	284	277	270	263	256
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	182	175	168	161	154
Douglas-Fir Poles	DFL	1	676	669	662	655	648
Western Redcedar Poles	RCL	1	1079	1072	1065	1058	1051
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.

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table

Stumpage Value Area 6

July 1 through December 31, 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	\$272	\$265	\$258	\$251	\$244
Lodgepole Pine	LP	1	160	153	146	139	132
Ponderosa Pine	PP	1	310	303	296	289	282
		2	213	206	199	192	185
Western Redcedar ⁽²⁾	RC	1	530	523	516	509	502
True Firs and Spruce ⁽⁴⁾	WH	1	150	143	136	129	122
Western White Pine	WP	1	370	363	356	349	342
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	530	523	516	509	502
Small Logs	SML	1	29	28	27	26	25
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 ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

TABLE 7—Stumpage Value Table

Stumpage Value Area 7

July 1 through December 31, 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	\$277	\$270	\$263	\$256	\$249
Lodgepole Pine	LP	1	209	202	195	188	181
Ponderosa Pine	PP	1	333	326	319	312	305
		2	261	254	247	240	233
Western Redcedar ⁽²⁾	RC	1	530	523	516	509	502
True Firs and Spruce ⁽⁴⁾	WH	1	212	205	198	191	184
Western White Pine	WP	1	370	363	356	349	342
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	530	523	516	509	502
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 ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁽⁷⁾ Stumpage value per lineal foot.

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁽⁷⁾ Stumpage value per lineal foot.

PROPOSED

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
 July 1 through December 31, 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	\$370	\$363	\$356	\$349	\$342
		2	366	359	352	345	338
		3	363	356	349	342	335
		4	352	345	338	331	324
Lodgepole Pine	LP	1	160	153	146	139	132
Ponderosa Pine	PP	1	310	303	296	289	282
		2	213	206	199	192	185
Western Redcedar ⁽³⁾	RC	1	800	793	786	779	772
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	316	309	302	295	288
		2	228	221	214	207	200
		3	219	212	205	198	191
		4	195	188	181	174	167
Red Alder	RA	1	319	312	305	298	291
		2	270	263	256	249	242
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	168	161	154	147	140
Douglas-Fir Poles	DFL	1	662	655	648	641	634
Western Redcedar Poles	RCL	1	1065	1058	1051	1044	1037
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.

(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)) 2003:

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

Type of Adjustment Definition Dollar Adjustment Per Thousand Board Feet Net Scribner Scale

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.

PROPOSED

WSR 03-10-085
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed May 6, 2003, 4:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-24-038.

Title of Rule: Chapter 308-20 WAC, Cosmetologists, barbers, manicurists, and estheticians; repealing WAC 308-20-180 and 308-20-530; amending WAC 308-20-010, 308-20-040, 308-20-080, 308-20-090, 308-20-105, 308-20-107, 308-20-110, 308-20-120, 308-20-210, 308-20-520, 308-20-550, 308-20-560, 308-20-570, 308-20-600 and 308-20-710; and new sections WAC 308-20-091 and 308-20-575.

Purpose: The department has reviewed the rules noted and recommends the above repeal, amending and adding the new sections as listed above.

Statutory Authority for Adoption: RCW 18.16.030 and 43.24.023.

Statute Being Implemented: RCW 18.16.030.

Summary: Amend, repeal and add new rule to chapter 308-20 WAC for clarification.

Reasons Supporting Proposal: The described rules either are unclear, duplicate, or not necessary to cite statutory authority.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rosie McGrew, 405 Black Lake Boulevard, Building 2, Olympia, WA 98502, (360) 664-6626.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amend, repeal and add new sections.

Proposal Changes the Following Existing Rules: Amends, repeals and add new rule to chapter 308-20 WAC for clarification and to eliminate duplication.

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.

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Building 2, Conference Room 102, Olympia, WA 98502, on June 11, 2003, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Rosie McGrew by June 10, 2003, TTY (360) 664-8885 or (360) 664-6626.

Submit Written Comments to: Rosie McGrew, Cosmetology Section, P.O. Box 9026, Olympia, WA 98507-9026, fax (360) 664-2550, e-mail pssunit@dol.wa.gov, by June 10, 2003.

Date of Intended Adoption: June 13, 2003.

May 5, 2003
 Trudie Touchette
 Acting Administrator

AMENDATORY SECTION (Amending WSR 02-04-012, filed 1/24/02, effective 6/30/02)

WAC 308-20-010 Definitions. (1) "Chemical compounds formulated for professional use only" are those compounds containing hazardous chemicals in a form not generally sold to the public; including but not limited to, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances, facial creams, or approved chemical compounds. These compounds must be designated for use on the hair, face, neck, skin, or scalp.

(2) "Monthly student ~~((records))~~ report" ~~((is a))~~ are forms provided by the school, approved by the department, pre-printed with the school name ~~((that shows))~~. The ((actual)) report must include the daily activities of the student in each subject, (i.e., number of shampoos, haircuts, perms, colors, etc.) within each course (i.e., barbering, manicuring, cosmetology, esthetics, or instructor-trainee).

(3) "Completed and graduated" is the completion of the school curriculum and the state approved minimum hourly course of training ~~((and passage of a state approved performance and written examination))~~.

AMENDATORY SECTION (Amending WSR 02-04-012, filed 1/24/02, effective 6/30/02)

WAC 308-20-040 Records. (1) ~~((The department may license or renew a license of a school that meets the requirements of RCW 18.16.140 (Application for school license) and submits the following:~~

~~((a)) A copy of the school's curriculum(s) satisfying the minimum instruction guidelines in WAC 308-20-080; and~~

~~((b)) The estimated annual gross tuition to be collected by the school.~~

~~((2))~~ Schools shall collect and record monthly and final student ~~((records))~~ reports. These ~~((records))~~ reports as described in WAC 308-20-010 shall contain the cumulative number of hours the student has attended class and the number of times the student performs ~~((a skill))~~ an activity as described in WAC 308-20-080. The hours attended shall not be recorded in less than one-quarter hour increments.

~~((3))~~ (2) Monthly and final student ~~((records))~~ reports shall be signed by either the school owner, school manager or a person the school has authorized to sign the student ~~((records))~~ reports. ~~((The school shall notify the department of the persons authorized to sign the student records.~~

~~((4))~~ (3) The school shall certify to the department that the student has satisfied the minimum instruction guidelines described in WAC 308-20-080 on the student's ~~((Washington state department of licensing))~~ license examination application. Certification shall be by a person authorized to sign student ~~((records))~~ reports according to subsection ~~((3))~~ (2) of this section.

~~((5))~~ (4) Schools shall maintain student records for at least ~~((four))~~ three years. The student records shall include documentation of student training ~~((, and examination results))~~.

(5) The school shall notify the department of the persons authorized to sign student records.

(6) Weekly reports provided by salon/shops verifying hours student earns in salon training must be included in student's records and recorded on student's monthly and final reports.

AMENDATORY SECTION (Amending WSR 02-04-012, filed 1/24/02, effective 6/30/02)

WAC 308-20-080 Minimum instruction ((~~guide-~~lines)) requirements for cosmetology, barbering, manicuring and esthetics training. The minimum instruction ((~~guidelines~~)) requirements for ((~~training required for a~~)) each student to be eligible to take the license examinations for the following professions shall include:

- (1) For cosmetology:
 - (a) Theory of the practice of cosmetology, barbering, manicuring and esthetics services;
 - (b) At least 100 hours of skills in the application of manicuring and pedicuring services; excluding the application and removal of sculptured or artificial nails;
 - (c) At least 100 hours of skills in the application of esthetics services limited to toning the skin of the scalp, stimulating the skin of the body by use of preparations, tonics, lotions, or creams, and tinting of the eyebrows and lashes, removal of hair by use of depilatories, waxing or tweezing and makeup application;
 - (d) Shampooing including draping, brushing, scalp manipulations, conditioning and rinsing;
 - (e) Scalp and hair analysis;
 - (f) Hair cutting and trimming including scissors, razor, thinning shears and clippers;
 - (g) Hair styling and arranging including wet, dry and thermal styling, ((~~braiding~~)) and styling aids;
 - (h) Cutting and trimming of facial hair including beard and mustache design and eyebrow, ear and nose hair trimming, waxing and tweezing;
 - (i) Artificial hair that may include extensions and fitting;
 - (j) Permanent waving including sectioning, wrapping, preperm test curl, solution application, processing test curl and neutralizing;
 - (k) Chemical relaxing including sectioning, strand test, and relaxer application, removal of chemicals;
 - (l) Hair coloring and bleaching techniques including pre-disposition test and strand test, and measurement, mixing, application and removal of chemicals;
 - (m) Disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;
 - (n) Diseases and disorders of the scalp, hair, skin and nails;
 - (o) Safety including proper use and storage of chemicals, implements and electrical appliances;
 - (p) First aid as it relates to cosmetology, barbering, manicuring and esthetics; and
 - (q) No more than twenty-five percent of skills training using mannequins.
- (2) For barbering:
 - (a) Theory of the practice of barbering services;
 - (b) Shampooing including draping, brushing, scalp manipulations, conditioning and rinsing;

- (c) Scalp and hair analysis;
 - (d) Hair cutting and trimming including scissors, razor, thinning shears and clippers;
 - (e) Hair styling, wet, dry and thermal styling and styling aids;
 - (f) Cutting and trimming of facial hair including shaving, beard and mustache design and eyebrow, ear and nose hair trimming;
 - (g) Artificial hair;
 - (h) Disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;
 - (i) Diseases and disorders of the skin, scalp and hair;
 - (j) Safety including proper use of implements and electrical appliances;
 - (k) First aid as it relates to barbering; and
 - (l) No more than twenty-five percent of skills training using mannequins.
- (3) For manicuring:
 - (a) Theory in the practice of manicuring and pedicuring services;
 - (b) Artificial nails including silk, linen, fiberglass, acrylic, gel, powder, extensions and sculpting, preparation, application, finish and removal;
 - (c) Cleaning, shaping ((~~and~~)), polishing and decorating of nails of the hands and treatment of cuticles;
 - (d) Cleaning, shaping and polishing of nails of the feet;
 - (e) Disinfecting of individual work station, individual equipment and tools and proper use and storage of linens;
 - (f) Diseases and disorders of the nails of the hands and feet;
 - (g) Safety including proper use and storage of chemicals, implements and electrical appliances;
 - (h) First aid as it relates to manicuring and pedicuring; and
 - (i) No more than twenty-five percent of skills training using mannequins.
 - (4) For esthetics:
 - (a) Theory in the practice of esthetics services;
 - (b) Skin care ((~~of the face, neck and hands including hot~~ empresses, massage, electrical or mechanical appliances or chemical compounds)) by use of preparations, antiseptics, tonics, essential oils, exfoliants, or by any device or equipment, electrical or otherwise, or by wraps, compress, cleansing, conditioning, stimulation, pore extraction, or product application and removal;
 - (c) ((~~Facials;~~ ~~(d)~~)) Temporary removal of superfluous hair ((~~of the face, neck and hands~~)) by tweezing, waxing, ((~~tape, chemi-~~eals,)) lotions, creams, depilatories, mechanical or electrical apparatus and appliances, tinting of eyelashes and eyebrows and lightening the hair except the hair of the scalp;
 - (d) Makeup application;
 - (e) Disinfecting of individual work stations, individual equipment and tools and proper use and storage of linens;
 - (f) Diseases and disorders of the skin of the face, neck and hands;
 - (g) Safety including proper use and storage of chemicals, implements and electrical appliances;
 - (h) First aid as it relates to esthetics; and

(i) No more than twenty-five percent of skills training using mannequins.

AMENDATORY SECTION (Amending WSR 02-04-012, filed 1/24/02, effective 6/30/02)

WAC 308-20-090 Student credit for training in a licensed school. ~~(((1) Only those hours of instruction a student is given under the direction of a licensed instructor of the licensed school in which the student is enrolled and in the courses listed in WAC 308-20-080 shall be credited toward completion of the course of study required in RCW 18.16.100.~~

~~(2) When all of a school's requirements have been met by a student and within thirty days of a student leaving a school, the school shall provide to the student a copy of the student's final record.~~

~~(3) Students may transfer between schools and may receive credit toward completion of the curriculum in the new school. In order to receive a transfer student, the new school shall do the following:~~

~~(a) Evaluate the final student record provided by the student and certified by the previous school and compare the record from the previous school with the new school's requirements;~~

~~(b) Accept the final student record from the previous school, in part or in total as if it was instruction meeting the new school's curriculum and prepare a monthly report that documents the amount of instruction being accepted by the new school; or~~

~~(c) Reject the final student record from the previous school.~~

~~(4) Both the transferring and receiving schools shall maintain student records including the transfer record as required in WAC 308-20-040(5).)) (1) A maximum of twenty students per instructor is required within a licensed school.~~

(2) Only those hours of instruction a student is given under the direction of a licensed instructor of the licensed school in which the student is enrolled and in the courses listed in WAC 308-20-080 and 308-30-105 or hours earned under WAC 38-20-091 shall be credited toward completion of the course of study required in RCW 18.16.100.

(3) When all of a school's requirements have been met by a student and within thirty days of a student leaving a school, the school shall provide to the student a copy of the student's final report.

(4) Students may transfer between schools and may receive credit toward completion of the curriculum in the new school. In order to receive a transfer student, the new school shall do the following:

(a) Evaluate the final student report provided by the student and certified by the previous school and compare the report from the previous school with the new school's requirements;

(b) Accept the final student report from the previous school, in part or in total as if it was instruction meeting the new school's curriculum and prepare a monthly report that documents the amount of instruction being accepted by the new school; or

(c) Reject the final student report from the previous school.

(5) Both the transferring and receiving schools shall maintain student records including the transfer record as required in WAC 308-20-040(4).

(6) Licensed instructors must be physically present where the students are training.

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

NEW SECTION

WAC 308-20-091 Student credit for training in a licensed salon/shop. (1) A maximum ten percent of the total curriculum hours required may be earned in a salon/shop under a contract approved by the department signed by the student, the school owner, and the salon/shop manager.

(2) Only those hours of instruction a student is given under the direction of a licensed operator in the contracted salon/shop and in the subjects agreed to in the contract shall be credited towards completion of the course of study required in RCW 18.16.100.

(3) Students will not receive any wages or commission for hours of credit earned in a salon/shop.

(4) Salon/shops shall provide weekly reports to the schools with hours the student earned in each area of agreed training.

(5) Licensed operators must be physically present where students are training.

AMENDATORY SECTION (Amending WSR 02-04-012, filed 1/24/02, effective 6/30/02)

WAC 308-20-105 ((Curriculum)) Minimum instruction requirements for instructor-trainees. The minimum instruction ~~((guidelines)) requirements for ((training required for))~~ a student to be eligible to take the examination to be licensed as an instructor shall include, but not be limited to:

(1) Preparation for classroom activities including, but not limited to:

- (a) Choice of teaching methods;
- (b) Classroom setup;
- (c) Topic/subject matter;
- (d) Student assignments;
- (e) Materials and supplies; and
- (f) Recordkeeping.

(2) Presentation of information including, but not limited to:

- (a) Lectures (oral and written);
- (b) Demonstrations;
- (c) Questions and answers;
- (d) Project methods; and
- (e) Discussions.

(3) Application of practice including, but not limited to:

- (a) Clinic supervision;
- (b) Classroom management; and
- (c) Client relations.

(4) Evaluation by the instructor-trainee of the student's understanding and performance including, but not limited to:

- (a) Written/practical assessment; and
- (b) Communication skills.

AMENDATORY SECTION (Amending WSR 02-04-012, filed 1/24/02, effective 6/30/02)

WAC 308-20-107 Use and training of instructor-trainees. (1) Instructor-trainees shall be supervised by a licensed instructor ~~((at all times))~~. The licensed instructor shall be physically present where the instructor-trainee is working and be available for consultation with the instructor-trainee.

(2) Instructor-trainees shall hold a current Washington state cosmetology, barber, manicurist or esthetician license prior to becoming an instructor-trainee.

AMENDATORY SECTION (Amending WSR 02-04-012, filed 1/24/02, effective 6/30/02)

WAC 308-20-110 Minimum safety and sanitation standards for schools, ~~((students,))~~ cosmetologists, manicurists, estheticians, barbers, instructors, salons/shops, ~~((booth renters,))~~ mobile ~~((operators))~~ units and personal services ~~((operators))~~. In addition to the requirements of RCW 18.16.175, every licensee ~~((s and students pursuant to chapter 18.16 RCW))~~ shall maintain the following safety and sanitation standards:

(1) **Safety shall be maintained as follows:**

(a) ~~((Salons/shops, booth renters, mobile operators and schools shall have:~~

~~((i) If chemicals are used, an area designated as a chemical and supply dispensary separate from the shampoo area with hot and cold water for the disposal and mixing of all chemicals and disinfecting of supplies, tools, equipment and other materials;~~

~~((ii) All chemicals stored and labeled according to manufacturer's instructions;~~

~~((iii)) A separate area with hot and cold running water shall be designated for use in dispensing and mixing chemicals and disinfecting supplies, tools, equipment, and other materials;~~

~~(b) All containers must be clearly labeled;~~

~~(c) All chemicals must be stored and labeled according to manufacturer's instructions;~~

~~(d) Disinfected supplies, tools, equipment and other material shall be stored separately from those that have been used; ~~((and~~~~

~~((iv)) (e) First-aid supplies ~~((:))~~ shall be available; and~~

~~((b) Individual)) (f) Licensees ~~((and students))~~ shall not work on clients with parasites, open wounds, or signs of infection.~~

(2) **Sanitation shall be maintained as follows:**

(a) ~~((Salons/shops, booth renters, mobile operators and schools shall have:~~

~~((i)) Floors, walls, fixtures, work stations and ceilings shall be clean and free from dust, dirt and hair;~~

~~((ii)) (b) Hair shall be removed from the floor after each service; and~~

~~((iii)) (c) Waste receptacles shall be emptied and disinfected daily.~~

~~((b) Individual licensees and students shall:~~

~~((i) Dispose of)) (d) Disposable products shall be placed in a waste receptacle ~~((after use));~~~~

~~((ii) Use disposable hand-drying towels and single use soap;~~

~~((iii) Dispense)) (e) Creams and lotions shall be dispensed using a disposable, or sanitized applicator, and fluids shall be dispensed with a squeeze bottle or pump;~~

~~((iv)) (f) Use clean towel, new neck strip or other sanitized supplies for each client;~~

~~((v)) (g) Clean reusable supplies and implements with a disinfectant after each use; and~~

~~((vi)) (h) Wash hands with single-use soap and disposable hand-drying towels after toilet use and before providing service to each client.~~

AMENDATORY SECTION (Amending WSR 03-08-043, filed 3/27/03, effective 4/27/03)

WAC 308-20-120 Written and performance examinations. (1) ~~((When an applicant for examination as a cosmetologist, barber, manicurist, esthetician or instructor completes the course required in RCW 18.16.100 or meets the requirement to take the examinations described in RCW 18.16.130,))~~ The department shall administer or approve the administration of a written and performance license examination. The department may approve written or performance examinations given by department-approved examination providers.

(2) The written and performance examinations for cosmetologist, barber, manicurist and esthetician shall reasonably measure the applicant's knowledge of safe and sanitary practice. The performance examinations may be divided into skill sections. The overall minimum passing grade for performance examinations shall be seventy-five percent with no section being scored lower than forty percent. If an individual scores lower than forty percent in any one section, the entire performance examination must be retaken. The minimum passing grade for the written examinations shall be seventy-six percent of the total examination questions.

(3) The written and performance examinations for instructors shall be constructed to measure the applicant's knowledge of lesson planning and teaching techniques. The overall minimum passing grade for the performance examination shall be eighty percent. The minimum passing grade for the written examination shall be eighty percent of the total examination questions.

AMENDATORY SECTION (Amending WSR 03-06-054, filed 2/28/03, effective 4/1/03)

WAC 308-20-210 ~~((Cosmetology, barber, manicurist, esthetician, salon/shop, booth renter, mobile operator and personal service operator)) Fees.~~ In addition to any third-party examinations fees, the following fees shall be charged by the professional licensing division of the department of licensing:

PROPOSED

Title of Fee	Fee
Cosmetologist:	
<u>Written examination application</u>	\$ 25.00
<u>Written examination retake</u>	25.00
Renewal (((per-year))) <u>(two-year license)</u>	((20.00)) 40.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
((Out-of-state application	25.00))
Instructor:	
Examination application	30.00
((Examination retake	30.00))
Renewal(((per-year))) <u>(two-year license)</u>	((20.00)) 40.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
((Out-of-state application	30.00))
Manicurist:	
<u>Written examination application</u>	25.00
<u>Written examination retake</u>	25.00
Renewal (((per-year))) <u>(two-year license)</u>	((20.00)) 40.00
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
((Out-of-state application	25.00))
Esthetician:	
<u>Written examination application</u>	25.00
<u>Written examination retake</u>	25.00
Renewal (((per-year))) <u>(two-year license)</u>	((20.00)) 40.00
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
((Out-of-state application	25.00))
Barber:	
<u>Written examination application</u>	25.00
<u>Written examination retake</u>	25.00
Renewal (((per-year))) <u>(two-year license)</u>	((20.00)) 40.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
((Out-of-state application	25.00))
School:	
License application	175.00

Title of Fee	Fee
Renewal (((per-year))) <u>(one-year license)</u>	175.00
Late renewal penalty	175.00
Duplicate	15.00
Curriculum review	15.00
Salon/shop:	
<u>License application</u>	50.00
Renewal <u>(one-year license)</u>	50.00
Late renewal penalty	50.00
Duplicate license	15.00
((Booth-renter:	
Application	50.00
Renewal	50.00
Late renewal penalty	50.00
Duplicate license	15.00))
Mobile ((operator)) unit:	
<u>License application</u>	50.00
Renewal <u>(one-year license)</u>	50.00
Late renewal penalty	50.00
Duplicate license	15.00
Personal services ((operator)):	
<u>License application</u>	50.00
Renewal <u>(one-year license)</u>	50.00
Late renewal penalty	50.00
Duplicate license	15.00

AMENDATORY SECTION (Amending WSR 92-15-087, filed 7/17/92, effective 8/17/92)

WAC 308-20-520 Minimum salon/shop, mobile unit, and personal services licensing standards. No person shall operate a cosmetology, barbering, esthetics, or manicuring salon/shop, ~~((booth-rental,))~~ mobile unit, or personal services ~~((operator))~~ business in this state unless the business has qualified for and has in their possession a location license issued by the department of licensing, ~~((professional-licensing, cosmetology section)).~~ If the ownership of the business changes, a new complete application must be submitted for approval and license issuance. Licenses are not transferable.

- (1) ~~((A salon/shop shall not allow))~~ An operator ~~((to practice in leased))~~ that leases space ~~((unless the operator possesses))~~ must obtain both a valid operator and ~~((booth-renter))~~ salon/shop license for that specific location.
- (2) A business that has one or more branch locations shall obtain a separate salon/shop license for each location.
- (3) ~~((A salon/shop establishment that does not meet the requirements of this chapter shall not offer or sublet booth rentals.~~
- (4)) A licensed operator who provides cosmetology, barbering, esthetics, or manicuring services to place-bound clients in the client's home or in a long or short term health care facility is not required to obtain a location license.

~~((5))~~ (4) A long or short term health care facility that establishes a salon/shop and operates it on a for profit basis for clients other than place-bound clients shall obtain a location license.

AMENDATORY SECTION (Amending WSR 92-15-087, filed 7/17/92, effective 8/17/92)

WAC 308-20-550 Posting of required licenses, registrations, permits, and notice to consumers. (1) Licenses and the consumer notice required by chapter 18.16 RCW, shall be posted in direct public view ~~((in each salon/shop, rental booth and mobile unit. Personal service operators shall display their licenses and consumer notice in direct view of their client))~~.

(2) Original operator licenses with an attached current photograph shall be posted in clear view of clients in the operator's ~~((booth or))~~ work station. ~~((The residence address of the operator, if shown on the license, may be blocked from public view.))~~

(3) School, instructor, salon/shop, and mobile unit licenses shall be displayed in the reception area.

(4) Personal services shall display their licenses and consumer notice in direct view of their client.

(5) A pocket identification card may not be used in lieu of an original license.

~~((4))~~ (6) No license which has expired or become invalid for any reason shall be displayed by any operator, instructor, or business in connection with the practice of cosmetology, barbering, esthetics, or manicuring. Any license so displayed shall be surrendered to a department representative upon its request.

~~((5))~~ (7) Licenses issued by another state, territory, or foreign country shall not be displayed in any salon/shop.

~~((6))~~ (8) A receipt, issued by the department of licensing, showing the application for a duplicate license may be used if the original has been lost, stolen, or otherwise destroyed until the duplicate license is received.

AMENDATORY SECTION (Amending WSR 92-15-087, filed 7/17/92, effective 8/17/92)

WAC 308-20-560 ~~((Booth-renter)) Salon/shop, mobile ~~((operator))~~ unit, and personal services ~~((operator))~~ location license renewal process.~~ Each ~~((booth-renter))~~ salon/shop, mobile ~~((operator))~~ unit, and personal services ~~((operator))~~ license shall be renewed on a yearly basis ~~((to conform to the date of birth of the owner of the business))~~. The renewal request shall be accompanied by:

(1) The license renewal fee required under the provisions of WAC 320-20-210.

(2) ~~((Confirmation, from the insurance company, of continued coverage of public liability insurance for the requested license renewal period.))~~ Affidavit of certification of public liability insurance including, name of provider, policy number, effective date, expiration date, amount of coverage, and signature of licensee.

(3) A statement noting any changes to the information contained in the original application form and attachments.

(4) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty fee.

(5) Failure to receive a notice of license renewal from the department ~~((shall))~~ does not constitute cause for failure to renew.

AMENDATORY SECTION (Amending WSR 92-15-087, filed 7/17/92, effective 8/17/92)

WAC 308-20-570 ~~((Salon/shop license)) Operator and instructor renewal process.~~ ~~((Each salon/shop license shall be renewed on a yearly basis prior to the first day of September of each year. The renewal request shall be accompanied by:~~

~~((1) The license renewal fee required under the provisions of WAC 320-20-210.~~

~~((2) Confirmation, from the insurance company, of continued coverage of public liability insurance for the requested license renewal period.~~

~~((3) A statement noting any changes to the information contained in the original application form and attachments.~~

~~((4) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty fee.~~

~~((5) Failure to receive a notice of license renewal from the department shall not constitute cause for failure to renew.))~~ Each operator or instructor license shall be renewed every two years. The renewal request shall be accompanied by:

(1) Social Security number.

(2) The license renewal fee required under the provisions of WAC 308-20-210.

(3) A statement noting any changes to the information contained in the original application form and attachments.

(4) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty fee.

(5) Failure to receive a notice of license renewal from the department does not constitute cause for failure to renew.

NEW SECTION

WAC 308-20-575 School license renewal process. Each school shall be renewed on a yearly basis. The renewal request shall be accompanied by:

(1) Certification of annual gross tuition and surety bond in an amount equal to ten percent of the annual gross tuition, but not less than ten thousand dollars or more than fifty thousand dollars.

(2) Changes in curriculum, catalogs, brochures.

(3) Current list of instructors on forms provided by the department.

(4) Verification of current student/instructor ratio.

(5) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty.

(6) Failure to receive a notice of license renewal from the department does not constitute cause for failure to renew.

AMENDATORY SECTION (Amending WSR 92-15-087, filed 7/17/92, effective 8/17/92)

WAC 308-20-600 Disinfecting and sterilizing of tools and other implements. Adequate ~~((chemical disinfecting agents or))~~ disinfectants and sterilization equipment shall be available for use as needed at all times when the business is open to clients or operators.

(1) When sterilization equipment is used it shall be checked annually to assure that it is reaching the temperature required by the manufacturer's instructions.

(2) When commercially manufactured disinfectant solution is used it shall be mixed and used according to the manufacturer's instructions.

(3) When used according to the manufacturer's instructions the following methods may be used to disinfect ~~((and))~~ or sterilize tools and equipment.

(a) Immersion of the object in the disinfectant solution.

(b) Dry heat or autoclave sterilizer registered with the Federal Food and Drug Administration.

(4) All single-use items which cannot be sterilized or disinfected ~~((and))~~ shall be discarded after ~~((each))~~ use.

AMENDATORY SECTION (Amending WSR 97-10-049, filed 5/1/97, effective 6/1/97)

WAC 308-20-710 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a salon/shop, ~~((beauty center,))~~ mobile ~~((operator))~~ unit, personal services ~~((operator))~~, instructor, cosmetologist, barber, manicurist, esthetician or school in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(5) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-20-180

Posting of license.

WAC 308-20-530

Minimum licensing requirements.

WSR 03-10-089
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed May 6, 2003, 4:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-04-085.

Title of Rule: WAC 388-523-0120 Medical extensions—Premiums.

Purpose: Amend to delete references to unearned income. Upon adoption, the department will use only earned income to establish the premium amounts in the second six months of the medical extension certification period. Provides additional clarifying information.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: Section 209, chapter 7, Laws of 2001.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, MAA, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1330.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: These amendments are necessary to eliminate references to unearned income. Upon adoption, the department will use earned income (less employment-related child-care to establish premiums).

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no impact on small businesses. The rule only affects client financial and medical eligibility.

RCW 34.05.328 does not apply to this rule adoption. These rules meet the definition of a significant legislative rule under RCW 34.05.328. However, RCW 34.05.328 (5)(b)(vii) exempts rules relating to DSHS client financial and medical eligibility.

Hearing Location: Office Building 2, Auditorium, 14th and Jefferson, Olympia, Washington 98504, on June 10, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact DSHS Rules Coordinator by June 3, 2003, phone (360) 664-6097, 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 June 10, 2003.

Date of Intended Adoption: Not sooner than June 11, 2003.

April 28, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-10-018, filed 4/22/02, effective 5/23/02)

WAC 388-523-0120 Medical extensions—Premiums.

(1) "Countable income" means, for the purposes of determining the premium amount described in this chapter, all earned ~~((and unearned))~~ income of the adult family members ~~((except SSI cash assistance))~~, minus the amount of employment-related child care paid for by the family. The earned ~~((and unearned))~~ income of an adult, living in the household, who is financially responsible for other members of the assistance unit is included, whether or not the person is an eligible member of the assistance unit.

(2) ~~((For a family whose first month of medical extension benefits occurs on or after February 2002,))~~ The department requires the family to pay premiums for medical coverage provided during the second six-month medical extension period. The premium amount is one percent of the family's average countable income ((per person/per month. This amount is)) rounded down to the nearest whole dollar. This whole dollar amount is billed per adult per month. See subsection (3).

(3) The premiums for:

(a) Months seven, eight, and nine are based solely on the average countable income received in months one, two and three of the medical extension period; and

(b) Months ten, eleven, and twelve are based solely on the average countable income received in months four, five, and six of the medical extension period.

(4) A subsequent change in income does not effect the premium amount described in subsection (2) and (3) of this section.

(5) When a family's premium is one month in arrears, the family is ineligible for the balance of the medical extension period unless good cause exists. Reasons for good cause include, but are not limited to:

(a) Illness, mental impairment, injury, trauma, or stress;

(b) Lack of understanding the premium payment requirement due to a language barrier;

(c) Transportation problems;

(d) ~~((The client did not pay))~~ Nonpayment of the premium because ((they)) the client expected to be able to meet the family medical needs, but could not; or

(e) ~~((The client was given))~~ Receipt of incorrect information or ((did not receive)) nonreceipt advance and adequate notice about the premium payment requirements. Refer to WAC 388-422-0020 (4) and (5).

(6) The department exempts individual family members from ~~((the))~~ premium payment requirements, as follows:

(a) Children;

(b) Pregnant women;

(c) American Indians and Alaska Natives; and

(d) Caretaker adults in a family whose countable income is equal to or less than one hundred percent of the Federal Poverty Level based on family size as described in WAC 388-478-0075(2).

(7) When determining the exemption described in subsection (6)(d), the premium exemption is effective the first of the month following the client's report of the pregnancy to the department.

(8) When determining the exemption described in subsection (6)(d), the department shall include in the household size an unborn child and a person who is financially responsible for other members of the assistance unit, whether or not the person is an eligible member of the assistance unit. A person receiving SSI cash assistance is not included when determining the household size.

~~((8))~~ (9) The department determines a family's exemption from the premium requirement as described in subsection (6)(d) for:

(a) Months seven, eight and nine based solely on information available to the department at the time the premium for these months is calculated; and

(b) Months ten, eleven, and twelve based solely on information available to the department at the time the premium for these months is calculated.

~~((9))~~ (10) Any ~~((income))~~ change resulting in an individual meeting the exemption criteria in subsection (6)(d) after the establishment of the premium amount for months seven, eight and nine is used to calculate the premium amount for months ten, eleven, and twelve. Any change resulting in an individual meeting the exemption criteria in subsection (6)(d) after the establishment of the premium amount for months ten, eleven, and twelve is not used to recalculate the premium amount for months ten, eleven, and twelve.

WSR 03-10-090

PROPOSED RULES

**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 6, 2003, 4:51 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-24-066.

Title of Rule: WAC 388-76-655 General management and administration—Adult family homes.

Purpose: The proposed rule deletes subsection (3) addressing liability insurance. Proposed rules addressing clarification of emergency evacuation requirements and food handling safety requirements, referenced in the preproposal statement of inquiry - WSR 02-24-066 - will be included in a subsequent proposal.

Statutory Authority for Adoption: RCW 70.128.040.

Statute Being Implemented: RCW 70.128.040.

Summary: The deletion of subsection (3) removes the liability insurance requirement from the administrative code applicable to adult family homes.

Reasons Supporting Proposal: The insurance requirement was originally included in the WAC at the request of adult family home providers. Providers are currently having difficulty obtaining and retaining liability insurance.

Name of Agency Personnel Responsible for Drafting: Rosemary Biggins, ADSA-RCS, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2682; **Implementation and Enforcement:** Joyce Stockwell, ADSA-RCS, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2404.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Removes rule describing the type of liability insurance an adult family home must obtain. Requirement was originally included in the WAC at the request of adult family home providers. Providers are currently having difficulty obtaining and retaining liability insurance. Removal of the rule will avoid citations for noncompliance when providers are not responsible for outcome.

Proposal Changes the Following Existing Rules: The proposed rule removes the requirement for liability insurance from WAC 388-76-655.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Residential care services has analyzed the removal of this rule and concluded the action will not impose an increase in existing costs, and imposition of a new cost or a decrease in benefit to small businesses. Deleting the subsection conforms to existing statute. No new costs are incurred.

RCW 34.05.328 applies to this rule adoption. The proposed rule revokes a qualification or standard for issuance or maintenance of an agency license, and meets the definition of a significant legislative rule under RCW 34.05.328 (5)(c)(iii).

Therefore, as required by RCW 34.05.328 (1)(c), Residential Care Services (RCS) has analyzed the probable costs and probable benefits of the proposed rule. In making this analysis, both qualitative and quantitative benefits were considered. RCS has determined that no new costs will be imposed by amendment of the rule. Obtaining liability insurance is a business decision left solely up to the adult family home licensee discretion. A benefit is that removal of the rule avoid citations of the licensee who cannot obtain liability insurance because an insurance company will not insure an adult family home.

A copy of [the] draft significant rule analysis and cost benefit analysis is available. Copies may be obtained by contacting Rosemary Biggins, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2486.

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (parking at 11th and Jefferson), 1115 Washington, Olympia, WA, on June 10, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by June 6, 2003, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensFH@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance

Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail swensfh@dshs.wa.gov, by 5:00 p.m., June 10, 2003.

Date of Intended Adoption: Not earlier than June 11, 2003.

May 1, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-15-065, filed 7/11/02, effective 8/11/02)

WAC 388-76-655 General management and administration. (1) The provider shall not admit or retain any resident whose needs the provider cannot meet.

(2) The provider shall ensure all of the following:

(a) That staff are competent and receive necessary training, including but not limited to any training required under chapter 388-112 WAC to perform assigned tasks;

(b) The adult family home is in compliance with the requirements of this chapter and other applicable state laws;

(c) The home employs sufficient staff to meet the needs of the residents; and

(d) That he/she is available to respond to resident needs and caregiver inquiries within a reasonable time frame. In the event a provider is unavailable (including but not limited to being on vacation), a person must be designated to respond on behalf of the provider.

~~(3) ((The provider shall maintain liability insurance of at least one hundred thousand dollars per occurrence to cover:~~

~~(a) Damage or loss of the resident's property if due to negligence of the insured; and~~

~~(b) Injury or harm to the resident resulting from:~~

~~(i) The provision of services or failure to provide needed services; or~~

~~(ii) Incidents occurring in the adult family home or on the home's premises.~~

~~(4))~~ The provider shall ensure that all caregivers are at least eighteen years of age or older.

~~((5))~~ (4) The provider shall ensure that the provider, entity representative, resident manager and all caregivers:

(a) Are able to communicate or make provisions for communicating with the resident in his or her primary language;

(b) Have a clear understanding of job responsibilities and knowledge of residents' negotiated care plans in order to be able to provide care specific to each resident's needs; and

(c) Not engage in the illegal use of drugs or the excessive use of alcohol when providing care to residents; and

(d) Possess a valid first-aid and CPR card prior to providing care for residents unless such care is directly supervised by a fully qualified caregiver who has a valid first-aid and CPR card.

~~((6))~~ (5) The provider shall ensure that:

(a) There is at least one caregiver present in the home whenever one or more residents are on the premises;

(b) The caregiver referred to in (a) of this subsection is capable of understanding and speaking English well enough

to be able to respond appropriately to emergency situations; and

(c) At least one caregiver is accessible by phone or beeper for emergencies when there are no residents on the home's premises.

~~((7))~~ (6) An adult family home shall be exempt from subsection ~~((6))~~ (5)(a) of this section if:

(a) The home provides care to residents whose primary disabilities are developmental disabilities as defined by WAC 388-76-590; and

(b) It is determined and documented in a resident's current negotiated care plan that the resident is capable and willing to be left alone unsupervised in the adult family home during normal awake hours. The maximum period of time a resident can be left alone must be documented in the negotiated care plan.

WSR 03-10-091
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed May 6, 2003, 4:53 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-03-017.

Title of Rule: WAC 388-502-0010 Payment—Eligible providers defined.

Purpose: To add the "hold harmless" language from the core provider agreement (CPA), DSHS 09-048, that was inadvertently omitted when the CPA was revised in August 2002. This rule has been in effect since January 8, 2003, as an emergency rule.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090, 74.09.080, 74.09.120.

Summary: MAA is adding the "hold harmless" language that was inadvertently omitted from the revised core provider agreement.

Reasons Supporting Proposal: Without the adoption of this amendment, access to medical care for DSHS clients could be negatively impacted. Medical providers will be reluctant to sign the CPA without the "hold harmless" provision. Without a signed CPA, medical providers cannot be reimbursed by MAA. Without the prospect of reimbursement from MAA, providers may stop accepting DSHS clients as patients. Adding the "hold harmless" language to WAC 388-502-0010 also avoids having to require MAA providers to complete a new core provider agreement, which would be costly and inconvenient to both providers and MAA.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kevin Sullivan, MAA, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1344.

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 and Reasons Supporting Proposal above.

Proposal does not change existing rules. Although this provision is being added to this rule, it has always been a part of the core provider agreement between MAA and MAA providers.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This amendment causes no economic impact on small businesses.

RCW 34.05.328 applies to this rule adoption. The rule meets the definition of a significant legislative rule. MAA has evaluated the potential benefits and costs associated with this rule change, and has determined the benefits far outweigh the costs. MAA has determined there are no costs associated with this rule change. The proposed amendment adds a provision that state both MAA and MAA providers who sign a core provider agreement will each hold the other harmless from a legal action based on the negligent actions or omissions of the other.

Hearing Location: Office Building 2, Auditorium, 14th and Jefferson, Olympia, Washington 98504, on June 10, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by June 3, 2003, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensfh@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail swensfh@dshs.wa.gov, by June 10, 2003.

Date of Intended Adoption: Not sooner than June 11, 2003.

April 20, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-07-076, filed 3/20/01, effective 4/20/01)

WAC 388-502-0010 Payment—Eligible providers defined. The department reimburses enrolled providers for covered medical services, equipment and supplies they provide to eligible clients.

(1) To be eligible for enrollment, a provider must:

(a) Be licensed, certified, accredited, or registered according to Washington state laws and rules; and

(b) Meet the conditions in this chapter and chapters regulating the specific type of provider, program, and/or service.

(2) To enroll, an eligible provider must sign a core provider agreement or a contract with the department and receive a unique provider number. (Note: Section 13 of the core provider agreement, DSHS 09-048 (REV. 06/2002), is hereby rescinded. The department and each provider signing a core provider agreement will hold each other harmless from a legal action based on the negligent actions or omissions of either party under the terms of the agreement.)

(3) Eligible providers listed in this subsection may request enrollment. Out-of-state providers listed in this subsection are subject to conditions in WAC 388-502-0120.

- (a) Professionals:
 - (i) Advanced registered nurse practitioners;
 - (ii) Anesthesiologists;
 - (iii) Audiologists;
 - (iv) Chiropractors;
 - (v) Dentists;
 - (vi) Dental hygienists;
 - (vii) Denturists;
 - (viii) Dietitians or nutritionists;
 - ~~((xiv))~~ (ix) Maternity case managers;
 - (x) Midwives;
 - (xi) Occupational therapists;
 - (xii) Ophthalmologists;
 - (xiii) Opticians;
 - (xiv) Optometrists;
 - (xv) Orthodontists;
 - (xvi) Osteopathic physicians;
 - (xvii) Podiatric physicians;
 - (xviii) Pharmacists;
 - (xix) Physicians;
 - (xx) Physical therapists;
 - (xxi) Psychiatrists;
 - (xxii) Psychologists;
 - (xxiii) Registered nurse delegators;
 - (xxiv) Registered nurse first assistants;
 - (xxv) Respiratory therapists;
 - (xxvi) Speech/language pathologists;
 - (xvii) Radiologists; and
 - (xxviii) Radiology technicians (technical only);
- (b) Agencies, centers and facilities:
 - (i) Adult day health centers;
 - (ii) Ambulance services (ground and air);
 - (iii) Ambulatory surgery centers (Medicare-certified);
 - (iv) Birthing centers (licensed by the department of health);
 - (v) Blood banks;
 - (vi) Chemical dependency treatment facilities certified by the department of social and health services (DSHS) division of alcohol and substance abuse (DASA), and contracted through either:
 - (A) A county under chapter 388-810 WAC; or
 - (B) DASA to provide chemical dependency treatment services;
 - (vii) Centers for the detoxification of acute alcohol or other drug intoxication conditions (certified by DASA);
 - (viii) Community AIDS services alternative agencies;
 - (ix) Community mental health centers;
 - (x) Early and periodic screening, diagnosis, and treatment (EPSDT) clinics;
 - (xi) Family planning clinics;
 - (xii) Federally qualified health care centers (designated by the Federal Health Care Financing Administration);
 - (xiii) Genetic counseling agencies;
 - (xiv) Health departments;
 - (xv) HIV/AIDS case management;
 - (xvi) Home health agencies;
 - (xvii) Hospice agencies;

- (xviii) Hospitals;
- (xix) Indian Health Service;
- (xx) Tribal or urban Indian clinics;
- (xxi) Inpatient psychiatric facilities;
- (xxii) Intermediate care facilities for the mentally retarded (ICF-MR);
- (xxiii) Kidney centers;
- (xxiv) Laboratories (CLIA certified);
- (xxv) Maternity support services agencies;
- (xxvi) Neuromuscular and neurodevelopmental centers;
- (xxvii) Nursing facilities (approved by DSHS Aging and Adult Services);
- (xxviii) Pharmacies;
- (xxix) Private duty nursing agencies;
- (xxx) Rural health clinics (Medicare-certified);
- (xxxi) Tribal mental health services (contracted through the DSHS mental health division); and
- (xxxii) Washington state school districts and educational service districts.

(c) Suppliers of:

- (i) Durable and nondurable medical equipment and supplies;
- (ii) Infusion therapy equipment and supplies;
- (iii) Prosthetics/orthotics;
- (iv) Hearing aids; and
- (v) Oxygen equipment and supplies;
- (d) Contractors of:
 - (i) Transportation brokers;
 - (ii) Interpreter services agencies; and
 - (iii) Eyeglass and contact lens providers.
- (4) Nothing in this chapter precludes the department from entering into other forms of written agreements to provide services to eligible clients.

(5) The department does not enroll licensed or unlicensed practitioners who are not specifically addressed in subsection (3) of this section, including, but not limited to:

- (a) Acupuncturists;
- (b) Counselors;
- (c) Sanipractors;
- (d) Naturopaths;
- (e) Homeopaths;
- (f) Herbalists;
- (g) Massage therapists;
- (h) Social workers; or
- (i) Christian Science practitioners or theological healers.

WSR 03-10-095
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed May 7, 2003, 10:16 a.m.]

WAC 232-12-619, proposed by the Department of Fish and Wildlife in WSR 02-21-059 and 02-21-094 appearing in issue 02-21 of the State Register, which was distributed on November 6, 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 03-10-096
WITHDRAWAL OF PROPOSED RULES
OFFICE OF THE
INSURANCE COMMISSIONER

[Filed May 7, 2003, 10:16 a.m.]

WAC 284-30-510, proposed by the Office of the Insurance Commissioner in WSR 02-21-121 appearing in issue 02-21 of the State Register, which was distributed on November 6, 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 03-10-098
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed May 7, 2003, 11:03 a.m.]

Original Notice.

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

Title of Rule: WAC 246-08-400 Allowable fees for searching and duplicating medical records.

Purpose: The proposed changes adjust the fee that medical providers may charge for searching and duplicating medical records.

Other Identifying Information: The adjustment is based on the change in the consumer price index based on all consumers for the Seattle/Tacoma area for fiscal years 2000 and 2001.

Statutory Authority for Adoption: RCW 70.02.010(12) and 43.70.040.

Statute Being Implemented: RCW 70.02.101 [70.02.-010](12).

Summary: The fees that providers can charge for searching and duplicating medical records cannot exceed .88 cents per page for the first thirty pages and .67 cents per page for all others. The clerical fee may not exceed twenty dollars.

Reasons Supporting Proposal: The proposed rule allows providers to recoup the inflationary costs of providing this service. This adjustment is mandated to occur biennially, and the last update was July 2001.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sherry Thomas, 310 Israel Road, Tumwater, 98501, 236-4612.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule increases the fees that medical providers

may charge for searching and duplicating medical records. The fees are not to exceed .88 cents per page for the first thirty pages, .67 cents per page for all other pages, and clerical fees may not exceed \$20. The increase is designed to assist providers in recouping the cost for maintaining, searching, and duplicating medical records.

Proposal Changes the Following Existing Rules: The rule increases the fees that a provider may charge for searching and duplicating medical records.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is exempt under RCW 34.05.310(4) because it sets a fee pursuant to legislative standard, and therefore does not require a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. This rule is exempt under RCW 34.05.328 (5)(b)(vi); it sets fees according to legislative standards.

Hearing Location: 310 Israel Road S.E., 1st Floor, Tumwater, WA 98501, on June 10, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Sherry Thomas by June 1, 2003, TDD (800) 833-6388.

Submit Written Comments to: Sherry Thomas, Department of Health, P.O. Box 47850, Tumwater, WA 98504-7850, e-mail sherry.thomas@doh.wa.gov, fax (360) 236-4626, by June 10, 2003.

Date of Intended Adoption: June 12, 2003.

April 30, 2003
Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 01-16-009, filed 7/19/01, effective 8/19/01)

WAC 246-08-400 How much can a medical provider charge for searching and duplicating medical records? RCW 70.02.010(12) allows medical providers to charge fees for searching and duplicating medical records. The fees a provider may charge cannot exceed the fees listed below:

(1) Copying charge per page:

(a) No more than (~~eighty-three~~) eighty-eight cents per page for the first thirty pages;

(b) No more than (~~sixty-three~~) sixty-seven cents per page for all other pages.

(2) Additional charges:

(a) The provider can charge a (~~nineteen~~) twenty dollar clerical fee for searching and handling records;

(b) If the provider personally edits confidential information from the record, as required by statute, the provider can charge the usual fee for a basic office visit.

(3) This section is effective July 1, 2001, through June 30, 2003.

WSR 03-10-099
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed May 7, 2003, 11:04 a.m.]

Original Notice.

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

Title of Rule: WAC 246-323-990 Residential treatment facilities for psychiatrically impaired children and youth fees.

Purpose: This section establishes the fees for residential treatment facilities for psychiatrically impaired children and youth.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: RCW 43.70.250.

Summary: The amendment increases the fees by 3.2%, which is the increase allowable within limits established by I-601.

Reasons Supporting Proposal: RCW 43.70.250 authorizes the department to charge fees sufficient to cover the full cost of program operations. The department is requesting a fee increase which is allowable within the I-601 limitations.

Name of Agency Personnel Responsible for Drafting: Yvette Harrison, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-2928; Implementation: Linda Furkay, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-2927; and Enforcement: Gary Bennett, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-2900.

Name of Proponent: Department of Health.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal amends fees within I-601 limitations for the psychiatrically impaired children and youth program. The increase is anticipated to help maintain the cost of operating the program as required by statute through fiscal year 2004.

Proposal Changes the Following Existing Rules: The proposal increases fees by 3.2%, which is the I-601 limitation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.020(3) exempts fees from the small business economic impact statement requirements.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, does not apply to rules that set or adjust fees or rates pursuant to legislative standards according to RCW 34.05.328 (5)(b)(vi).

Hearing Location: Department of Health, 310 Israel Road S.E., Room 152, Tumwater, WA 98501, on June 11, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Yvette Harrison by June 9, 2003, TDD (800) 833-6368 or (360) 236-2928.

Submit Written Comments to: Yvette Harrison, Department of Health, Facilities and Services Licensing, P.O. Box 47852, P.O. Box 47852, Olympia, WA 98501 [98501], fax (360) 236-2901, e-mail yvette.harrison@doh.wa.gov.

Date of Intended Adoption: June 20, 2003.

May 5, 2003

Eric Slagle

Deputy Secretary

for Mary C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 02-16-068, filed 8/5/02, effective 9/5/02)

WAC 246-323-990 Fees. Residential treatment facilities for psychiatrically impaired children and youth (RTF-CY) licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of (~~eighty-five~~) eighty-eight dollars (~~and forty cents~~) for each bed space within the licensed bed capacity of the RTF-CY;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter; and

(3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

WSR 03-10-101

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed May 7, 2003, 11:32 a.m.]

Original Notice.

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

Title of Rule: WAC 251-04-035 Exemptions.

Purpose: This rule stipulates exemptions from Title 251 WAC, including the Washington Personnel Resources Board's definitions for student, part-time, or temporary employees, and part-time professional consultants as stated in chapter 41.06 RCW.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: There are three separate alternatives being proposed. Each proposal will stipulate exemptions from Title 251 WAC.

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

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule stipulates exemptions from Title 251 WAC. There are three separate alternatives being proposed.

Alternative #1 reinstates the exemption language for the State Board for Community and Technical Colleges and the board's historical definitions of student, part-time, or temporary employees, and part-time professional consultants. The board's definitions of student, part-time, or temporary employees, and part-time professional consultants were contained in WAC 251-04-040 which was repealed at the July 2002 board meeting. This alternative is proposed by the Interinstitutional Personnel Officers Committee.

Alternative #2 reinstates the exemption language for the State Board for Community and Technical Colleges and the historical definitions of student employees and part-time professional consultants and provides a new definition of tempo-

PROPOSED

rary or part-time employees. Under this alternative, the criteria for being exempted as a temporary or part-time employee is as follows: "Persons employed to three hundred forty-six hours or less in any twelve consecutive month period from the original date of hire or June 12, 2003, whichever is later." This alternative is being proposed by the Service Employees International Union (SEIU) Local 925 and District 1199 NW, SEIU.

Alternative #3 reinstates the exemption language for the State Board for Community and Technical Colleges and the historical definitions of student employees and part-time professional consultants and provides no criteria being exempted as a temporary or part-time employee. This alternative is being proposed by the Washington Federation of State Employees.

Proposal Changes the Following Existing Rules: See above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 12, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 5, 2003, TDD (360) 753-4107 or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by June 6, 2003.

Date of Intended Adoption: June 12, 2003.

May 7, 2003

E. C. Matt
Secretary

Alternative #1

NEW SECTION

WAC 251-04-035 Exemptions. The provisions of this chapter do not apply to positions listed in RCW 41.06.070 and to the following:

(1) The executive director, his/her confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges.

(2) The following definitions are hereby established as the criteria for identifying positions occupied by student, part-time or temporary employees, and part-time professional consultants that are exempt from the provisions of this chapter.

(a) Students employed by the institution at which they are enrolled (or related board) and who either:

(i) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not take the place of a classified employee laid off due to lack of funds or lack of work; or fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(ii) Are employed in a position directly related to their major field of study to provide a training opportunity; or

(iii) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(b) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(c) Students employed through the state or federal work/study programs.

(d) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, exclusive of overtime or work time as described in subsection (2)(a) of this section.

(e) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

Alternative #2

NEW SECTION

WAC 251-04-035 Exemptions. The provisions of this chapter do not apply to positions listed in RCW 41.06.070 and to the following:

(1) The executive director, his/her confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges.

(2) The following definitions are hereby established as the criteria for identifying positions occupied by student, part-time or temporary employees, and part-time professional consultants that are exempt from the provisions of this chapter.

(a) Students employed by the institution at which they are enrolled (or related board) and who either:

(i) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not take the place of a classified employee laid off due to lack of funds or lack of work; or fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(ii) Are employed in a position directly related to their major field of study to provide a training opportunity; or

(iii) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(b) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(c) Students employed through the state or federal work/study programs.

(d) Persons employed to work three hundred forty-six hour or less in any twelve consecutive month period from the original date of hire or June 12, 2003, whichever is later. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds three hundred forty-six hours in any twelve consecutive month period from the original date of hire or June 12, 2003, whichever is later, exclusive of overtime or work time as described in subsection (2)(a) of this section.

(e) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

Alternative #3

NEW SECTION

WAC 251-04-035 Exemptions. The provisions of this chapter do not apply to positions listed in RCW 41.06.070 and to the following:

(1) The executive director, his/her confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges.

(2) The following definitions are hereby established as the criteria for identifying positions occupied by student, part-time or temporary employees, and part-time professional consultants that are exempt from the provisions of this chapter.

(a) Students employed by the institution at which they are enrolled (or related board) and who either:

(i) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not take the place of a classified employee laid off due to lack of funds or lack of work; or fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(ii) Are employed in a position directly related to their major field of study to provide a training opportunity; or

(iii) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(b) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(c) Students employed through the state or federal work/study programs.

(d) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.



WSR 03-10-069
EXPEDITED RULES
GROWTH MANAGEMENT
HEARINGS BOARDS

[Filed May 6, 2003, 10:19 a.m.]

Title of Rule: Chapter 242-02 WAC, Practice and procedure and chapter 242-04 WAC, Public records.

Purpose: Changes boards' addresses, filing location, changes and sets date for annual joint board meeting, deletes obsolete and repealed sections, minor technical corrections.

Statutory Authority for Adoption: RCW 36.70A.270(7).

Statute Being Implemented: Chapter 36.70A RCW (Growth Management Act).

Summary: See Purpose above.

Reasons Supporting Proposal: Relocation of two boards and solidifying annual joint board meeting dates.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ed McGuire, 900 4th Avenue, Suite 2470, Seattle, WA, (206) 389-2625.

Name of Proponent: Joint Growth Management Hearings Boards (EW, WW and CPS) (Ed McGuire), governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: 1. Corrects addresses for CPSGMHB and EWGMHB.

2. Adds e-mail addresses.
3. Corrects website address.
4. Sets dates for annual and semi-annual joint board meetings.
5. Deletes obsolete and repealed citations and references.
6. Minor technical/administrative corrections, i.e. WWGMHB is identified as the contact and filing point for petitions for rule changes (WAC 242-02-052) and contact for the joint boards (WAC 242-04-050).

Proposal Changes the Following Existing Rules: As noted above - nonsubstantive changes to the boards' rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Ed McGuire, Central Puget Sound Growth Management Hearings Board, 900 4th Avenue, Suite 2470, Seattle, WA 98164, e-mail edm@cps.gmhb.wa.gov, AND RECEIVED BY July 7, 2003, 5:00 p.m.

May 6, 2003

E. G. McGuire
 Board Member - CPSGMHB
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

WAC 242-02-010 Organization. Three growth management hearings boards were established pursuant to chapter 36.70A RCW. Each board is an independent quasi-judicial agency of the state of Washington with three members appointed by the governor who are qualified by experience or training in matters pertaining to land use planning. These rules were developed ~~((and))~~, adopted, and amended jointly by all three boards pursuant to RCW 36.70A.270(7). They should be read in conjunction with the act and the Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 00-09-094, filed 4/19/00, effective 5/20/00)

WAC 242-02-052 Petition for rule making. (1) Right to petition for rule making. Any person may petition the joint boards for the adoption, amendment, or repeal of any rule. Said petition shall be filed with ~~((the Central Puget Sound board during the 1999-2001 biennium;))~~ the Western Washington board ~~((during the 2001-2003 biennium; and the Eastern Washington board during the 2003-2005 biennium)).~~

(2) Form of petition. The form of the petition for adoption, amendment, or repeal of any rule shall generally adhere to the following:

(a) A caption in the following form:

BEFORE THE JOINT GROWTH MANAGEMENT
 HEARINGS BOARDS
 STATE OF WASHINGTON

No.

In the matter of
 the Petition of
 (Name of Petitioner)
 for Rule Making

PETITION FOR RULE MAKING

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether the petitioner seeks the adoption of a new rule or rules, or amendment or repeal of an existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by board rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interests of the petitioner and the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

(c) The petition shall be dated and signed by the party named in the first paragraph or by the petitioner's attorney or other authorized representative. The original and nine copies shall be filed with the appropriate board at its office.

EXPEDITED

AMENDATORY SECTION (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

WAC 242-02-070 Quorum. (1) Joint boards. For the purpose of adopting, amending or repealing these rules, at least two members of each board must concur.

(2) Individual board. For purposes of making orders or decisions or transacting other official business, two members of a board shall constitute a quorum and may act even though one position on the board is vacant. One member or designated hearing examiner may hold hearings and take testimony. The findings of such member or hearing examiner shall not become final until approved by a majority of the board (~~(in accordance with WAC 242-02-840)~~). A board member who does not attend a hearing shall review a transcript or recording of the hearing before signing the decision. (~~In instances of a tie vote, the procedures described in WAC 242-02-870 shall apply.~~)

AMENDATORY SECTION (Amending WSR 98-01-144, filed 12/19/97, effective 1/20/98)

WAC 242-02-072 Principal offices. The principal offices of each board are as follows:

- (1) Eastern Washington Growth Management Hearings Board
(~~Suite 818 Larson Building~~
~~6 South 2nd Street~~
~~Yakima, Washington 98901~~
~~(509) 454-7803~~
~~(509) 454-7292 fax~~)
15 West Yakima, Suite 102
Yakima, Washington 98902
509-574-6960
509-574-6964 fax
e-mail: aandreas476@ew.gmhb.wa.gov
website: www.gmhb.wa.gov
- (2) Western Washington Growth Management Hearings Board
905 24th Way S.W. Suite B-2
P.O. Box 40953
Olympia, Washington 98504-0953
(360) 664-8966
(360) 664-8975 fax
e-mail: western@ww.gmhb.wa.gov
website: www.gmhb.wa.gov
- (3) Central Puget Sound Growth Management Hearings Board
(~~Financial Center~~
~~1215 Fourth Avenue, Suite 322~~
~~Seattle, Washington 98161-1001~~)
900 Fourth Avenue, Suite 2470
Seattle, Washington 98164
(206) 389-2625
(206) 389-2588 fax
e-mail: central@cps.gmhb.wa.gov
website: www.gmhb.wa.gov

NEW SECTION

WAC 242-02-076 Annual and semiannual joint boards meetings. (1) The annual joint boards meeting will be held on the first Thursday and first Friday of October of each year.

(a) In odd-numbered years the annual joint boards meeting will be held within the Central Puget Sound board's region.

(b) In even-numbered years the annual joint boards meeting will be held within the Eastern Washington board's region.

(c) The location, time and agenda for the annual joint boards meeting will be posted on the boards' website (www.gmhb.wa.gov) in September of each year.

(2) The semiannual joint boards meeting will be held on the last Thursday in April each year.

(a) Each year the semiannual joint boards meeting will be held within the Western Washington board's region.

(b) The location, time and agenda for the semiannual joint boards meeting will be posted on the boards' website (www.gmhb.wa.gov) in March of each year.

AMENDATORY SECTION (Amending WSR 00-09-094, filed 4/19/00, effective 5/20/00)

WAC 242-02-834 Publication of final decision and orders. Copies of all final decisions and orders are available from the board that entered the decision and order. The growth management hearings board website is (~~www.gma-boards.wa.gov~~) www.gmhb.wa.gov. Each board posts its decisions within its individual portion of the website and maintains a digest of its decisions.

AMENDATORY SECTION (Amending WSR 00-09-094, filed 4/19/00, effective 5/20/00)

WAC 242-04-050 Communications with each board or the joint boards. (1) All communications with a board, including but not limited to the submission of materials pertaining to its operations and/or administration or enforcement of chapter 42.17 RCW and these rules, requests for copies of each board's decisions and other matters, shall be addressed to the appropriate board's office as follows:

- (a) Eastern Washington Growth Management Hearings Board
(~~Suite 818 Larson Building~~)
15 West Yakima, Suite 102
(~~6 South 2nd Street~~) Yakima, Washington 98902
(~~Yakima, Washington 98901~~) 509-574-6960
(~~(509) 454-7803~~) 509-574-6964 fax
(~~(509) 454-7292 fax~~)
e-mail: aandreas476@ew.gmhb.wa.gov
website: www.gmhb.wa.gov
- (b) Western Washington Growth Management Hearings Board
905 24th Way S.W. Suite B-2
P.O. Box 40953
Olympia, Washington 98504-0953

(360) 664-8966
 (360) 664-8975 fax
 e-mail: western@ww.gmhb.wa.gov
 website: www.gmhb.wa.gov

- (c) Central Puget Sound Growth Management Hearings Board
 ((Financial Center))
 900 Fourth Avenue, Suite 2470
 ((1215 Fourth Avenue, Suite 322))
 Seattle, Washington 98164
 ((Seattle, Washington 98161-1001))
 (206) 389-2625
 (206) 389-2588 fax
 e-mail: central@cps.gmhb.wa.gov
 website: www.gmhb.wa.gov

(2) All communications with the joint boards shall be addressed in care of ((the Central Puget Sound board during the 1999-2001 biennium;)) the Western Washington board ((during the 2001-2003 biennium; and the Eastern Washington board during the 2003-2005 biennium)).

WSR 03-10-071
EXPEDITED RULES
STATE BOARD OF EDUCATION

[Filed May 6, 2003, 11:33 a.m.]

Title of Rule: WAC 180-79A-127 Renewal of certificate.

Purpose: To make an editorial change. The current WAC refers to WAC 180-79-123. It should read WAC 180-79A-123.

Statutory Authority for Adoption: RCW 28.410.010 [28A.410.010].

Statute Being Implemented: RCW 28A.410.010.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

Name of Proponent: State Board of Education.

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

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

Proposal does not change existing rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Larry Davis, Office of

Superintendent of Public Instruction, P.O. Box 47206, Olympia, WA 98504-7206, AND RECEIVED BY July 7, 2003.

May 5, 2003

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

WAC 180-79A-127 Renewal of certificate. A holder of a certificate subject to expiration may renew such certificate subject to the rules in effect at the time of such renewal, unless otherwise stipulated by the provisions of WAC ((180-79-123)) 180-79A-123.

WSR 03-10-093
EXPEDITED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed May 6, 2003, 4:55 p.m.]

Title of Rule: WAC 388-510-1005 Definition—Aliens.

Purpose: Repeal a duplicative rule. The language of this rule was incorporated into the rules contained in WAC 388-424-0005 and 388-424-0010 during a consolidation effort in July 1999, but the repeal of WAC 388-510-1005 was overlooked in filing with the Office of the Code Reviser as WSR 99-19-091.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: This housekeeping action repeals WAC 388-510-1005, which was incorporated into the rules contained in WAC 388-424-0005 and 388-424-0010 in July 1999. This rule was inadvertently overlooked during the consolidation and repeal process during that time.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ann Myers, P.O. Box 45533, Olympia, WA 98504, (360) 725-1345.

Name of Proponent: Medical Assistance Administration, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule duplicates information found elsewhere, so is unnecessary.

Proposal Changes the Following Existing Rules: The rule is being repealed.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF

THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Rules and Policies Assistance Unit, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, AND RECEIVED BY July 7, 2003.

May 1, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-510-1005 Definitions—Aliens.

EXPEDITED

WSR 03-08-026
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed March 26, 2003, 4:45 p.m.]

Effective Date of Rule: Thirty-one days after filing.
 March 21, 2003
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

Chapter 388-145 WAC

EMERGENCY RESPITE CENTERS

PURPOSE

NEW SECTION

WAC 388-145-0010 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 emergency respite centers. Unless noted otherwise, these requirements apply to people who want to be licensed or re-licensed to provide facility-based emergency respite care.

The department is committed to ensuring that children who receive emergency respite care 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.

NEW SECTION

WAC 388-145-0020 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.

"Capacity" means the maximum number of children that a facility is licensed to care for at a given time.

"Children" or "youth," means individuals who are:

- (1) Under eighteen years old, including expectant mothers under eighteen years old; or
- (2) Up to twenty-one years of age with developmental disabilities.

"Child-placing agency" means an agency licensed to place children for temporary care, continued care, or adoption.

"Compliance agreement" means a written licensing improvement plan to address specific skills, abilities, or other issues of a fully licensed facility to maintain and/or increase the safety and well-being of children in their care.

"DCCEL" means the division of child care and early learning. DCCEL licenses child care homes and child care centers.

"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).

Date of Adoption: March 21, 2003.

Purpose: This new chapter 388-145 WAC establishes licensing rules for emergency respite centers (ERCs), also known as crisis nurseries. The legislature passed chapter 230, Laws of 2001 that included an amendment to RCW 74.15.020 defining center-based ERCs and adding RCW 74.15.280 authorizing the department to adopt licensing rules. Emergency respite centers for facilities licensed to provide respite care for children to parents or legal guardians to prevent child abuse or neglect. The permanent rules will replace and supersede the emergency rules filed under WSR 03-06-091 (emergency WAC 388-148-1205 through 388-148-1300).

Statutory Authority for Adoption: RCW 74.15.280, 74.15.020 and chapter 230, Laws of 2001.

Adopted under notice filed as WSR 03-01-117 on December 18, 2002.

Changes Other than Editing from Proposed to Adopted Version: 1. WAC 388-145-0020 Definitions.

a. References to "home or foster home" have been removed. These terms unintentionally appear in several of the chapter definitions. Emergency respite centers are facility-based not home-based.

b. The office of the state fire marshal indicated that their official name is the Washington State Patrol Fire Protection Bureau. Their name has been changed in the text of chapter 388-145 WAC, where "the state fire marshal" was referenced.

2. WAC 388-145-0180. The rule caption has been changed to "May a facility have more than one type of license?" instead of "May an agency have more than one type of license?" If a facility meets the requirements for both an ERC and a child care center they could be licensed for both. The intent is not to preclude an agency from providing other services such as those of a child-placing agency. The change will be made to clarify the intent of WAC 388-145-0180.

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 122, 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 122, Amended 0, Repealed 0.

PERMANENT

"DLR" means the division of licensed resources.

"DOH" means the department of health.

"ERC" or "emergency respite center" is an agency that may be commonly known as a crisis nursery that provides emergency or crisis care for children to prevent child abuse or neglect.

"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.

"Hearing" means the department's administrative review process.

"I" refers to anyone who operates or owns emergency respite 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 facility meets the licensing requirements.

"Licensor" means a division of licensed resources (DLR) employee at DSHS who:

- (1) Approves licenses or certifications for group facilities; and
- (2) Monitors facilities to ensure that they continue to meet health and safety requirements.

"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.

"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.

"Respite" means brief, relief care provided to parents or legal guardians with the child care provider fulfilling some or all of the functions of the care-taking responsibilities of the parent or guardian.

"Severe developmental disabilities" means significant disabling, physical and/or mental conditions(s) that cause a child to need external support for self-direction, self-support and social participation.

"Universal precautions" is a term relating to procedures designed to prevent transmission of bloodborne pathogens in health care and other settings. Under universal precautions (sometimes call standard precautions), blood or other potentially infectious materials of all patients 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.

"Washington state patrol fire protection bureau" is the name of the state agency commonly called the "state fire marshal" with authority and responsibility for the inspection of life and fire safety of facilities caring for six or more children.

"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 an emergency respite center.

GENERAL INFORMATION

NEW SECTION

WAC 388-145-0030 What is an emergency respite center? An emergency respite center is an agency that may be commonly known as a crisis nursery, which provides emergency or crisis care for nondependent children to prevent abuse and/or neglect for up to seventy-two hours.

NEW SECTION

WAC 388-145-0040 What services may be provided or arranged for by the emergency respite center? An emergency respite center may provide the following:

- (1) The provision of direct child care;
- (2) A family assessment;
- (3) Appropriate community service referrals; and/or
- (4) Family support services.

NEW SECTION

WAC 388-145-0050 Are there services an emergency respite center may not provide? The services provided by an emergency respite center may not substitute for those provided by:

- (1) Crisis residential centers;
- (2) HOPE centers; or
- (3) Any other services required under chapter 13.32A (Family reconciliation services) or 13.34 RCW (Child welfare).

NEW SECTION

WAC 388-145-0060 What age children may a center serve? (1) Emergency respite centers may provide care for children from birth through seventeen years.

(2) There is one situation when an emergency respite center may provide care for a person eighteen through twenty years of age. That situation is when an eighteen through twenty-year old person is developmentally disabled and admitted with a sibling who is under eighteen.

NEW SECTION

WAC 388-145-0070 Who may place children at a center? A parent or legal guardian of a child may voluntarily

place a child in an emergency respite center for up to seventy-two hours.

APPLICATION

NEW SECTION

WAC 388-145-0080 Is a license required? (1) In most situations, a license is required to provide child care at an emergency respite center.

(2) The department does not require licenses for people providing care in any of the situations defined in RCW 74.15.020(2). Examples are relatives, school nurseries, and hospitals.

NEW SECTION

WAC 388-145-0090 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 an emergency respite center.

NEW SECTION

WAC 388-145-0100 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, intern, or contractor in an emergency respite 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) Be able to furnish the child with a nurturing, respectful, supportive, and responsive environment.

(3) Not have been disqualified by our background check (chapter 388-06 WAC) before having unsupervised access to children.

NEW SECTION

WAC 388-145-0110 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) of this section, then DLR may deny the application or revoke the license.

NEW SECTION

WAC 388-145-0120 How do I apply for a license? (1) To apply for an emergency respite center license, the person or legal entity responsible for the center must send the application form to your licensor at DLR.

(2) With the application form, you must send the following information:

(a) Written verification for each applicant and staff person of completion of:

(i) A tuberculosis test or x-ray unless you can demonstrate medical reasons prohibiting the test;

(ii) First-aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the children in care; and

(iii) HIV/AIDS and blood borne pathogens training including infection control standards.

(b) A completed background check form for each applicant, staff person, board member, intern or volunteer on the premises who:

(i) Is at least sixteen years old; and

(ii) Has unsupervised access to children (emergency respite centers must comply with chapter 388-06 WAC regarding background checks).

(3) If you, any staff person, board member, intern, or volunteer has lived in Washington state less than three years and will have unsupervised access to children, you must provide us with a completed FBI fingerprint form.

NEW SECTION

WAC 388-145-0130 What is required to document completed background checks on staff? The licensee of an emergency respite center must keep a log of all background check results of employees, volunteers, and interns on the premises of the center.

NEW SECTION

WAC 388-145-0140 What first aid and cardiopulmonary resuscitation (CPR) training is required? (1) You and your staff at an emergency respite center must have the following current first-aid and CPR training:

(a) Basic standard first aid; and

(b) Age-appropriate cardiopulmonary resuscitation (CPR).

(2) Approved first aid and CPR training must be in accordance with a nationally recognized standard.

(3) A person with first aid and CPR training must be on the premises of an emergency respite center at all times, when children are present.

(4) The requirement for CPR training may be waived for persons with a statement from their physician that the training is not advised for medical reasons. This person must not be the only person on the premises when children are present.

(5) 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 388-145-0150 What HIV/AIDS and blood borne pathogens training is required? (1) You must provide or arrange for training for yourself and your staff at an emergency respite center on infection control, prevention, transmission, and treatment of HIV and AIDS and blood borne pathogens.

(2) You must use 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 an emergency respite center must use universal precautions (see definitions) when coming in contact with the bodily fluids or secretions of a child.

NEW SECTION

WAC 388-145-0160 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 your emergency respite center license.

(2) If you fail to meet this deadline and have not contacted your licensor, your licensor may consider your application withdrawn.

(3) If you are applying for a license renewal, you must send the application form to your licensor at least ninety days prior to the expiration of your current license.

LICENSING AND PROGRAM APPROVALNEW SECTION

WAC 388-145-0170 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 an emergency respite center.

(2) You must send to DLR a detailed written program description outlining educational, recreational, and any therapeutic 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 388-145-0180 May a facility have more than one type of license? (1) A facility-based emergency respite center licensed by the division of licensed resources may also be licensed as a child care center by the division of child care and early learning.

(2) The licensee must meet the requirements for both licenses and the have written approval for both licenses from each division.

NEW SECTION

WAC 388-145-0190 What hours may a center be open? An emergency respite center may choose to be open up to twenty-four hours a day, seven days a week.

NEW SECTION

WAC 388-145-0200 How does the department decide how many children a center may serve? (1) The department approves the number of children that an emergency respite center may serve based on an evaluation of these factors:

- (a) Physical accommodations in the center;
- (b) The number of staff, family members 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 Washington state patrol fire protection bureau; 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 than your facility could house.

NEW SECTION

WAC 388-145-0210 Will the department grant exceptions to the licensing requirements? (1) At its discretion, the department may make exceptions to the licensing requirements for emergency respite centers. The exceptions:

- (a) Must regard only nonsafety requirements.
 - (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 requirements.

CORRECTIVE ACTIONNEW SECTION

WAC 388-145-0220 Does the department issue probationary licenses? (1) The department may issue an emergency respite 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 388-145-0230 When is a license denied, suspended or revoked? (1) An emergency respite 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 Washington state patrol fire protection bureau.

(b) You have been disqualified by your background check (see chapter 388-06 WAC).

(c) You have been found to have committed child abuse or neglect, or you treat, permit or assist in treating children in your care with cruelty, indifference, abuse, neglect, or exploitation, 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 an emergency respite 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 388-145-0240 Are there any other reasons that could potentially cause me to lose my license? (1) The

department may suspend or revoke your emergency respite 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 388-145-0250 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 an emergency respite care license, if the licensor receives a notice from the division of child support 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 388-145-0260 How will the department notify me if my license is denied, suspended, or revoked? (1) The department sends you a certified letter informing you of any decision to deny, suspend or revoke your emergency respite center license.

(2) In the letter, the department also informs you what you may do if you disagree with the decision of the department to deny, suspend or revoke your emergency respite center license.

NEW SECTION

WAC 388-145-0270 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 deny, suspend, or revoke your emergency respite center license. The exception is outlined in WAC 388-145-0250 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 CHANGESNEW SECTION

WAC 388-145-0280 Where do I post my license? You must post your emergency respite center license where the public can easily view it.

NEW SECTION

WAC 388-145-0290 What changes to my center must I report to my licensor? (1) You must report to your licensor immediately any changes in the original emergency respite 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 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 an emergency respite 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 SAFETYNEW SECTION

WAC 388-145-0300 Must I comply with the requirements of the Washington state patrol fire protection bureau to receive a license? (1) An emergency respite center must comply with the requirements for fire safety of the Washington state patrol fire protection bureau under WAC 212-12-210.

(2) The Washington state patrol fire protection bureau will issue a notice of approval for licensing to the licensing agency when you have met their requirements for fire safety.

NEW SECTION

WAC 388-145-0310 Do I need to notify the local fire department of the location of my center? You must notify the local fire authority of the location of your emergency respite center.

NEW SECTION

WAC 388-145-0320 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 an emergency respite center.

(2) The department may require you to provide proof that you have met local ordinances.

NEW SECTION

WAC 388-145-0330 Are there other fire safety requirements for inside a center? An emergency respite 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 grade (one-half story) must not be used for care of nonambulatory 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;

(c) Have a minimum net clear open height dimension of twenty-four inches;

(d) Minimum net clear open width dimension of twenty inches;

(e) Have a finished sill height of not more than forty-four inches 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 388-145-0340 What are the requirements for smoke detectors? (1) Emergency respite 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) Emergency respite 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 388-145-0350 What are the requirements for a fire evacuation plan? (1) You must develop a written fire evacuation plan for your emergency respite 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 388-145-0360 What fire prevention measures must I take? The department requires that you must take the following fire prevention measures for your emergency respite 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 388-145-0370 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 Washington state patrol fire protection bureau 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 emergency respite center.

NEW SECTION

WAC 388-145-0380 What fire safety procedures do center staff need to know? You and your staff at an emergency respite center must be familiar with:

- (1) Safety procedures related to fire prevention; and
- (2) All aspects of a fire drill.
- (3) Your 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.

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 388-145-0390 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 an emergency respite center for fire prevention.

HEALTH AND ENVIRONMENTNEW SECTION

WAC 388-145-0400 Does an ERC need approval from the department of health to operate? (1) An emergency respite center must receive a certificate of compliance from the department of health before the department (DSHS) will issue an emergency respite 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 388-145-0410 What are the physical structure safety requirements for a center? You must keep the equipment and the physical structures in your emergency respite center safe and clean for the children you serve. You must:

(1) Maintain your buildings, premises, and equipment in a clean and sanitary condition, free of hazards, and in good repair.

(2) Provide handrails for steps, stairways, and ramps, if required by the department.

(3) Have emergency lighting devices available and in operational condition.

(4) Furnish your center appropriately, based on the age and activities of the children under care.

(5) 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.

(6) 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.

(7) Have easy access to rooms occupied by children in case an emergency arises. Some examples are bedrooms, toilet rooms, shower rooms, and bathrooms.

(8) Have a written disaster plan for emergencies such as fire and earthquakes.

NEW SECTION

WAC 388-145-0420 What are the requirements for the location of a center? (1) Your 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 the department decides that hazardous conditions are present at the emergency respite center, a supervision plan must be written for the children in care.

NEW SECTION

WAC 388-145-0430 What are the requirements for emergency aid vehicle access to my center? (1) Your emergency respite 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 388-145-0440 What steps must I take to ensure children's safety around outdoor bodies of water? (1) You must ensure children in your care at an emergency respite 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 or auditory 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) You must lock 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. The pool must be inaccessible to children when not in use.

(7) A certified lifeguard must be on duty when children are using a public or private swimming pool.

NEW SECTION

WAC 388-145-0450 What measures must I take for pest control? You must make reasonable attempts, using the least toxic methods, to keep the premises of the emergency respite center free from pests. This includes rodents, flies, cockroaches, fleas, and other insects.

NEW SECTION

WAC 388-145-0460 What are the requirements regarding pets and animals at a center? (1) In an emergency respite 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 388-145-0470 Are alcoholic beverages allowed at a center? You can not have alcohol on the premises of an emergency respite center. The staff of the center may not consume alcohol on the premises or during breaks.

NEW SECTION

WAC 388-145-0480 Is smoking permitted around children? (1) You must prohibit smoking in the emergency respite 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 388-145-0490 May I have firearms at a center?

The department prohibits firearms, ammunition, and other weapons on the premises of an emergency respite center.

NEW SECTION

WAC 388-145-0500 May I use wheeled baby walkers? The department prohibits the use of wheeled baby walkers in an emergency respite center.

STORAGE OF MEDICATIONS AND CHEMICALS

NEW SECTION

WAC 388-145-0510 Are there requirements for the storage of medications? At an emergency respite 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 388-145-0520 Are there requirements for storing dangerous chemicals or other substances? (1) At an emergency respite 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 388-145-0530 Are first-aid supplies required?

(1) At an emergency respite 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 388-145-0540 What are the requirements for medical policies and procedures for a center? (1) Emergency respite 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) Emergency respite 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;

(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 388-145-0550 Must all children accepted for care have current immunizations? Emergency respite centers may accept a child who is not current with immunizations for care at an emergency respite center.

NEW SECTION

WAC 388-145-0560 What must I do to prevent the spread of infections and communicable diseases? (1) You must take precautions to guard against infections and com-

municable diseases infecting the children under care in an emergency respite center.

(2) Staff with a reportable communicable disease in an infectious stage, as defined by the department of health, must not be on duty until they have a physician's approval for returning to work.

(3) Each center that cares for medically fragile children must have an infection control program supervised by a registered nurse.

(4) 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 previously having a positive skin test;

(c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis.

(5) 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.

(6) Persons whose tuberculosis skin test is positive must have a chest x-ray within thirty days following the skin test.

(7) The department does not require retesting at the time of license renewal, unless the licensee or staff person believes they have been exposed to someone with tuberculosis or if testing is recommended by their health care provider.

NEW SECTION

WAC 388-145-0570 How do I manage medications for children? You must meet specific requirements for managing prescription and nonprescription medication for children under your care. The requirements are:

(1) Only you or another authorized care provider may give or have access to medications for the child under your care.

(2) Only you or another authorized care provider may give prescription and nonprescription medications. Written approval of the child's parent or legal guardian is required to give the child any medication.

(3) You must keep a record of all medications you give a child.

(4) You or another authorized care provider must contact a pharmacist or the department of health regarding the proper disposal of medications that are not returned to the parent or legal guardian of the child.

(5) You must give certain classifications of non-prescribed medications, only with the dose and directions on the manufacturer's label for the age and /or weight of the child needing the medication. These nonprescribed medications include but are not limited to:

(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; and

(h) Sun screen (for children over six months of age).

NEW SECTION

WAC 388-145-0580 May I accept medicine from a child's parent or guardian? The only medicine you may accept from the child's parent or legal guardian 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 388-145-0590 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.

FOOD/DIET/MENUS

NEW SECTION

WAC 388-145-0600 Are there general menu requirements? The department has menu requirements for emergency respite 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 388-145-0610 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 388-145-0620 How do I handle a child's special diet? Unless a child is admitted to an emergency respite 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 388-145-0630 Do you have special requirements for serving milk? (1) You must serve only pasteurized milk or a pasteurized milk product.

(2) You may not serve the following types of milk to any child under twenty-four months of age unless you have written permission by a physician, or parent or legal guardian:

- (a) Skim milk;
- (b) Reconstituted nonfat dry milk; and
- (c) One and two percent butterfat milk.

NEW SECTION

WAC 388-145-0640 What home canned foods may I use? You may not serve home canned foods to children at an emergency respite center.

NEW SECTION

WAC 388-145-0650 What requirements must I meet for feeding babies? You must meet the following requirements for feeding babies:

(1) If more than one child is bottle-fed, all formulas must be in sanitized bottles with nipples and labeled with the child's name and date prepared.

(2) You must refrigerate filled bottles if the bottles are not used immediately. Contents must be discarded if not used within twenty-four hours.

(3) If you reuse bottles and nipples, you must sanitize them.

(4) Infants who are six months of age or over may hold their own bottles as long as an adult remains in the room, within eyesight. You must take bottles from the child when the child finishes feeding, or when the bottle is empty.

(5) You must not prop a bottle when feeding an infant.

(6) To prevent uneven heating, formula must not be warmed in a bottle used for feeding in a microwave oven.

ROOM REQUIREMENTSNEW SECTION

WAC 388-145-0660 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 an emergency respite center.

(2) With more than twelve 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 388-145-0670 What does the room temperature at a center need to be? (1) You must maintain the temperature within your emergency respite center facility at a reasonable level while occupied. This would normally be a minimum of sixty-eight degrees Fahrenheit during awake 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 388-145-0680 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 emergency respite 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 (see chapter 246-215 WAC). This includes food handler's permit for all staff.

NEW SECTION

WAC 388-145-0690 May I use the kitchen for activities for children? Children are not allowed in the kitchen of an emergency respite center.

NEW SECTION

WAC 388-145-0700 May a room be used for more than one purpose? At your emergency respite 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 388-145-0710 What are the general requirements for bedrooms? You must meet all the following requirements for bedrooms if you provide full-time care at an emergency respite center.

(1) An adult must be on the same floor or within easy hearing distance and accessibility to where children under six years of age are sleeping.

(2) Any room used for sleeping must be at least thirty-five square feet per child.

(3) Bedrooms must have both:

(a) Adequate ceiling height for the safety and comfort of the occupants (normally, 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.

(4) The number of beds allowed at an emergency respite center is established in consultation with the DOH surveyor for each facility.

BEDS AND CRIBSNEW SECTION

WAC 388-145-0720 What are the requirements for beds? (1) Children in overnight care must have their own bed at an emergency respite 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 children.

(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. The licensee 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.

NEW SECTION

WAC 388-145-0730 Are there requirements for the use of cribs? (1) You must provide an infant with a crib that

ensures the safety of the infant and complies with chapter 70.111 RCW, Infant Crib Safety Act.

(2) Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants less than six months of age.

(3) Cribs, infant beds, bassinets, and playpens must:

(a) Have clean, firm, snug fitting mattresses covered with waterproof material that is easily sanitized; and

(b) Be made of wood, metal, or approved plastic with secure latching devices

(4) Crib bumpers, stuffed toys, and pillows must not be used in cribs, infant beds, bassinets, or playpens.

(5) You must follow the recommendation of the American Academy of Pediatrics, 1-800-505-CRIB, placing infants on their backs each time for sleep.

(6) The distance between each crib/bed must provide enough space for exiting and allow staff access to children. Normally, this would be thirty inches.

DIAPER CHANGING AND BATHING FACILITIESNEW SECTION

WAC 388-145-0740 What are the requirements for diapers and diaper-changing areas? At an emergency respite center, you must follow the requirements for diapers, diaper-changing rooms, and potty-chairs.

(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 388-145-0750 What are the requirements for bathing facilities? Emergency respite centers must comply with the requirements that follow.

(1) Bathing facilities must be inaccessible to 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 1:8.

**TELEPHONE/LIGHTING/
VENTILATION/WATER/
WASTE DISPOSAL**

NEW SECTION

WAC 388-145-0760 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 388-145-0770 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 emergency respite center.

(2) Emergency respite centers must have nonhazardous light fixture covers or shatter resistant (or otherwise made safe) light bulbs or tubes.

NEW SECTION

WAC 388-145-0780 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 emergency respite 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 388-145-0790 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 388-145-0800 What are the requirements for sewage and liquid wastes? Emergency respite 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 388-145-0810 What are the requirements for laundry facilities? The department has specific requirements for laundry facilities at an emergency respite 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 388-145-0820 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 emergency respite center. You must sanitize laundry through temperature control or the use of chemicals.

NEW SECTION

WAC 388-145-0830 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 388-145-0840 What are the requirements for hand-washing sinks? (1) An emergency respite 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) An emergency respite center must provide a minimum of one hand washing sink:

(a) For every fifteen children normally on site during the day; and

(b) For every eight children normally on site overnight.

NEW SECTION

WAC 388-145-0850 What are the requirements for toilets? (1) An emergency respite center must provide a minimum of one indoor flush-type toilet:

(a) For every fifteen children normally on site during the day; and

(b) For every eight children normally on site overnight.

(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 toilet.

(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 388-145-0860 Must a center have toilet training equipment for children? (1) An emergency respite 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 PLAY AREASNEW SECTION

WAC 388-145-0870 What are the requirements for indoor play areas? (1) The emergency respite 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 PLAY AREASNEW SECTION

WAC 388-145-0880 What are the requirements for an outdoor play area? (1) You must provide a safe and securely-fenced or department-approved, enclosed outdoor play area at an emergency respite center.

(2) The fenced or approved enclosed outdoor play 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 play area must adjoin directly the indoor premises or be reachable by a safe route and method.

(5) The outdoor play area must promote the child's active play, physical development, and coordination.

NEW SECTION

WAC 388-145-0890 What are the size requirements for an outdoor play area? (1) You must ensure the play area at an emergency respite center contains a minimum of seventy-five usable square feet per child.

(2) If not all of the children are using the outdoor play area at the same time, you may reduce the outdoor play area size by the number of children normally using the play area at one time.

NEW SECTION

WAC 388-145-0900 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 an emergency respite 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 play options.

TRANSPORTATIONNEW SECTION

WAC 388-145-0910 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 388-145-0920 What does the department require for keeping client records? (1) Your records must be kept at your emergency respite center and contain, at a minimum, the following information:

- (a) The child's name and birthdate;
 - (b) Daily attendance logs;
 - (c) A copy of any suspected child abuse and/or neglect referrals made to children's administration;
 - (d) Names, address and home and business telephone numbers of parents or persons to be contacted in case of emergency;
 - (e) Dates and illnesses or accidents while at the center;
 - (f) Medications and treatments given at the center;
 - (g) Facility and/or daily logs must have the signature of the person making the written entry;
 - (h) Health screening information including any allergy information; and
 - (i) Other information determined relevant by the department.
- (2) Identifying and personal information about the child and their family must be kept confidential, unless permission has been given for release by the parent.
- (3) You must keep information about the child and their families in a secure place.

NEW SECTION

WAC 388-145-0930 What written information is needed before a child is admitted to a center? Before accepting a child for care at an emergency respite center you must obtain the following written consent and information from the parent or guardian:

- (1) Permission from the child's parent or guardian authorizing the placement of their child;
- (2) Permission to seek emergency medical care or surgery on behalf of their child;
- (3) Basic family information, including address, telephone numbers, and emergency contact; and
- (4) Basic medical information, including current medication, known allergies, and at-risk behaviors of the child.

CLIENT PROTECTION

NEW SECTION

WAC 388-145-0940 What are the requirements for protecting a child under my care from abuse or 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 or neglect (see RCW 26.44.020(12) and chapter 388-15 WAC for more details).

NEW SECTION

WAC 388-145-0950 What are the nondiscrimination requirements? You must follow all state and federal laws regarding nondiscrimination while providing services to children in your care.

NEW SECTION

WAC 388-145-0960 Do I have to admit or retain all children at the center? An emergency respite center has the right to refuse to admit or retain a child who can not be served safely or who may pose a risk to other children.

CLIENT RIGHTS

NEW SECTION

WAC 388-145-0970 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 388-145-0980 Do I have responsibility for a child's personal items at the center? You must provide separate space for the storage of personal items such as clothing and toys, for each child at your emergency respite center.

DISCIPLINE

NEW SECTION

WAC 388-145-0990 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.

NEW SECTION

WAC 388-145-1000 What types of disciplinary practices are forbidden? (1) You must not use cruel, unusual, frightening, unsafe or humiliating discipline practices, including but not limited to:

- (a) Spanking 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 methods that interfere with a child's basic needs. These include, but are not limited to:
- (a) Depriving the child of sleep;
 - (b) Providing inadequate 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 to control that child's behavior prescribes the medication.

NEW SECTION

WAC 388-145-1010 Does the department require a written statement describing my discipline methods? (1) You must provide a written statement describing the discipline methods you use with your application and re-application for licensure.

(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 388-145-1020 What types of physical restraint are acceptable? (1) You must use efforts other than physical restraint to redirect or de-escalate a situation.

(2) 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.
- (3) You and the staff may use restraining techniques:
- (a) If your emergency respite center provides care to school-age children only; and
 - (b) Is approved by DLR for the use of physical restraint. You and your staff must be trained in accordance with the DLR behavior management policy before restraining a child in a nonemergency situation.

NEW SECTION

WAC 388-145-1030 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 388-145-1040 What must I do following an incident that involved using physical restraint? The director or program supervisor of an emergency respite 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 388-145-1050 What incidents involving children must I report? (1) You or your staff at an emergency respite center must report any of the following incidents immediately to your local children's administration intake staff and the child's parent or legal guardian:

- (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) Unexpected or emergent health problems that require off-site medical treatment;
 - (j) Any medication that is given incorrectly and requires off-site medical treatment; or
 - (k) Serious property damage that is a safety hazard and is not immediately corrected.
- (2) You or your staff must report immediately, any of the following incidents to the child's parent or legal guardian:
- (a) Suicidal/homicidal ideation, gestures, or attempts that do not require professional medical treatment;

- (b) Unexpected health problems that do not require professional medical treatment;
- (c) Any 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; and
- (f) Use of physical restraints for routine behavior management.

STAFFING RATIO

NEW SECTION

WAC 388-145-1060 What is the ratio of child care staff to children at a center? At all times, emergency respite centers must have the following minimum staffing ratios:

- (1) At least two staff on duty when children are present; and
- (2) One child care staff providing visual or auditory supervision for every four children in care.

SUPERVISION OF CHILDREN

NEW SECTION

WAC 388-145-1070 What are the requirements for supervision of children at a center? (1) Emergency respite centers must provide or arrange for care and supervision that is appropriate for the child's age, developmental level, and condition.

- (2) In emergency respite centers, children must be within visual and auditory range at all times.

NEW SECTION

WAC 388-145-1100 What are the minimum qualifications and training requirements for center staff?

Position	Qualifications	Background Check	TB Test	Food Handlers Permit	First Aid and CPR	HIV/AIDS and Bloodborne Pathogens Training
Director or program supervisor	<ul style="list-style-type: none"> •Twenty-one years of age; •Bachelor's degree; or •Five years of experience in child development, social service or related field. 	X	X	X	X	X
Primary child care worker	<ul style="list-style-type: none"> •Twenty-one years of age; •High school diploma or GED; 	X	X	X	X	X

(3) Emergency respite centers must supervise children who help with activities involving food preparation, based on their age and skills.

(4) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower at an emergency respite center.

(5) Staff, volunteers, and others caring for children at an emergency respite 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 388-145-1080 What are the responsibilities of the director? (1) The director of an emergency respite 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 emergency respite center complies with the licensing requirements contained in this chapter.

NEW SECTION

WAC 388-145-1090 Are there general qualifications for all staff in an emergency respite center? You, your staff, and other persons at an emergency respite 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.

PERMANENT

Position	Qualifications	Background Check	TB Test	Food Handlers Permit	First Aid and CPR	HIV/AIDS and Bloodborne Pathogens Training
	<ul style="list-style-type: none"> •Two years of experience caring for children; or •Twenty hours training child development. 					
Child care assistant	<ul style="list-style-type: none"> •Eighteen years of age; •High school diploma or GED; •One year of experience caring for children; or •Twenty hours training if obtained within first year of employment. 	X	X	X	X	X
Work study students	<ul style="list-style-type: none"> •Sixteen years of age; •Involved in an education-related program; and •Supervised by primary or child care assistant. 	X	X	X	X	X
Case manager	Bachelor's degree in social services, child development, or related field; recommended position, not required.	X	X	X	X	X
Volunteers	<ul style="list-style-type: none"> •Sixteen years of age. •Supervised at all times. 	X	X	X	Recommended training	X

NEW SECTION

WAC 388-145-1110 May one person hold two positions at a center? (1) The director and program supervisor may be one and the same person when qualified for both positions.

(2) The director and program supervisor may also serve as child care staff when the role does not interfere with the director's or program supervisor's management and supervisory responsibilities.

NEW SECTION

WAC 388-145-1120 Who must be on the premises while children are in care at a center? (1) The director, program supervisor, or case manager at an emergency respite 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 supervisor must leave a competent, designated staff person in charge. This person must meet the qualifications of primary child care staff person.

(3) During evening, overnight, and weekend shifts, at least one of the staff on the premises must be a primary child care worker when children are present. The other staff may be a child care assistant. The director, program supervisor, or case manager must be on-call and able to respond by telephone within fifteen minutes.

NEW SECTION

WAC 388-145-1130 Are child care assistants allowed to provide care to a group of children without supervision? (1) You may assign a child care assistant to support lead child care staff at an emergency respite center.

(2) No person under eighteen years of age may be assigned sole responsibility for a group of children at an emergency respite center.

(3) Any child care assistant under twenty-one years old may care for a child or group of children without direct supervision for up to fifteen minutes.

NEW SECTION

WAC 388-145-1140 Are volunteers allowed to provide child care to children without supervision? The volunteer at an emergency respite center must care for a child only under the direct supervision of the primary child care staff person or program director.

NEW SECTION

WAC 388-145-1150 Do volunteers count in the staff-to-child ratio respite center? You may count the volunteer in the staff-to-child ratio when the volunteer meets the required staff qualifications at an emergency respite center.

NEW SECTION

WAC 388-145-1160 Are professional consultants and case managers needed? (1) Emergency respite centers may have consultants and case managers available, as needed, to work with the staff, the children you serve, and the children's families. Any consultants or case managers must meet the full professional competency requirements in their respective fields. The consultants and case managers must have:

- (a) The training, experience, knowledge and demonstrated skills in each area that he or she will be advising;
- (b) The ability to ensure that your staff develop their skills and understanding needed to effectively manage their cases;
- (c) Knowledge of mandatory child abuse and neglect reporting requirements; and
- (d) Training and experience in early childhood education.

(2) Consultants and case managers may be hired as staff or operate under a contract with an emergency respite center.

NEW SECTION

WAC 388-145-1170 What clerical, accounting and administrative services do I need? You must have suffi-

cient clerical, accounting and administrative services to maintain proper records and carry out your program at an emergency respite center.

NEW SECTION

WAC 388-145-1180 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 an emergency respite center.

ON-GOING STAFF TRAINING

NEW SECTION

WAC 388-145-1190 Is in-service training required for staff? (1) You must offer in-service training programs for developing and upgrading staff skills.

(2) If you have five or more employees or volunteers, your training plan must be in writing.

(3) You must discuss with the staff your policies and procedures as well as the rules contained in this chapter.

(4) You must provide or arrange for your staff to have training for the services that you provide to children under your care.

(5) Your training on behavioral management must be approved by DLR and must include nonphysical age-appropriate methods of redirecting and controlling behavior, as described in the department's behavior management policy.

(6) Your training must include monthly practice of fire drills and disaster training for each staff.

(7) You must record the amount of time and type of training provided to staff.

(8) This information must be kept in each employee's file or in a separate training file.

PROGRAM ACTIVITIES AND TOYS

NEW SECTION

WAC 388-145-1200 What are the requirements for an activity program? (1) You must provide an activity program at an emergency respite center that is designed to meet the developmental, cultural, and individual needs of the children served at an emergency respite center.

(2) You must ensure the emergency respite center's activity program allows time for children to have daily opportunities for small and large muscle activities and outdoor play.

(3) You must provide a written outline of planned activities, allowing flexibility for special events and specific child circumstances.

NEW SECTION

WAC 388-145-1210 What activities must I provide to children? (1) Activities must be designed for the developmental stages of the children you serve at an emergency respite 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 an emergency respite center are grouped to ensure the safety of children.

NEW SECTION

WAC 388-145-1220 What types of toys must I provide? (1) You must provide safe and suitable toys and equipment for all children in your care at an emergency respite center.

(2) You must have toys that relate to the different developmental stages of the children you serve at an emergency respite center.

WSR 03-10-008
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-81—Filed April 25, 2003, 11:50 a.m.]

Date of Adoption: April 11, 2003.

Purpose: Amend commercial shellfish rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-52-019.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-06-065 on March 3, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 25, 2003

Susan Yeager

for Will Roehl, Chair
 Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

WAC 220-52-019 Geoduck clams—Gear and unlawful acts. (1) It is unlawful to take, fish for or possess geoduck clams taken for commercial purposes from any of the beds of

navigable waters of the state of Washington except as provided in RCW 75.24.100 and rules of the director.

(2)(a) Only a manually operated water jet, the nozzle of which shall not exceed 5/8 inch inside diameter may be used to commercially harvest geoduck clams. Use of any other gear requires a permit from the director.

(b) It is unlawful in the commercial harvest of geoducks for through-hull fittings for water discharge hoses connected to the harvest gear to be below the surface of the water. Any through-hull fitting connected to the harvest gear which is above the surface of the water must be visible at all times.

(3) It is unlawful to take or fish for geoduck clams taken for commercial purposes between one-half hour before official sunset or 7:00 p.m. whichever is earlier and 7:00 a.m. No geoduck harvest vessel may be on a geoduck tract or harvest area after 7:30 p.m. or before 6:30 a.m. It is unlawful to take or fish for geoduck clams on Sundays or on state holidays as defined by the office of financial management. It is unlawful to possess geoduck clams taken in violation of this section.

(4) It is unlawful to harvest geoduck clams with any instrument that penetrates the skin, neck or body of the geoduck.

(5) It is unlawful to possess only the siphon or neck portion of a geoduck clam aboard a geoduck harvest vessel, except when a geoduck is incidentally damaged during harvest and must be reported under a department of natural resources harvest agreement.

(6) It is unlawful to retain any food fish or shellfish other than geoduck clams during geoduck harvesting operations, except for horse clams (*Tresus capax* and *Tresus nuttallii*) when horse clam harvest is provided for under a department of natural resources harvest agreement.

(7) It is unlawful for more than two divers from any one geoduck harvest vessel to be in the water at any one time.

(8) The following documents must be on board the geoduck harvesting vessel at all times during geoduck operations:

(a) A copy of the department of natural resources geoduck harvesting agreement for the tract or area where harvesting is occurring;

(b) A map of the geoduck tract or harvest area and complete tract or harvest area boundary identification documents or photographs issued by the department of natural resources for the tract or harvest area;

(c) A geoduck diver license for each diver on board the harvest vessel or in the water; and

(d) A geoduck fishery license as described in WAC 220-52-01901.

(9) It is unlawful to process geoducks on board any harvest vessel.

(10) It is unlawful to take or fish for geoduck clams for commercial purposes outside the tract or harvest area designated in the department of natural resources geoduck harvesting agreement required by subsection (8)(a) of this section. It is unlawful to possess geoduck clams taken in violation of this subsection.

(11) It is unlawful to harvest geoduck clams in areas deeper than seventy feet below the water surface at any tide height.

(12) Holders of geoduck fishery licenses shall comply with all applicable commercial diving safety regulations adopted by the Federal Occupational Safety and Health Administration established under the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq. Some of those regulations appear at 29 C.F.R. Part 1910, Subpart T.

WSR 03-10-009
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-80—Filed April 25, 2003, 11:53 a.m.]

Date of Adoption: April 12, 2003.

Purpose: Amend landlord damage hunt rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 232-28-266.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-06-066 on March 3, 2003.

Changes Other than Editing from Proposed to Adopted Version: Restore "Antlerless 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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 25, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

WAC 232-28-266 (~~2000-2001, 2001-2002, 2002-~~
2003-2004, 2004-2005, 2005-2006 Landowner damage hunts.

LANDOWNER DAMAGE HUNTS

Deer:

Tag Required: Deer hunter must have a current valid, unaltered, unnotched deer tag on his/her person.

Hunting Method: Any legal weapon.

Season Framework:

((2000-2001))	((2001-2002))	((2002-2003))
<u>2003-2004</u>	<u>2004-2005</u>	<u>2005-2006</u>
August 1-	August 1-	August 1-
March 31	March 31	March 31

Location: Statewide

Legal Deer: Antlerless Only

Kill Quota: 600 Statewide

Elk:

Tag Required: Elk hunter must have a current valid, unaltered, unnotched elk tag on his/her person.

Hunting Method: Any legal weapon

Season Framework:

((2000-2001))	((2001-2002))	((2002-2003))
<u>2003-2004</u>	<u>2004-2005</u>	<u>2005-2006</u>
August 1-	August 1-	August 1-
March 31	March 31	March 31

Location: Statewide

Legal Elk: Antlerless Only

Kill Quota: ~~((100))~~ 200 Statewide

Special Notes: A landowner with deer/elk damage will enter into a Cooperative Agreement with WDFW and establish a boundary for deer/elk hunt, season dates within the framework and number of animals to be removed. Landowner agrees not to claim damage payments and will allow access to hunters during the general hunting seasons. Landowner selects hunters. A landowner damage access permit provided by the landowner will authorize the hunter to use an unused general deer/elk tag to hunt and kill a legal animal during the prescribed damage hunt season.

WSR 03-10-010
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-79—Filed April 25, 2003, 11:54 a.m.]

Date of Adoption: April 11, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-20-016.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-02-032 on December 23, 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.

PERMANENT

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 25, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 01-32, filed 3/13/01, effective 4/13/01)

WAC 220-20-016 Sale and purchase of commercial caught salmon. (1) It is unlawful for any person licensed to take salmon for commercial purposes as required under chapter 77.65 RCW to:

(a) Retain for personal use more than the equivalent of one daily sport bag limit for the area being fished. All salmon taken under commercial license must be recorded on state of Washington fish receiving tickets. The daily limit and possession limit described in this subsection also apply to crew members of the licensed fishing vessel.

(b) Sell any salmon he takes under such license to anyone other than a licensed wholesale dealer located within or outside the state of Washington: Provided, That a person who is himself licensed as a wholesale dealer under the provisions of RCW 77.65.280 may sell his catch to individuals or corporations other than licensed wholesale dealers.

(c) Sell, barter or attempt to sell or barter ((~~ehum~~)) salmon eggs that have been removed from the body cavity of ((~~ehum~~)) salmon unless all carcasses from which eggs have been removed are sold to the same buyer except this subsection does not apply to troll caught salmon or the eggs from such salmon.

(d) Discard ((~~ehum~~)) salmon that may be lawfully retained except fishers may discard salmon that are unmarketable due to pinniped predation.

(2) It is unlawful for any person licensed as a wholesale dealer as required under RCW 77.65.280 and acting in the capacity as an original receiver to purchase or attempt to purchase ((~~ehum~~)) salmon eggs without also purchasing all male and female ((~~ehum~~)) salmon taken by the fisher, including the salmon carcasses from which the eggs were removed.

Purpose: RCW 38.52.540 establishes the enhanced 9-1-1 account in the state treasury. The purpose of new chapter 118-66 WAC is to specify purposes for which moneys collected under the new wireless enhanced 9-1-1 excise tax may be expended as enacted by the 2002 legislature, chapter 341, Laws of 2002, and incorporates existing language in chapter 118-65 WAC in the new chapter 118-66 WAC that currently applies to the existing enhanced 9-1-1 excise tax collected on switched access lines.

Citation of Existing Rules Affected by this Order: Repealing chapter 118-65 WAC; and new chapter 118-66 WAC.

Statutory Authority for Adoption: RCW 38.52.540.

Adopted under notice filed as WSR 03-04-108 on February 5, 2003.

Changes Other than Editing from Proposed to Adopted Version: The following changes were made for clarification to WAC 118-66-030 Definitions:

In definition (15) changed the phrase "E9-1-1 Service Provider's" to "RCSC's."

In definitions (44) and (54) added the phrase "or county."

In definition (48) deleted the phrase "additions or changes to their" and added after "Service" the phrase "affecting additions or changes to their networks."

In definitions (15), (42), and (53) changed the word "customer" to "end user."

In definitions (40), (49), and (50) changed the word "customer" to "wireless end user."

Added definition (76) for "Wireless End User."

In WAC 118-66-040(3) deleted the typographical error "32."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 2, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 8, Amended 0, Repealed 9.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 1, 2003.

April 25, 2003

Robert G. Oenning

E 9-1-1 Coordinator

WSR 03-10-014

PERMANENT RULES

MILITARY DEPARTMENT

[Filed April 25, 2003, 2:10 p.m., effective July 1, 2003]

Date of Adoption: April 21, 2003.

Chapter 118-66 WAC

ENHANCED 9-1-1 FUNDING

NEW SECTION

WAC 118-66-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 38.52.540 and 38.52.545.

NEW SECTION

WAC 118-66-020 Purpose and priorities. (1) RCW 38.52.540 authorizes the establishment of an enhanced 9-1-1 account in the state treasury and specifies that the funds shall be used only

(a) To support the statewide coordination and management of the enhanced 9-1-1 system,

(b) For the implementation of wireless enhanced 9-1-1 statewide, and

(c) To help supplement, within available funds, the operational costs of the system, including:

(i) Adequate funding of counties to enable implementation of wireless enhanced 9-1-1 service, and

(ii) Reimbursement of radio communications service companies for costs incurred in providing wireless enhanced 9-1-1 service pursuant to negotiated contracts between counties or their agents and the radio communications service companies.

(2) RCW 38.52.545 provides that the rules defining the purposes for which available enhanced 9-1-1 funds may be expended shall consider the base needs of individual counties for specific assistance, and establishes the following expenditure priorities for such funds:

(a) To assure that 9-1-1 dialing is operational statewide;

(b) To assist counties as necessary to assure they can achieve a basic service level for 9-1-1 operations; and

(c) To assist counties as practicable to acquire items of a capital nature appropriate to increasing 9-1-1 effectiveness.

(3) The state enhanced 9-1-1 coordinator, with the advice and assistance of the enhanced 9-1-1 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of enhanced 9-1-1 services for all counties and to specify by rule the operational purposes for which funds, if available, may be expended from the enhanced 9-1-1 account.

(4) The purpose of these rules is to define the criteria and priority for enhanced 9-1-1 fundable items and requirements for eligible entities to receive enhanced 9-1-1 assistance from the state enhanced 9-1-1 account.

NEW SECTION

WAC 118-66-030 Definitions. (1) **"9-1-1 Management Information System"** shall mean equipment that collects, stores and collates 9-1-1 call data into reports and statistics.

(2) **"9-1-1 Voice Network"** shall mean switching systems and circuits which provide the connection between the

caller's switching office and the public safety answering point (PSAP).

(3) **"Address"** shall mean the identification of a unique physical location by street name, number, and postal community, latitude, longitude (and, when available, altitude). When applicable, the address may contain the identification of separately-occupied subunits, such as apartment or suite numbers, and where appropriate, other information such as building name or floor number which defines a unique physical location.

(4) **"Advisory Committee"** shall mean the enhanced 9-1-1 advisory committee as established by RCW 38.52.530.

(5) **"Alternate Routing"** shall mean a method of routing 9-1-1 calls to a designated alternate PSAP location when all 9-1-1 lines are busy at the primary PSAP location.

(6) **"ANI/ALI Controllers"** shall mean the stand-alone components that provide control functions for retrieving and interpreting information in the ANI and ALI databases.

(7) **"ANI/ALI Display Equipment"** shall mean the equipment at the PSAP call answering position necessary for the display of Automatic Number Identification and Automatic Location Identification.

(8) **"Automatic Location Identification (ALI)"** shall mean a feature of the enhanced 9-1-1 system by which the name and address associated with the calling party's telephone number (identified by ANI feature) is forwarded to the PSAP for display.

(9) **"Automatic Location Identification (ALI) Database"** shall mean the set of ALI records residing on a computer system at an E9-1-1 Service Provider

(10) **"Automatic Location Identification/Data Management System (ALI/DMS)"** shall mean a system of manual procedures and computer programs used to create, store, and update the data required for automatic location identification in support of enhanced 9-1-1.

(11) **"Automatic Number Identification (ANI)"** shall mean a feature of the enhanced 9-1-1 system that allows for the automatic display of the telephone number used to place a 9-1-1 call.

(12) **"B.01/P.01 Grade of Service"** shall mean a level of service where the probability that one call out of one hundred (one percent) will be blocked during the average busy hour.

(13) **"Call Detail Recorder"** shall mean equipment used to store, record and print ANI/ALI information for 9-1-1 calls.

(14) **"Cell Sector"** shall mean an area, geographically defined according to an RCSC's radio frequency coverage data, consisting of a certain portion or all of the total coverage area of a Cell Site.

(15) **"Cell Site"** shall mean an RCSC's radio frequency base station that receives calls from wireless end users.

(16) **"Computer Aided Dispatch (CAD)"** shall mean equipment capable of receiving and disseminating detailed information related to emergency services call taking and dispatching.

(17) **"Department"** shall mean the Military Department.

(18) **"E9-1-1 Mapping Administration"** shall mean personnel, hardware, and software necessary to create and maintain map data necessary to interpret Phase II E9-1-1 latitude and longitude (and, when available, altitude), and to display the data on a PSAP call answering position.

(19) **"E9-1-1 Service Provider"** shall mean a LEC providing the Selective Routing services for county wireline E9-1-1 service.

(20) **"Electronic Mail"** shall mean a means of delivering text, data, graphics and other electronic media via a private computer network or the internet.

(21) **"Emergency Service Number (ESN)"** shall mean a number representing an emergency service zone, used to facilitate the selective routing and selective transfer of 9-1-1 calls to the appropriate PSAP.

(22) **"Emergency Service Zone (ESZ)"** shall mean a geographical area with a combination of designated police, fire, and emergency medical service providers.

(23) **"Instant Call Check"** shall mean equipment which records 9-1-1 call conversations for immediate playback on demand.

(24) **"Language Line Service"** shall mean language interpreter services for 9-1-1 calls.

(25) **"Local Exchange Company (LEC)"** shall mean every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide telephone exchange service or exchange access. Such term does not include the provision of radio communications service.

(26) **"Location"** has the same definition as "Address" in this section.

(27) **"Location Determination Technology (LDT)"** shall mean the technology used exclusively to determine position or geographic location using latitude and longitude (and, when available, altitude) of a wireless E9-1-1 caller when the Mobile Switching Center (MSC) starts a call or while the MSC is engaged in a call.

(28) **"Logging Recorder"** shall mean a device that is capable of time stamping, recording and replaying 9-1-1 call conversations.

(29) **"Mapping Display"** shall mean equipment capable of displaying 9-1-1 call locations on a map.

(30) **"Master Street Address Guide (MSAG)"** shall mean a database of street names and address ranges within their associated postal communities defining emergency service zones for 9-1-1 purposes.

(31) **"Mobile Directory Number (MDN)"** shall mean the telephone number of the mobile handset used to originate the 9-1-1 call.

(32) **"Mobile Positioning Center (MPC)"** shall mean a point of interface to a wireless network for the Emergency Service Network. The Gateway Mobile Location Center (GMLC) serves as the point of interface to the Global Standard for Mobile Communications (GSM) wireless network. The MPC and GMLC serve as the entity that retrieves, forwards, stores and controls position data within the location network. The MPC/GMLC entity receives position informa-

tion from the wireless network, forwards it to the Emergency Services Network upon request and coordinates requests for position update.

(33) **"Mobile Switching Center (MSC)"** shall mean the wireless equivalent of a Switching Office that provides switching functions for wireless calls.

(34) **"MSC Phase I Software Capabilities"** shall mean software at an MSC that is necessary for the provision of Phase I E9-1-1 Service and is used exclusively this purpose.

(35) **"MSC Phase II Software Capabilities"** shall mean software at the MSC that is necessary for the provision of Phase II E9-1-1 Service, and is exclusively used for this purpose.

(36) **"Multicounty Region"** shall mean two or more counties served by a regional PSAP.

(37) **"Night Service"** shall mean a feature that forwards all 9-1-1 calls routed to a designated PSAP to an alternate directory number preassigned for that PSAP. The alternate directory number may be associated with another PSAP or other alternate destination.

(38) **"Phase I 9-1-1 Voice Network"** shall mean the dedicated 9-1-1 trunks between an MSC and a Selective Router, and between a Selective Router and PSAPs.

(39) **"Phase I Address"** shall mean the identification of a Cell Site and Cell Sector from which a 9-1-1 call originates, and includes identification of a Cell Site address, Cell Sector orientation, and/or a text description of the area.

(40) **"Phase I ALI Database"** shall mean a computer database used to update the MDN information of wireless end user and Cell Site and Cell Sector Information.

(41) **"Phase I ALI Data Circuit"** shall mean a dedicated 9-1-1 data circuit between an MSC and a Service Control Point (SCP), and between an SCP and an ALI Database.

(42) **"Phase I Automatic Location Identification (ALI)"** shall mean the MDN information of wireless end users and the Cell Site and Cell Sector Information.

(43) **"Phase I E9-1-1 Service"** shall mean service that facilitates the selective routing of wireless 9-1-1 Calls and the display of Phase I ALI at the PSAPs.

(44) **"Phase I Implementation Plan"** shall mean a plan of an RCSC or county for implementation of Phase I E9-1-1 Service in a county or counties in Washington State, including, but not limited to: Phase I E9-1-1 Service activation date; network flowchart (including the Company's relevant MSCs); specification of the technology used for interface to the Selective Router and the ALI/Data Management System (DMS) and a 9-1-1 Call flow description; procedures for updating Cell Site and Cell Sector Information; default and diverse routing plans; and an outline of Phase I E9-1-1 Service testing procedures.

(45) **"Phase I Interface to ALI Database"** shall mean the physical connection of Phase I ALI Data Circuits from a Service Control Point (SCP) or Selective Router to the ALI Database, and the ALI feature enabling of the Circuits.

(46) **"Phase I Interface to Selective Router"** shall mean the physical connection of the Phase I 9-1-1 Voice Network from an MSC of an RCSC to a Selective Router, and the Selective Router feature enabling of the 9-1-1 trunks.

(47) **"Phase I Master Street Address Guide (MSAG)"** shall mean records in a Master Street Address Guide associated with each Cell Sector that provide Cell Site and Cell Sector identification, address, coverage information, service provider name, and PSAP of the Cell Sector for automatic display at the PSAP when a wireless 9-1-1 call is processed by that Cell Sector.

(48) **"Phase I Testing"** shall mean testing conducted by an RCSC when Phase I E9-1-1 Service is implemented to ensure the service is working correctly and testing after a Company makes Phase I E9-1-1 Service affecting additions or changes to their networks.

(49) **"Phase II Address"** shall mean the latitude and longitude (and, when available, altitude) of the wireless end user.

(50) **"Phase II ALI"** shall mean the latitude and longitude (and, when available, altitude) of the wireless end user, in addition to the MDN information. When the latitude and longitude are not available the Phase II ALI defaults to Phase I ALI as defined in this chapter.

(51) **"Phase II ALI Data Stream"** shall mean the location information and formatting required for data collected by the LDT and transmitted to the PSAP.

(52) **"Phase II Computer Aided Dispatch (CAD) System Upgrades"** shall mean upgrades to the PSAP CAD system necessary to interpret the Phase II ALI DataStream or to provide output to display Phase II location.

(53) **"Phase II E9-1-1 Service"** shall mean service provided by an RCSC that delivers Phase I E9-1-1 Service and latitude and longitude (and, when available, altitude) of the wireless end user.

(54) **"Phase II Implementation Plan"** shall mean a plan of an RCSC or county for implementation of Phase II E9-1-1 Service in a county or counties in Washington state, including, but not limited to: Phase II E9-1-1 Service activation date; network flowchart (including specification of the technology used for Phase II); and an outline of Phase II E9-1-1 Service testing procedures.

(55) **"Phase II Testing"** shall mean testing conducted by an RCSC when Phase II E9-1-1 Service is implemented to ensure the service is working correctly, and periodic testing necessary for the maintenance of the service.

(56) **"Position Determining Entity (PDE)"** is used interchangeably with and shall mean "Location Determination Technology (LDT)" as defined herein.

(57) **"PSAP Mapping"** shall mean a system capable of converting Phase II latitude and longitude (and, when available, altitude) to a map display at the 9-1-1 call answering positions at the PSAPs.

(58) **"Pseudo-ANI (P-ANI)"** shall mean a telephone number used to support routing of wireless 9-1-1 calls that may identify a wireless cell, cell sector, or PSAP to which the call should be routed.

(59) **"Public Safety Answering Point (PSAP)"** shall mean the public safety answering location for 9-1-1 calls originating in a given area. PSAPs are designated as primary or secondary, which refers to the order in which calls are directed for answering.

(60) **"Radio Communications Service Company (RCSC)"** shall mean every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide commercial mobile radio communications services, or cellular communications service for hire, sale, and both facilities-based and nonfacilities-based resellers, and does not include radio-paging providers.

(61) **"Regional PSAP"** shall mean a single facility answering 9-1-1 calls for multiple counties (two or more) on a twenty-four hours a day, seven days a week basis and operated under a single management and fiscal structure.

(62) **"Reverse ALI Search"** shall mean the ability to electronically query the ALI database to obtain an address associated with a known telephone number.

(63) **"Route Diversity"** shall mean a method of assuring continuity of service by using multiple transmission routes to deliver a particular service between two points on a network.

(64) **"Selective Router"** shall mean a Switching Office that provides tandem switching of 9-1-1 calls and controls delivery of a voice call with ANI to the PSAP and provides selective routing, speed calling, selective transfer, fixed transfer, and certain maintenance functions for each PSAP.

(65) **"Selective Routing"** shall mean a feature that permits a 9-1-1 call to be routed to a pre-designated PSAP based upon the address and/or location associated with the originating telephone number.

(66) **"Service Control Point (SCP)"** (also referred to as "signal control point") shall mean a remote database within the Signaling System 7 (SS7) signaling network that supplies the translation and routing data needed to deliver advanced network services.

(67) **"Service Control Point (SCP) Phase I Capabilities"** shall mean database and routing translations necessary for interpretation of data provided by the MSC on wireless 9-1-1 calls to allow 9-1-1 calls to be routed to the correct PSAP and display the correct MDN of the wireless phone and the correct Cell Site and Cell Sector information.

(68) **"Service Control Point (SCP) Phase II Capabilities"** shall mean specific functions and features necessary for interpretation of Phase II data provided by the MPC on wireless 9-1-1 calls to allow 9-1-1 calls to be routed to the correct PSAP and display the latitude and longitude (and, when available, altitude) of the caller.

(69) **"Signaling System 7 (SS7)"** shall mean an out of band signaling system used to provide basic routing information, call set-up and other call termination functions in which signaling is removed from the voice channel itself and put on a separate data network.

(70) **"Switching Office"** shall mean a telecommunications provider facility that houses the switching and trunking equipment serving telephones in a defined area.

(71) **"Switching Office Enabling"** shall mean the technology that allows the public network telephone Switching Office to recognize and accept the digits 9-1-1.

(72) **"Telecommunications Provider"** shall mean a telecommunications company as defined in RCW 80.04.010,

a RCSC as defined herein, and a commercial mobile radio service provider as defined in 47 CFR, section 20.3.

(73) "TTY" shall mean a telecommunications device that permits typed telephone conversations with or between deaf, hard of hearing, or speech impaired people with a machine at their location.

(74) "Traffic Studies" shall mean 9-1-1 call studies performed by a telecommunications provider.

(75) "Uninterruptible Power Supply (UPS)" shall mean a system designed to provide power, without delay or electrical transients, during a period when the normal power supply is incapable of performing acceptably.

(76) "Wireless End User" shall mean any person or entity placing a 9-1-1 call on an RCSC's network.

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.

NEW SECTION

WAC 118-66-040 County eligibility for funding. (1) As required by RCW 38.52.510, each county shall provide funding for the enhanced 9-1-1 communication system in the county or district in an amount equal to the amount the maximum taxes under RCW 82.14B.030(1) would generate in the county or district or the amount necessary to provide full funding of the system in the county or district, whichever is less.

(2) A county in the state of Washington may be eligible to receive available wireline funds from the enhanced 9-1-1 account for certain eligible wireline enhanced 9-1-1 expenses as described in this chapter only if the county has imposed the maximum county wireline enhanced 9-1-1 tax allowed under RCW 82.14B.030(1).

(3) A county in the state of Washington may be eligible to receive available wireless funds from the enhanced 9-1-1 account for certain eligible wireless enhanced 9-1-1 expenses as described in this chapter related to implementation and operation of the enhanced wireless communication system only if the county has imposed the maximum county wireless enhanced 9-1-1 tax allowed under RCW 82.14B.030(2).

(4) Funds for wireless enhanced 9-1-1 service shall not be distributed to any county that has not negotiated or in good faith attempted to negotiate a wireless enhanced 9-1-1 Phase I or Phase II service agreement with the applicable RCSC(s).

NEW SECTION

WAC 118-66-042 Radio communications service company (RCSC) eligibility for wireless funding. (1) The state enhanced E9-1-1 coordinator is authorized to enter into statewide agreements to improve the efficiency of enhanced 9-1-1 services for all counties, and may do so through execution of statewide agreements with RCSC(s).

(2) Funds for wireless enhanced 9-1-1 service shall not be distributed to any Radio Communications Service Company that has not negotiated or in good faith attempted to negotiate a wireless enhanced 9-1-1 Phase I or Phase II service agreement with the applicable county(ies).

NEW SECTION

WAC 118-66-045 Washington state patrol (WSP) eligibility for wireless funding. Upon designation by a county as a Public Safety Answering Point for wireless 9-1-1 calls, Washington State Patrol communications centers may be eligible to receive available wireless funds from the enhanced 9-1-1 account for ANI/ALI controllers and necessary interfaces to send data to other PSAP equipment, Phase I E9-1-1 voice network, PSAP mapping, Phase II CAD upgrades, and for ANI/ALI display equipment. Such eligibility shall be based on the portion of wireless 9-1-1 calls initially received by the regional Washington State Patrol communications center serving the designating county.

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 118-66-050 Eligible expenses. Enhanced 9-1-1 communications systems are comprised of multiple components. Subject to available funds, expenses for implementation, operation, and maintenance costs of these components may be eligible for reimbursement if incurred by eligible entities. The components listed below may be eligible for reimbursement to eligible entities from the enhanced 9-1-1 account based on a reasonable prioritization by the state E9-1-1 coordinator with the advice and assistance of the enhanced 9-1-1 advisory committee and in accordance with the purposes and priorities established by statute and regulation, including WAC 118-66-020.

(1) Expenses for the following wireline components may be eligible for reimbursement from the enhanced 9-1-1 account from funds generated under the state wireline enhanced 9-1-1 excise tax (RCW 82.14B.030(3)):

- (a) Statewide dialing items:
 - (i) Switching Office Enabling;
 - (ii) Automatic Number Identification (ANI);
 - (iii) 9-1-1 Voice Network (B.01/P.01 Grade of Service level required);
 - (iv) Traffic Studies between Switching Offices and the Selective Router;
 - (v) MSAG coordination and maintenance;
 - (vi) ALI/DMS service;
 - (vii) Reverse ALI Search capability;
- (b) Basic service items:
 - (i) Route Diversity between Switching Offices and Selective Router;

(2) Expenses for the following wireless components may be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireless enhanced 9-1-1 excise tax (RCW 82.14B.030(4)):

- (a) Wireless Phase I E9-1-1 service components:
 - (i) Phase I Automatic Location Identification (ALI);
 - (ii) Phase I Address;
 - (iii) Service Control Point Phase I Capabilities;
 - (iv) Phase I ALI Database;
 - (v) Phase I MSAG coordination;
 - (vi) Phase I Interface to Selective Router;

- (vii) Phase I Interface to ALI Database;
- (viii) Phase I Testing;
- (ix) Phase I Implementation Plans;
- (x) Phase I Implementation Agreements;
- (xi) Pseudo-ANI (P-ANI);
- (xii) Phase I 9-1-1 Voice Network;
- (xiii) MSC Phase I Software Capabilities;
- (xiv) Traffic Studies between the MSC and Selective Router;

(xv) Phase I ALI Data Circuits;

(b) Wireless E9-1-1 Phase II service components (including all Phase I components):

- (i) PSAP Mapping;
- (ii) Phase II CAD System Upgrades;
- (iii) Location Determination Technology;
- (iv) Phase II Implementation Plan;
- (v) Phase II Testing;
- (vi) MSC Phase II Software Capabilities;
- (vii) Service Control Point Phase II Capabilities; and
- (viii) Mobile Positioning Center.

(3) Expenses for the following components are shared with wireline and wireless enhanced 9-1-1 services and may be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireline enhanced 9-1-1 excise tax (RCW 82.14B.030(3)) and from enhanced 9-1-1 account funds generated under the statewide wireless enhanced 9-1-1 excise tax (RCW 82.14B.030(4)):

(a) Statewide dialing items:

- (i) Selective Routing;
- (ii) Automatic Location Identification (ALI) Database;
- (iii) Traffic Studies between Selective Router and PSAP;
- (iv) ANI/ALI Controllers and necessary interfaces to send data to other PSAP equipment;

(v) ANI/ALI Display Equipment for primary PSAPs;

(vi) That portion of a telephone system compatible with enhanced 9-1-1 that is used to answer 9-1-1 calls;

(vii) TTY required for compliance with the American Disabilities Act (ADA);

(viii) County 9-1-1 coordinator duties;

(b) Basic service items:

(i) Call Detail Recorder and/or printer;

(ii) E9-1-1 Mapping Administration;

(iii) Mapping display for call answering positions that are ANI/ALI equipped.

(iv) Instant Call Check equipment (one per 9-1-1 call answering position);

(v) Uninterruptible Power Supply (UPS) for PSAP enhanced 9-1-1 equipment;

(vi) 9-1-1 Management Information System;

(vii) Headsets for 9-1-1 call takers;

(viii) 9-1-1 call receiver salaries and benefits;

(ix) Language Line Service;

(x) Call receiver training;

(xi) Enhanced 9-1-1 document retention and destruction;

(xii) 9-1-1 coordinator Electronic Mail;

(xiii) Route Diversity between selective router and PSAP;

(xiv) Alternate Routing and/or Night Service;

(c) Capital:

(i) Auxiliary generator to support 9-1-1 emergency telephone service for backup;

(ii) Logging Recorder for 9-1-1 call;

(iii) Computer Aided Dispatch (CAD) system hardware and software; and

(iv) Clock synchronizer.

NEW SECTION

WAC 118-66-080 Allocation of funds. (1) Within available funds and consistent with statutory and regulatory purposes and priorities, the state enhanced 9-1-1 coordinator (with the advice and assistance of the enhanced 9-1-1 advisory committee) has the discretion to allocate enhanced 9-1-1 account funds to eligible entities as reimbursement for wireline and wireless enhanced 9-1-1 eligible expenses.

(2) Eligible expenses for wireline components established in WAC 118-66-050(1) may only be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireline enhanced 9-1-1 excise tax (RCW 82.14B.030(3)). Such funds shall be allocated based on statutory and regulatory purposes and priorities and WAC 118-66-020.

(3) Eligible expenses for wireless components established in WAC 118-66-050(2) may only be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireless enhanced 9-1-1 excise tax (RCW 82.14B.030(4)). Such funds shall be allocated based on statutory and regulatory purposes and priorities and WAC 118-66-020.

(4) Eligible expenses for components established in WAC 118-66-050(3) may be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireline enhanced 9-1-1 excise tax (RCW 82.14B.030(3)) and enhanced 9-1-1 account funds generated under the state wireless enhanced 9-1-1 excise tax (RCW 82.14B.030(4)). The amount allocated from each tax source will be based on an equitable distribution determined by the state E9-1-1 coordinator with the advice and assistance of the enhanced 9-1-1 advisory committee. Such funds shall be allocated based on statutory and regulatory purposes and priorities and WAC 118-66-020.

NEW SECTION

WAC 118-66-081 Funding applications. Requests for funding shall be submitted in accordance with application formats developed by the state E9-1-1 coordinator and shall include plans and budget information justifying the funding request, an annual schedule of eligible items, funding levels, and funding priority. The state E9-1-1 coordinator will establish a schedule of annual application dates.

NEW SECTION

WAC 118-66-085 Reporting requirements for radio communications service companies (RCSCs). In addition to other reports that may be required as a condition of funding, RCSCs shall report to the state E9-1-1 office, on a per county basis, the total number of customers, including cus-

tomers that are using resold services from that company, based on the customer's place of primary use. These numbers shall reflect the total number of customers at the end of each calendar year and shall be furnished to the respective county enhanced 9-1-1 coordinator by March 1 of the following year. RCSCs shall conduct Traffic Studies on 9-1-1 call volumes between their MSC and each Selective Router in the state as requested by the state E9-1-1 coordinator. Up to four studies may be requested by the state E9-1-1 coordinator during any calendar year.

NEW SECTION

WAC 118-66-090 Other rules. Through other state agencies, such as, the Washington Utilities and Transportation Commission, rules have and will be adopted which will impact the statewide operation of enhanced 9-1-1. By this reference, this rule is intended to be consistent with and complementary to these other rules.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 118-65-010 Authority.
- WAC 118-65-020 Purpose.
- WAC 118-65-030 Definitions.
- WAC 118-65-040 Eligible jurisdictions.
- WAC 118-65-050 Fundable items.
- WAC 118-65-060 Local plan requirements.
- WAC 118-65-070 Funding priorities.
- WAC 118-65-081 Application procedures.
- WAC 118-65-090 Other rules.

WSR 03-10-019
PERMANENT RULES
DEPARTMENT OF ECOLOGY
 [Order 02-18—Filed April 28, 2003, 11:14 a.m.]

Date of Adoption: April 28, 2003.

Purpose: To amend chapter 173-06 WAC so it will conform and be consistent with chapter 43.21A RCW while also providing an administratively manageable framework for delegation of authority from the director to employees of the department. Both the statute and the rule address the establishment of appropriate signature delegation processes in the Department of Ecology. The rule amendments will update WAC 173-06-120 and provide clear guidance for signature delegation in ecology.

Citation of Existing Rules Affected by this Order: Amending WAC 173-06-120.

Statutory Authority for Adoption: RCW 34.05.322, 43.21A.080, and 43.21A.090.

Adopted under notice filed as WSR 03-04-081 on February 3, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 28, 2003

Tom Fitzsimmons

Director

AMENDATORY SECTION (Amending Order 94-45, filed 3/9/95, effective 4/9/95)

WAC 173-06-120 Delegation. ~~((1) The authority delegated hereby includes the authority to:~~

~~(a) Act on behalf of the department in the administration of programs and all other duties assigned the department; and~~

~~(b) Approve or deny engineering reports, plans and specifications, or amendments thereto, required to be submitted to the department.~~

~~Delegated powers include, but are not limited to, the authority to issue orders, directives or decisions reviewable before appropriate administrative or judicial bodies. The delegation established by this rule shall be effective when the person to whom delegation is made has been issued a letter from the director authorizing him or her to act for the department with respect to the specifics set forth in such letter.~~

~~(2) Whenever an individual is delegated the authority to approve or deny engineering reports, plans and specifications, or amendments thereto, such approval or denial must be based on engineering services provided by a registered professional engineer in accordance with current state law.~~

~~(3) Any person who has been properly designated to serve in a temporary or acting capacity for an employee who has been delegated authority under this rule shall have the same delegated authority as the individual permanently holding the position.~~

~~(4) In the absence of a person who has been delegated authority by the director, managers senior to that person may perform the delegated functions in accordance with their letters of authorization.~~

~~(5) In addition to the delegation provided for in the preceding subsections, the director may, under special circumstances, delegate in writing specific signature authority to any department employee.~~

PERMANENT

~~(6) The authority delegated in this rule is limited to the power to act for the department in carrying out functions within the power of the department, and shall not be construed to authorize acts which are contrary to law or beyond the authority of the department.~~) (1) Consistent with their assigned duties and responsibilities, department employees are delegated authority to act on behalf of the director and department in the administration of programs and all other duties assigned to the department.

(2) The department shall, by formal policy, specify the extent of signature authority for department employee positions whose assigned duties and responsibilities include authority to take formal action on behalf of the director and/or the department, including, but not limited to, the issuance of penalties, orders, directives, permits, or other decisions reviewable before appropriate administrative or judicial bodies. Such policy may specify the extent of signature authority for department employee positions whose assigned duties and responsibilities include authority to take other action on behalf of the director and/or department. Such policies may be amended as appropriate. Copies of this policy shall be available for public review upon request.

(3) For department employees whose assigned duties and responsibilities include authority to approve or deny reports, plans and specifications, or amendments thereto, prepared by a registered professional, such approval or denial must be based on services provided by a similarly registered professional in accordance with state law.

(4) Any department employee whose assigned duties and responsibilities include signature authority to act on behalf of the director and/or department, may not delegate any such authority to an employee that he or she supervises unless such additional delegation is provided for in a written delegation letter. The written delegation letter shall be signed by the employee granting delegation and the employee receiving delegation. A department employee receiving such delegation shall not further delegate authority, except as provided in subsection (5) of this section. Each written delegation letter shall also include the position number of the employee receiving delegation. Unless rescinded, authority granted by a written delegation letter remains in effect as long as the employee delegated authority retains the same position number. A copy of each written delegation letter shall be maintained in a file within the department program in which the employee receiving delegation is assigned. Employees granting delegation pursuant to this provision may, upon written notification to the employee receiving delegation, rescind delegation at any time. A copy of each letter rescinding delegation shall be maintained in a file within the department program in which the employee rescinding delegation is assigned. An employee granting delegation pursuant to this paragraph does not relinquish his or her delegated authority to act on the behalf of the director or the department.

(5) In addition to the delegation described in subsection (4) of this section, any department employee whose assigned duties and responsibilities include signature authority to act on behalf of the director and/or department, may designate another department employee to serve in a temporary or acting capacity. Any employee properly designated to serve in a temporary or acting capacity shall have the same delegated

authority as the department employee permanently holding the position, unless the delegation letter provides otherwise. Proper designation to serve in temporary or acting capacity for a position shall consist of a letter to the individual assuming temporary or acting capacity from the employee who permanently serves in the position or from the director. A department employee receiving such delegation shall not further delegate authority.

(6) During the absence of an employee delegated authority pursuant to this rule, employees responsible for supervising the absent employee may perform the absent employee's delegated functions.

(7) The authority delegated in this rule is limited to the power to act for the department in carrying out functions within the power of the department, and shall not be construed to authorize acts which are contrary to law or beyond the authority of the department.

(8) Nothing in this chapter shall preclude the director from delegating in writing specific signature authority to any employee of the department nor in any way limit the authority of the director to act on behalf of the department.

WSR 03-10-020

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 03-04—Filed April 28, 2003, 11:16 a.m.]

Date of Adoption: April 26, 2003.

Purpose: Chapter 173-314 WAC has been replaced by chapter 173-350 WAC, Solid waste handling standards. The Department of Ecology is repealing chapter 173-314 WAC to prevent having two rules addressing the same issues with potentially contradictory aspects.

Citation of Existing Rules Affected by this Order: Repealing chapter 173-314 WAC, Waste tire carrier and storage site licenses.

Statutory Authority for Adoption: Chapter 70.95 RCW, Solid waste management reduction and recycle.

Adopted under notice filed as WSR 03-05-095 on February 19, 2003.

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 10.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 18, Amended 0, Repealed 10.

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 10.

PERMANENT

Effective Date of Rule: Thirty-one days after filing.

April 26, 2003

Tom Fitzsimmons

Director

WSR 03-10-024
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed April 28, 2003, 3:22 p.m.]

Date of Adoption: April 28, 2003.

Purpose: Amends WAC 308-100-090 to clarify requirements for applicants and holders of commercial motor vehicle (CMV) instruction permits. Amends WAC 308-100-180 to adjust the maximum amount that a third-party tester can charge for conducting commercial driver's license examinations.

Citation of Existing Rules Affected by this Order: Amending WAC 308-100-090 and 308-100-180.

Statutory Authority for Adoption: RCW 46.01.110, 46.25.060, 46.25.140.

Adopted under notice filed as WSR 03-07-097 on March 19, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 28, 2003

Denise M. Movius

Assistant Director

AMENDATORY SECTION (Amending Order 108 MV, filed 9/14/71)

WAC 308-100-090 Commercial motor vehicle instruction permits~~(—Motoreycles. Any licensed driver may, upon filing an appropriate application along with the required fee, receive a motoreycle instruction permit. Such instruction permit shall entitle the holder thereof to operate a motoreycle upon the public highways only under the direct visual supervision of a person who has a motoreycle endorsement upon his license. In no event shall such instruction permit be construed to authorize any person other than the permit holder to ride upon a motoreycle while it is being oper-~~

~~ated under an instruction permit)). Any person who is at least eighteen years of age and who meets the requirements of RCW 46.25.060(4) may apply to the department for an instruction permit for the operation of a commercial motor vehicle. When operating a commercial motor vehicle on a highway, the instruction permit holder must be accompanied by the holder of a commercial driver's license valid for the vehicle being driven, with no less than two years of driving experience with the class of commercial motor vehicle being operated, and no less than five years of total driving experience. The holder of the commercial driver's license must occupy the seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.~~

AMENDATORY SECTION (Amending [WSR 89-18-003], filed 8/24/89)

WAC 308-100-180 Third party testing fee. Except as provided in WAC 308-100-190 (Requirements for exceeding base fee), the base fee for each classified skill examination or combination of skill examinations conducted by a third party tester shall not be more than ~~((fifty))~~ seventy-five dollars. The base fee shall apply only to the conducting of the examination, and is separate from any additional fees, such as vehicle use fees, which may be charged by the third party tester. Any additional fees to be charged shall be reported to the department.

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

WSR 03-10-037
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 30, 2003, 11:31 a.m., effective May 24, 2003]

Date of Adoption: April 30, 2003.

Purpose: Chapter 296-52 WAC, Safety standards for possession and handling of explosives. On November 25, 2002, the Homeland Security Bill was signed, which restricts the availability of explosives to felons and other persons prohibited from possessing explosives, strengthens licensing and permitting requirements, and aids in the fight against terrorism. Chapter 296-52 WAC, Safety standards for possession and handling of explosives, must be updated to comply with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

Citation of Existing Rules Affected by this Order: Amending WAC 296-52-61040, 296-52-62005, 296-52-63005, 296-52-65005, and 296-52-66005.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Adopted under notice filed as WSR 03-05-073 on February 18, 2003.

Changes Other than Editing from Proposed to Adopted Version: Housekeeping and clarifying changes were made for ease of use and understanding.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 5, 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 5, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: On November 25, 2002, the Homeland Security Bill was signed, which restricts the availability of explosives to felons and other persons prohibited from possessing explosives, strengthens licensing and permitting requirements, and aids in the fight against terrorism. Chapter 296-52 WAC, Safety standards for possession and handling of explosives, must be updated to comply with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). As a result, the effective date for these rules will be May 24, 2003, which is less than the required thirty-one day time period normally followed, RCW 34.05.380. The department believes the earlier effective date is necessary to be at-least-as-effective-as the federal law.

Effective Date of Rule: May 24, 2003.

April 30, 2003
Paul Trause
Director

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-61040 Reasons why applicants may be disqualified. Licenses will not be issued for the manufacture, retail sale, purchase, storage, or use of explosives to any applicant, who is any of the following:

- Who does not provide proof of a valid explosive license or permit issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

- Under twenty-one years of age
- Whose license is suspended or revoked, except as provided in this section
- Convicted in ~~((this state or elsewhere of:~~
 - ~~-A violent offense (RCW 9.94A.030)~~
 - ~~-Perjury~~
 - ~~-Providing false information (false swearing)~~
 - ~~-Bomb threats~~
 - ~~-A crime involving a Schedule I or II Controlled Substance (chapter 69.50 RCW)~~
 - ~~-Any other drug or alcohol related offense (unless the offense is not related to drug or alcohol dependency).~~

- Note:**
- ~~A license may be issued to an applicant with a drug or alcohol dependency history:~~
 - ~~• Who is participating in, or has completed, treatment in an alcohol or drug recovery program~~
 - ~~• Has established control of their alcohol or drug dependency~~
 - ~~• Provides proof to the department of participation in a recovery program and control over their dependency))~~

any court of a crime punishable by imprisonment for a term exceeding one year

- Legally determined at the time of application to be:
 - Mentally ill
 - Insane
 - Committed to a mental institution
 - Incompetent due to any mental disability or disease at the time of application.

Note: The department will not reissue a license until competency has been legally restored.

- Physically ill or disabled, and cannot use explosives safely. Disqualifying disabilities may include, but are not limited to:

- Blindness
- Deafness
- Epileptic or diabetic seizures or coma.

Note: The department will not reissue a license until the applicant's physical ability is verified by a qualified physician through the appeal process (WAC 296-52-60065, Violation appeals).

- Who is an alien, unless:
 - They are lawfully admitted for permanent residence
 - They are in lawful nonimmigrant status
 - Who has been dishonorably discharged from the United States armed forces
 - Who has renounced their citizenship from the United States.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-62005 Responsibility to obtain a dealer's license. Any person, firm, partnership, corporation, or public agency wanting to purchase explosives (including black powder and blasting agents) for resale, must have a valid dealer's license issued by the department and a valid license or permit issued by the ATF.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-63005 ((How)) Responsibility to obtain a purchaser's license. Any person, firm, partnership, corporation, or public agency wanting to purchase explosives or blasting agents must have a valid purchaser's license or permit issued by the department and a valid license issued by the ATF.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-65005 Responsibility to obtain a manufacturer's license. Any person, firm, partnership, corporation, or public agency wanting to manufacture explosives or

PERMANENT

blasting agents, or use any process involving explosives as a component part in the manufacture of any device, article, or product must have a valid manufacturer's license from the department and a valid user permit or license issued by the ATF.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-66005 Responsibility to obtain a storage license. Any person, firm, partnership, corporation, or public agency wanting to store explosive materials must have a valid license from the department and a valid user permit or license issued by the ATF.

WSR 03-10-038
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-83—Filed April 30, 2003, 4:20 p.m.]

Date of Adoption: April 11, 2003.

Purpose: Amend SEPA rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-19-010, 232-19-015, 232-19-020, 232-19-030, 232-19-040, 232-19-050, 232-19-055, 232-19-060, 232-19-070, 232-19-080, 232-19-090, 232-19-100, 232-19-110, 232-19-120, 232-19-130, 232-19-140 and 232-19-180; and amending WAC 220-100-010, 220-100-020, 220-100-030, 220-100-040, 220-100-045, 220-100-055, 220-100-060, 220-100-065, 220-100-070, 220-100-075, 220-100-080, and 220-100-095.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-06-080 on March 4, 2003.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-100-010 - add "(3) Department' means the Washington department of fish and wildlife unless otherwise indicated."

WAC 220-100-027 - strike "ordinance treatment of" and plural on "exceptions" and after "exception" add "designations made by local government."

WAC 220-100-040 (4)(c) - after "reduce" add "unnecessary."

WAC 220-100-045(1) - strike "agency" and substitute "department."

WAC 220-100-055(1) - strike "agency will usually" and substitute "department typically"; add plural on "request"; strike "when applicable, if these documents have already been submitted" and substitute "pursuant to WAC 197-11-100"; strike "is advised" and substitute "may choose"; strike "timely manner" and substitute "expeditiously."

WAC 220-100-055(3) - strike "is" and substitute "and supporting documents are."

WAC 220-100-057 - strike "respect threshold" and substitute "give due consideration to exempt."

WAC 220-100-060(1) - strike "project" and substitute "proposal."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 8, Repealed 17.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 28, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-010 Definitions. (1) The definitions of the words and terms of WAC 197-11-700 through 197-11-730 and WAC 197-11-734 through 197-11-799 are made a part of this chapter ((along with the following addition: ~~Fisheries means Washington department of fisheries~~)).

(2) "Environmental document" means any written public document prepared under chapter 197-11 WAC, including department comment letters addressing a SEPA threshold determination or an environmental impact statement (EIS), or supplemental EIS (SEIS).

(3) "Department" means the Washington department of fish and wildlife unless otherwise indicated.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-020 Impact of SEPA on ((fisheries)) the department. ((Fisheries)) The department fully endorses the intent and purpose of SEPA and will make every effort to implement and fulfill the intent and requirements of SEPA and the SEPA rules. The ((~~capacity of fisheries to provide full service to the public and other agencies is limited by funds and manpower.~~ Fisheries)) department will make every effort to implement SEPA in the best manner possible with the resources available.

NEW SECTION

WAC 220-100-027 Critical areas. During threshold determination and in determining whether a proposal is exempt from SEPA, the department shall give due consideration to a local government's critical area categorical exemption designations made by local governments under WAC 197-11-908.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-030 Purpose. (1) The purpose of this chapter is to implement chapter 197-11 WAC, SEPA rules, as applicable to ~~((fisheries))~~ the department.

(2) These policies and procedures are developed to implement SEPA in a manner which reduces duplication, establishes effective and uniform ~~((guidelines))~~ rules, encourages public involvement, and promotes certainty with respect to the requirements of the act.

(3) These policies and procedures are not intended to cover compliance by ~~((fisheries))~~ the department with respect to the National Environmental Policy Act of 1969 (NEPA). In those situations where ~~((fisheries))~~ the department is required by federal law or regulations to perform some element of compliance with NEPA, compliance will be governed by the applicable federal statute and regulations.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-040 Scope and coverage of this chapter. (1) It is the intent of ~~((fisheries))~~ the department that compliance with this chapter shall constitute complete procedural compliance with SEPA for all actions as defined in WAC 197-11-704.

(2) This chapter applies to all department actions as defined in WAC 197-11-704 ~~((and applies to all activities of fisheries. Furthermore, although these guidelines normally do not apply to actions of fisheries exempted under WAC 197-11-800 and 197-11-835, fisheries accepts the responsibility of attempting to follow the intent of SEPA and its decision making process for exempt actions))~~.

(3) To the fullest extent possible, ~~((fisheries))~~ the department shall integrate procedures required by this chapter with existing planning and licensing procedures. These procedures should be initiated early, and undertaken in conjunction with other governmental operations to avoid lengthy time delays and unnecessary duplication of effort.

(4) To the fullest extent possible, the department shall:

(a) Prepare environmental documents that are concise, clear, and to the point, and that are supported by evidence that the necessary environmental analyses have been made.

(b) Find ways to make the SEPA process more useful to decision makers and the public.

(c) Reduce unnecessary paperwork and the accumulation of extraneous background data.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-045 Agency policy—Substantive authority and mitigation. (1) The ~~((overriding))~~ policy of ~~((fisheries))~~ the department is to avoid or mitigate adverse environmental impacts ~~((which))~~ that may result from ~~((its decisions))~~ department actions. This policy results from:

~~(a) The legislated ((duty of fisheries to preserve, protect and perpetuate the food fish and shellfish resources of the state in a manner that does not impair the resource (RCW~~

~~75-08-012)))~~ duties of the department with respect to fish and wildlife; and

(b) Recognition of the fact that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment (RCW 43.21C.020(31)).

(2) If an action is subject to SEPA, ~~((including an activity or activities requiring))~~ and the proposed activity requires a permit from ((fisheries)) the department, and is reasonably likely to have an adverse environmental impact as identified in an environmental document, ~~((fisheries will))~~ the department may:

(a) Require reasonable alternatives to the action and/or proven measures which will mitigate or eliminate the identified potential adverse impact, and make such alternatives and/or proven mitigation measures conditions of ~~((fisheries))~~ the department's approval; or

(b) Deny the proposal if significant adverse impacts as identified in a final or supplemental environmental impact statement prepared under chapter 197-11 WAC are not satisfactorily avoided or mitigated by proven techniques.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-055 Timing of the SEPA process. (1) When another agency is the lead agency, the department's environmental review process will normally begin upon receipt of a determination of nonsignificance (DNS), determination of significance (DS), scoping notice, or draft environmental impact statement (DEIS) ((when another agency is the lead agency)). When ~~((fisheries))~~ the department is the lead agency for nonagency actions, review will normally begin upon receipt of a complete permit application and a complete environmental checklist. The department typically requests plans and a location map, pursuant to WAC 197-11-100. The applicant may choose to submit this information with the checklist so that review may proceed expeditiously. For ~~((agency))~~ department actions, environmental review will normally begin when the proposed action is sufficiently developed to allow preliminary decisions.

(2) Upon written request of an applicant, preliminary environmental review will be conducted prior to receipt of detailed project plans and specifications. In such instances, the applicant shall submit information judged by ~~((fisheries))~~ the department to be sufficient to make a preliminary review.

(3) The preliminary review will be advisory only and not binding upon ~~((fisheries))~~ the department. Final review and determination will be made only upon receipt of detailed project plans and specifications. The department will make a determination within ninety days after the application and supporting documents are complete pursuant to RCW 43.21C.033.

NEW SECTION

WAC 220-100-057 Threshold levels adopted by local governments. During threshold determination and in determining whether a proposal is exempt from SEPA, the depart-

ment shall give due consideration to exempt levels adopted by local governments under WAC 197-11-800.

NEW SECTION

WAC 220-100-058 Notice/statute of limitations. (1)

The department, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the department, applicant, or proponent pursuant to RCW 43.21C.080.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-060 Summary of information which may be required of a private applicant. (1) The applicant for each ~~((project))~~ proposal for which ~~((fisheries))~~ the department is the lead agency shall submit a complete environmental checklist along with a complete application for the required approval.

(2) After review of the environmental checklist, ~~((fisheries))~~ the department may require the applicant to submit additional information necessary to properly evaluate the potential environmental impacts of the project. Field investigation or research may be required of the applicant or conducted by ~~((fisheries))~~ the department at the applicant's cost.

(3) ~~((A draft and final))~~ Preparation of EISs is the responsibility of the department's environmental services division. The responsible official shall be satisfied that all EISs issued by the department are in compliance with these rules and chapter 197-11 WAC.

(4) Whenever someone other than the department prepares an EIS the responsible official shall:

(a) Coordinate scoping to insure that the individual preparing the document receives all substantive information submitted by any agency or person.

(b) Direct the areas of research and study to be undertaken and the content and organization of the document.

(c) Assist in obtaining information on file with another agency that is needed by the person preparing the document.

(5) The responsible official may not require more information of a private applicant than allowed by these rules as supplemented and required by chapter 197-11 WAC.

(6) An EIS is required for each project for which a determination is made that the proposal will have a probable significant adverse impact on the environment. The applicant may prepare the EIS if judged by ~~((fisheries))~~ the department to be qualified, have ~~((fisheries))~~ the department develop the EIS, or hire a consultant to do so. In any case, the EIS shall be prepared under the direction of the responsible official at the expense of the applicant and final approval is that of the responsible official. Cost of preparing the EIS shall be paid by the applicant and shall include fees of the consultant, ~~((fisheries))~~ the department consultation time and cost of any required materials. If the applicant chooses to hire a consultant to prepare the EIS, the consultant ~~((shall))~~ must be ~~((chosen from a list of consultants provided by fisheries))~~ mutually agreed upon by the applicant and the department. A perfor-

mance bond in an amount specified by ~~((fisheries))~~ the department may be required of the applicant to ensure payment of ~~((fisheries'))~~ the department expenses pursuant to WAC 197-11-914. Private applicants are encouraged to be involved in the EIS preparation process.

~~((4))~~ (7) A supplemental EIS shall be prepared as an addition to ~~((either))~~ the ~~((draft or final))~~ EIS if ~~((fisheries))~~ the department decides that:

(a) There are substantial changes to a proposal which will have a probable significant adverse environmental impact; or

(b) There is significant new information relative to the probable significant environmental impact of a proposal.

(c) ~~((Its))~~ Pursuant to WAC 197-11-600 (3)(c), written comments on the DEIS warrant additional discussion for ~~((the))~~ purposes of ~~((its))~~ its action than that found in the ~~((lead agency's))~~ FEIS.

~~((The provisions of subsection (3) of this section except for the first sentence, also pertain to a supplemental EIS or addendum.~~

~~((5) Upon the written request of an applicant for a project for which fisheries is the lead agency, fisheries will consider initiating environmental review and preparation of an EIS at the conceptual stage as opposed to the final detailed design stage.))~~

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-065 Assumption of lead agency status. (1) Whenever ~~((fisheries feels))~~ the department is an agency of jurisdiction and determines that a DNS issued by another lead agency is inappropriate and that the proposal in question could cause significant harm to the resources under its jurisdiction, ~~((fisheries will))~~ the department may assume lead agency status per WAC 197-11-948.

(2) Within ten days of assuming lead agency status, ~~((fisheries))~~ the department will notify the proponent of the proposal in writing as to the reasons for its assumption of lead agency status.

(3) Prior to preparation of an EIS for the proposal, ~~((fisheries))~~ the department will consult with the proponent and give the proponent an opportunity to modify or change the proposal in such a way that an EIS may not be necessary as outlined in WAC 197-11-360(4).

NEW SECTION

WAC 220-100-068 Formal administrative appeal of department environmental determinations. (1) A person aggrieved by the department's environmental determination is entitled to an opportunity for hearing, pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

(2) To obtain a hearing, a written request must be filed with the department. The mailing address is: Washington Department of Fish and Wildlife, Habitat Program, 600 Capitol Way North, Olympia, WA 98501-1091. Requests must be filed within thirty days of the department's decision.

(3) The request must be plainly labeled, "request for a formal administrative appeal" and must state within the body of the letter:

- (a) The name, address, and phone number of the person requesting the appeal;
- (b) The specific agency action that the person contests;
- (c) Whether the person is the proponent of the proposal or other basis for interest in the agency action in question;
- (d) The date of the SEPA determination;
- (e) The attorney's name, address, and phone number, if the person is represented by legal counsel.

(4) The appeal may be conducted by the director, the director's designee, or by an administrative law judge (ALJ) appointed by the office of administrative hearings. If conducted by an ALJ, the ALJ shall issue an initial order pursuant to RCW 34.05.461. The director or the director's designee shall review the initial order and enter a final order as provided by RCW 34.05.464. All hearings conducted by the director, the director's designee, or an ALJ pursuant to this subsection shall comply with the Administrative Procedure Act and the model rules of procedure, chapter 10-08 WAC.

(5) For additional information on appeal procedures, reference should be made to WAC 197-11-680 (3)(a).

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-070 Designation of responsible official. Under normal circumstances, the responsible official is the ~~((habitat management division chief))~~ SEPA/NEPA coordinator or the habitat program's designee. The responsible official shall carry out duties and functions for the purpose of assuring ~~((fisheries))~~ the department's compliance with SEPA and SEPA ~~((guidelines))~~ rules. The responsible official may delegate duties and functions assigned under this chapter and chapter 197-11 WAC ~~((; the responsible official alone, however, is wholly responsible for proper accomplishment of such duties and functions))~~. When significant involvements of ~~((fisheries))~~ the department converge at a level higher than the ~~((habitat management division chief))~~ SEPA/NEPA coordinator, the ((deputy)) director or the director's designee may ~~((assume))~~ be assigned the role of responsible official.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-075 Mitigated DNS. (1) An applicant may ask ~~((fisheries))~~ the department whether issuance of a DS is likely for a proposal. This request for early notice must:

- (a) Be written;
- (b) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which ~~((fisheries))~~ the department is lead agency; and
- (c) Precede ~~((fisheries))~~ the department's actual threshold determination for the proposal.

(2) The responsible official shall respond to the request within ~~((ten))~~ twenty working days of receipt of the letter; the response shall:

- (a) Be written;

(b) State whether ~~((fisheries))~~ the department is considering issuance of a DS;

(c) Indicate the general or specific area(s) of concern that led ~~((fisheries))~~ the department to consider a DS; and

(d) State that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

(3) ~~((Fisheries))~~ The department shall not continue with the threshold determination until receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal.

(4) If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, ~~((fisheries))~~ the department will make its threshold determination based on the changed or clarified proposal. The application is not complete until the applicant responds to subsection (3) of this section.

(a) If ~~((fisheries))~~ the department response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental impacts, and the applicant changes or clarifies the proposal to include all of those specific mitigation measures, ~~((fisheries))~~ the department shall issue a DNS and circulate the DNS for comments as in WAC 197-11-340(2).

(b) If ~~((fisheries))~~ the department indicated general or specific areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, ~~((fisheries))~~ the department shall determine if the changed or clarified proposal may have a probable significant environmental impact, issuing a DNS or DS as appropriate.

(5) ~~((Fisheries))~~ The department may specify mitigation measures that would allow it to issue a DNS without a request for early notice from an applicant. If it does so, and the applicant changes or clarifies the proposal to include those measures, ~~((fisheries))~~ the department shall issue a DNS and circulate it for review under WAC 197-11-340(2).

(6) When an applicant changes or clarifies the proposal, the clarifications or changes may be included in written attachments to the documents already submitted. If the environmental checklist and supporting documents would be difficult to read and/or understand because of the need to read them in conjunction with the attachment(s) ~~((fisheries))~~, the department may require the applicant to submit a new checklist.

(7) ~~((Fisheries))~~ The department may change or clarify features of its own proposals before making the threshold determination.

(8) ~~((Fisheries))~~ The department's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification of or changes to a proposal, as opposed to a written request for early notice, shall not bind ~~((fisheries))~~ the department to consider the clarification or changes in the threshold determination.

(9) When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a permit or other approval for all purposes. Unless ~~((fisheries))~~ the department's decision

expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-080 SEPA public information center. ~~((Fisheries))~~ The department designates the ~~((habitat management division office))~~ environmental services division of the habitat program as its SEPA public information center. The mailing address is ~~((Room 115, General Administration Building))~~ SEPA Coordinator, 600 Capitol Way North, Olympia, Washington ((98504; telephone: (360) 753-6650)) 98501-1091.

AMENDATORY SECTION (Amending Order 84-144, filed 9/18/84)

WAC 220-100-095 Public notice. (1) When required under chapter 197-11 WAC, ~~((fisheries))~~ the department will give public notice by one or more of the following methods as appropriate for the specific circumstances:

- (a) Notifying public and private groups and agencies with known interest in a certain proposal or in the type of proposals being considered;
- (b) Notifying individuals with known interest in a certain proposal or in the type of proposal being considered;
- (c) Publication in a newspaper of general circulation in the city, county or general area ((in which)) where the proposal will be implemented; ~~((and/or))~~
- (d) Posting the property for site specific proposals;
- (e) Notifying the news media; and/or
- (f) Publishing notice on the department's internet site.

(2) ~~((Fisheries))~~ Whenever possible, the department shall integrate these public notice requirements with existing notice procedures, including publication in the SEPA Register, for any department or commission permits or approvals required for the proposal.

(3) The department may require an applicant to ((perform)) complete the public notice requirements for the applicant's proposal at the applicant's expense.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 232-19-010	Authority.
WAC 232-19-015	Policy.
WAC 232-19-020	Adoption by reference.
WAC 232-19-030	Purpose.
WAC 232-19-040	Additional definitions.
WAC 232-19-050	Designation of responsible official.

WAC 232-19-055	SEPA public information center.
WAC 232-19-060	EIS preparation.
WAC 232-19-070	Environmentally sensitive areas.
WAC 232-19-080	Threshold levels adopted by local governments.
WAC 232-19-090	Coordination of combined state-federal action.
WAC 232-19-100	Public notice requirements.
WAC 232-19-110	Notice/statute of limitations.
WAC 232-19-120	Policies and procedures for conditioning or denying permits or other approvals.
WAC 232-19-130	Informal appeal.
WAC 232-19-140	Formal administrative appeal.
WAC 232-19-180	Severability.

WSR 03-10-040
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Order 03-85—Filed April 30, 2003, 4:26 p.m.]

Date of Adoption: April 11, 2003.
 Purpose: Amend hunting by persons with disabilities rule.
 Citation of Existing Rules Affected by this Order: Repealing WAC 220-55-060; and amending WAC 232-12-828.
 Statutory Authority for Adoption: RCW 77.12.047.
 Adopted under notice filed as WSR 03-06-079 on March 4, 2003.
 Changes Other than Editing from Proposed to Adopted Version: Editing 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; and Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.
 Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.
 Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, 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.

PERMANENT

Effective Date of Rule: Thirty-one days after filing.

April 28, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 96-07, filed 1/18/96, effective 2/18/96)

WAC 232-12-828 Hunting of game birds and animals by persons ~~((of))~~ with a disability. (1) Definitions:

(a) ~~((("Designated hunter companion" means a licensed hunter who accompanies a disabled hunter and assists the disabled hunter in the taking of game birds and game animals.~~

(b) ~~("Disabled hunter")~~ "Hunter with a disability" means a person ~~((of))~~ with a permanent disability who possesses a disabled hunter permit issued by the department. A ~~((disabled))~~ hunter with a disability must have all required licenses, tags, permits, and stamps before hunting.

~~((e))~~ (b) "Disabled hunter permit" means a permit, card, or endorsement to a license issued by the department to any person ~~((of))~~ with a permanent disability who applies to the department and presents such evidence as the director may require showing that the applicant is a person ~~((of))~~ with a qualifying disability. Upon ~~((issuance of a disabled hunter permit))~~ approval of the application, the department will ~~((also))~~ issue a ~~((designated hunter companion identification card and a disabled hunter))~~ vehicle identification placard. A designated hunter companion card will be issued with a hunting license.

~~((d))~~ (c) "Designated hunter companion" means a person who assists a hunter with a disability in the stalking, shooting, tracking, retrieving, or tagging of game birds and game animals.

(d) "Designated hunter companion card" means an identification card issued by the department to the hunter with a disability.

(e) "Blind or visually impaired" means a central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field does not exceed twenty degrees.

(f) "Accompany" means the hunter with a disability and the designated hunter companion are in the physical presence of each other, not to exceed 1/4 mile separation. While stalking or shooting an animal, the hunter with a disability and the designated hunter companion must have a form of reliable and direct communication.

(g) "Special use permit" means a permit issued by the department to a person with a specific permanent disability as a reasonable accommodation. The special use permit allows for a specific act or acts to include, but not be limited to, use of adaptive mechanical, electrical, or specialty equipment or devices that aid the person in hunting.

(h) "Person ~~((of))~~ with a disability" means:

(i) A ~~((permanently disabled))~~ person who has a permanent disability and is not ambulatory over natural terrain without a lower extremity prosthesis or must permanently use a medically prescribed assistive device ~~((or))~~ for mobility,

including, but not limited to, a wheelchair, crutch, cane, walker, or oxygen bottle; or

(ii) A ~~((permanently disabled))~~ person who has a permanent disability and is ~~((unable to hold or shoot))~~ physically incapable of holding and safely operating a firearm or other legal hunting device ~~((or~~

~~((iii) A person who is totally blind or visually impaired)).~~

This definition includes, but is not limited to, persons with a permanent upper or lower extremity impairment ~~((s))~~ who have lost the use of one or both upper or lower extremities, or who have a ~~((significant))~~ severe limitation in the use of one or both upper or lower extremities, or who have a diagnosed permanent disease or disorder which substantially impairs or severely interferes with mobility or the use of one or both upper or lower extremities ~~((or))~~ for holding and safely operating a firearm or other legal hunting device; or

~~((e))~~ (iii) A person who is blind or visually impaired.

"Visually impaired" means central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field is no greater than twenty degrees.

(2) The designated hunter companion ~~((when accompanied by the disabled))~~ must accompany the hunter ~~((may assist the disabled hunter in shooting, tagging and retrieving game birds or game animals, or may shoot, tag and retrieve game birds or game animals on behalf of the disabled hunter))~~ with a disability when stalking or shooting game on behalf of the hunter with a disability. The ~~((disabled))~~ hunter with a disability or the designated hunter companion must immediately cut, notch, ~~((and affix the disabled hunter's tag to the carcass of the game bird or game animal))~~ or date any required tag. The tag must be affixed to the carcass of the game bird or animal as soon as is reasonably possible after killing the game.

(3) ~~((It is unlawful for a))~~ The designated hunter companion ~~((to assist a disabled hunter unless the designated hunter companion is accompanied by the disabled hunter, except the designated hunter companion may leave the disabled hunter to retrieve game birds or game animals wounded or killed by either the disabled hunter or the designated hunter companion))~~ does not need to accompany the hunter with a disability while tracking an animal wounded by either hunter, or while tagging or retrieving a downed animal on behalf of the hunter with a disability.

(4) It is unlawful for a designated hunter companion to assist a ~~((disabled))~~ hunter with a disability unless the designated hunter companion has the designated hunter companion identification card on his or her person.

(5) It is unlawful for a ~~((disabled))~~ hunter with a disability to shoot from a motor vehicle, nonhighway vehicle or snowmobile unless the vehicle is stopped, the motor is turned off and the vehicle is not on or beside the maintained portion of a public highway. A disabled hunter vehicle identification placard must be displayed.

(6) It is unlawful for any person to possess a loaded firearm in a moving vehicle or to shoot a firearm or bow and arrow from, across, or along the maintained portion of a public highway.

(7) Game birds or game animals killed, tagged or retrieved by a designated hunter companion on behalf of a

~~((disabled))~~ hunter ~~((become part of the disabled hunter's bag or possession limit, and))~~ with a disability do not count against the designated hunter companion's bag or possession limit.

(8) A designated hunter companion shooting game for or may be shooting game for a hunter with a disability must have a valid hunting license issued by Washington or another state.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-55-060 Reduced fee license issuing procedure.

**WSR 03-10-041
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-86—Filed April 30, 2003, 4:28 p.m.]

Date of Adoption: April 11, 2003.

Purpose: Amend shellfish disease rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-72-002, 220-72-011, 220-72-015, 220-72-070, 220-72-073, 220-72-076, 220-72-086, 220-72-087, 220-72-089, 220-72-090, and 220-72-092.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-06-109 on March 5, 2003.

Changes Other than Editing from Proposed to Adopted Version: At the beginning of WAC 220-72-086, add, "The European green crab restricted shellfish areas are as follows:".

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 28, 2003

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 97-56, filed 4/2/97, effective 5/3/97)

WAC 220-72-002 Promulgation. In order to suppress and prevent the spread of infectious, contagious, communicable diseases and pests affecting shellfish, the following regulations are adopted (WAC 220-72-011 through ~~((220-72-085))~~ 220-72-091).

AMENDATORY SECTION (Amending Order 97-56, filed 4/2/97, effective 5/3/97)

WAC 220-72-011 Oyster drill restricted shellfish areas—Puget Sound. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Puget Sound within the following areas are designated as oyster drill restricted shellfish areas:

(1) Dungeness Bay—inside and bounded westerly of a line projected from the most ~~((southerly))~~ easterly tip of Dungeness Spit ~~((southerly))~~ true-south to the mainland.

(2) Drayton Harbor—inside and southerly of a line projected from the ~~((end))~~ north most tip of Semiahmoo Spit to where the International Boundary line intersects the mainland.

(3) Lummi Bay—inside the Lummi Dike and ~~((easterly and))~~ inside ~~((of))~~ and bounded by a line projected from ~~((48°46'32" N. Lat., 122°40'00" W. Long. due south to a point 48°45'55" N. Lat., 122°40'00" W. Long. and then due east to the mainland))~~:

Point No. 1 at 48°46'32" N. Lat.
122°40'00" W. Long. thence to

Point No. 2 at 48°45'55" N. Lat.
122°40'00" W. Long. thence to

Point No. 3 at 48°45'55" N. Lat.
122°39'12" W. Long.

Then northerly along the beach to the point of origin.

(4) Samish Bay—inside and easterly of a line starting at the most westerly tip of ~~((the point at the south entrance of Cheukanut Bay))~~ Governor's Point and projected in a southerly direction to the most westerly tip of William Point on Samish Island.

(5) Padilla Bay—~~((southerly))~~ easterly (including the Swinomish channel) of a line starting at the most westerly tip of William Point on Samish Island and projected southerly to the most northerly tip of March Point on Fidalgo Island.

(6) Similk and Skagit Bays—northerly of a line projected across Skagit Bay ~~((and))~~ following latitude 48°20' N. and easterly of the Deception Pass bridge.

(7) Liberty Bay—inside~~((;))~~ and westerly ~~((and north-erly))~~ of a line projected true south from the most southerly point at Tower Point.

(8) Dyes Inlet—inside and northerly of a line projected true east from the most ~~((northern))~~ northerly tip of Rocky Point to the mainland ~~((in the vicinity of southern Tracyton))~~.

(9) Burley Lagoon—inside and northerly of the Purdy bridge.

(10) Case Inlet—~~((Rocky Bay and North Bay—north-erly of a line projected true west from the westerly tip of~~

PERMANENT

~~Windy Bluff across Case Inlet through the northerly tip of Reach Island to the west shore of Case Inlet.))~~

(a) Rocky Bay and North Bay—northerly of a line projected across Case Inlet following latitude 47°20'44" N.

(b) Vaughn Bay—easterly of a line projected true north from the most northerly point of the southern spit at the mouth of Vaughn Bay to the mainland on the north shore.

(11) Hammersley Inlet((—)) and Oakland Bay—inside, westerly and northerly of a line starting at the most southeasterly point of Munson Point and projected in a ((southerly)) southeasterly direction to Eagle Point.

(12) Totten Inlet((—)), Oyster Bay((—)) and Little Skookum Inlet—inside and southerly of a line starting at the most southeasterly point on Windy Point and projected northeasterly to the most ((southern)) northerly tip of ((the Steamboat Island bridge)) Sandy Point (i.e., the southern base of the Steamboat Island Bridge).

(13) Eld Inlet—

(a) Mud Bay—inside((, southerly)) and westerly of a line ((starting at)) projected from the most easterly point of Flapjack Point and projected true south to the mainland.

(b) Sanderson Harbor—lying inside and westerly of a line starting at the most northern point on Sanderson Spit and projected northeasterly to the mainland.

(14) Nisqually Flats—inside and southerly of a line starting at the end of the DuPont Dock and projected true west to the mainland.

(15) Hood Canal—

(a) Quilcene Bay—inside, northerly and easterly of a line starting at the Port of Port Townsend boat ramp north of Coast Seafoods company shellfish hatchery projected easterly to a point at 48°48'10" N. Lat., 122°51'30" W. Long. and then projected southeasterly to the most ((southerly)) westerly tip of ((Belton Peninsula)) Fisherman's Point.

(b) Tarboo Bay—inside, northerly and easterly of a line starting at the most ((northern)) northerly tip of Long Spit and then projected true west to the mainland.

(c) ((Rendsland Creek)) The Great Bend to Lynch Cove—inside and bounded easterly ((and inside of)) by lines ((drawn)) projected from:

Point No. 1 at 47°23'02.7" N. Lat.
123°06'42.8" Long. thence to

Point No. 2 at 47°23'02.7" N. Lat.
123°06'55" W. Long. thence to

Point No. 3 at ((47°23'16.6")) 47°21'00" N. Lat.
123°06'55" W. Long., then projected true east to the mainland.

(d) ((Lynch Cove—easterly of a line starting at Cady Creek on the north shore and projected in a southwesterly direction to a point at 47°23'02.4" N. Lat., 122°56'12.4" W. Long.

(e)) Hamma Hamma Flats and Jorsted Creek—inside and westerly of lines ((drawn)) projected from:

Point No. 1 at 47°33'15" N. Lat.
123°01'42" W. Long. thence to

Point No. 2 at 47°32'54" N. Lat.
123°01'06" W. Long. thence to

Point No. 3 at 47°32'54" N. Lat.

123°01'48" W. Long. thence to

Point No. 4 at ((47°32'21")) 47°31'00" N. Lat.
123°01'54" W. Long.

((#)) (e) Dosewallips Delta—inside and westerly of lines ((drawn)) projected from:

Point No. 1 at 47°41'03" N. Lat.
122°53'45" W. Long. thence to

Point No. 2 at 47°41'03" N. Lat.
122°52'24" W. Long. thence to

Point No. 3 at 47°42'20.6" N. Lat.
122°52'24" W. Long. thence to

Point No. 4 at 47°42'20.6" N. Lat.
122°52'39" W. Long.

((g)) (f) Point Whitney—inside and westerly of lines ((drawn)) projected from:

Point No. 1 at 47°45'43.7" N. Lat.
122°51'02" W. Long. thence to

Point No. 2 at 45°45'56" N. Lat.
122°51'02" W. Long. thence to

Point No. 3 at 45°45'56" N. Lat.
122°51'12" W. Long. thence to

Point No. 4 at 47°45'45" N. Lat.
122°51'12" W. Long.

(g) Duckabush River Mouth—inside and westerly of a line projected from:

Point No. 1 at 47°38'46" N. Lat.
122°54'08" W. Long. thence to

Point No. 2 at 47°37'55" N. Lat.
122°56'25" W. Long.

(16) Henderson Inlet—South Bay—inside and southerly of a line commencing at a point on the west shore of Henderson Inlet where the south line of Section 17, Twp 19 N R 1 WWM intersects the shoreline, thence projected true east across Henderson Inlet to the east shoreline.

AMENDATORY SECTION (Amending Order 97-56, filed 4/2/97, effective 5/3/97)

WAC 220-72-015 Oyster drill restricted shellfish areas—Willapa. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater.

AMENDATORY SECTION (Amending Order 97-56, filed 4/2/97, effective 5/3/97)

WAC 220-72-070 Oyster drill unrestricted shellfish areas. All waters, tidelands and shellfish handling facilities operated in conjunction with said waters and tidelands of Puget Sound, Grays Harbor and Willapa Bay lying outside the oyster drill restricted shellfish areas ((as defined in chapter 220-72 WAC)) are hereby designated as oyster drill unrestricted shellfish areas.

AMENDATORY SECTION (Amending Order 97-56, filed 4/2/97, effective 5/3/97)**WAC 220-72-073 Unlawful acts—Shellfish transfer.**

It shall be unlawful to move or transfer any shellfish, shellfish aquaculture products (including oyster seed, cultch, and shell), aquaculture equipment, (including aquaculture vehicles and vessels) or any marine organisms adversely affecting shellfish between any unrestricted shellfish areas, between restricted shellfish areas, and from an unrestricted shellfish area into a restricted shellfish area without first obtaining and having in possession for each shellfish transfer a current copy of the Washington department of fish and wildlife pamphlet "Guidelines and requirements for the import and transfer of shellfish including oysters, clams, and other aquatic invertebrates in Washington state."

AMENDATORY SECTION (Amending Order 99-60, filed 5/3/99, effective 6/3/99)**WAC 220-72-076 Unlawful acts—Permit required.**

(1) It shall be unlawful to transfer shellfish, shellfish aquaculture products (including oyster seed, cultch and shell), aquaculture equipment (including aquaculture vehicles and vessels) or any marine organisms adversely affecting shellfish from a oyster drill restricted area into an oyster drill unrestricted area without obtaining written permission from the director of fish and wildlife or the director's authorized agent. Such written permit must be affixed to or otherwise accompany the conveyance affecting the physical transfer of such shellfish, shellfish aquaculture products (including oyster seed, cultch and shell), aquaculture equipment (including aquaculture vehicles and vessels) oyster drills, or drill-infested or marine organisms harmful to shellfish. Areas found to have aquatic diseases or pests (including the oyster drill *Ceratostoma inornatum*) will be immediately considered restricted by the department of fish and wildlife. The department will immediately notify property owners of the restricted status.

(2) To control the spread of European green crabs, it is unlawful to transfer shellfish aquaculture products (including all oysters and clams, oyster seed, cultch, and shell), and aquaculture equipment (including aquaculture vehicles and vessels) from ((the waters and tidelands of Grays Harbor inside and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty and from the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater)) a European green crab restricted area into a European green crab unrestricted area without obtaining written permission from the director of fish and wildlife or the director's authorized agent. Transfers to the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater are exempted from this written permission requirement. Such written permit must be affixed to or otherwise accompany the conveyance affecting the physical transfer of such shellfish, shellfish aquaculture products (including oyster seed, cultch, and

shell), or aquaculture equipment (including aquaculture vehicles and vessels).

(3) To control the spread of Denman Island Disease, it is unlawful to transfer shellfish aquaculture products (including all oysters and clams, oyster seed, cultch, and shell), and aquaculture equipment (including aquaculture vehicles and vessels) from or between a Denman Island Disease prohibited or surveillance area to a Denman Island Disease unrestricted area without obtaining written permission from the director of fish and wildlife or the director's authorized agent.

NEW SECTION

WAC 220-72-086 European green crab (*Carcinus maenas*) restricted shellfish area. The European green crab restricted shellfish areas are as follows:

The waters and tidelands of Grays Harbor inside and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty and from the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater.

NEW SECTION

WAC 220-72-087 European green crab unrestricted area. All waters, tidelands and shellfish handling facilities operated in conjunction with said waters and tidelands of Washington lying outside the European green crab restricted shellfish areas as defined in chapter 220-72 WAC are hereby designated as European green crab unrestricted shellfish areas.

NEW SECTION

WAC 220-72-089 Denman Island Disease prohibited area. An area where *Mikrocytos mackini*, the causative agent of Denman Island Disease, has been confirmed with department approved histological methods by a department approved shellfish pathologist or reported in peer-reviewed scientific journal and accepted by the department. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands within the following areas are designated as Denman Island Disease prohibited areas:

(1) Dungeness Bay—inside and westerly of a line projected from the tip of Dungeness Spit due south to the mainland.

(2) Deer Harbor—inside and northerly of a line projected between Pole Pass Point and Steep Point.

NEW SECTION

WAC 220-72-090 Denman Island Disease surveillance area. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands easterly of a line projected true north of Cape Flattery to the international boundary line, northerly of a line between the north

most tip of Tala Point and the west most tip of Foulweather Bluff, and northerly of a line between the east most point of Apple Cove Point and the west most point of Edwards Point.

NEW SECTION

WAC 220-72-092 Denman Island Disease unrestricted area. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands lying outside of a Denman Island Disease prohibited or surveillance area.

WSR 03-10-044
PERMANENT RULES
DEPARTMENT OF HEALTH
[Filed May 1, 2003, 10:21 a.m.]

Date of Adoption: April 8, 2003.

Purpose: WAC 246-933-590 Humane society and animal care and control agency (entity) fees and renewal cycle, to register humane society and animal care and control agencies (entities) so they can provide limited veterinary services, such as vaccinations, electronic identification, and surgical sterilization, to low-income households.

Statutory Authority for Adoption: RCW 43.70.250.

Other Authority: RCW 18.92.260.

Adopted under notice filed as WSR 03-05-023 on February 10, 2003.

Changes Other than Editing from Proposed to Adopted Version: Changed renewal date to August 1 to promote efficiency in entity registration and reduce renewals.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

M. C. Selecky
Secretary

NEW SECTION

WAC 246-933-590 Humane society and animal care and control agency (entity) fees and renewal cycle. (1) Registrations must be renewed every year on August 1 as provided in chapter 246-12 WAC, Part 3.

(2) The nonrefundable fees are:

Title of Fee	Fee
Entity registration	\$100.00
Entity renewal	75.00
Late renewal penalty	50.00
Expired registration reissuance	50.00

WSR 03-10-068
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 6, 2003, 9:37 a.m., effective August 1, 2003]

Date of Adoption: May 6, 2003.

Purpose: Safety standards for agriculture, chapter 296-307 WAC and Occupational safety and health standards, chapter 296-62 WAC.

This rule making incorporates rules from the General occupational health standard, chapter 296-62 WAC into the Safety standards for agriculture, chapter 296-307 WAC. The rules are written using plain language and there is no increase in requirements.

The following requirements are adopted into the Safety standards for agriculture, chapter 296-307 WAC:

- Biological agents.
- Control chemical agents.
- Emergency washing facilities.
- Preparing material safety data sheets (MSDSs).
- Dipping and coating operations (dip tanks).

Also, the Occupational Safety and Health Administration (OSHA) identified three WAC sections (listed below) as being "not at-least-as-effective-as" their federal rules. Washington Industrial Safety and Health Act (WISHA) is required to be "at-least-as-effective-as" the federal rules, therefore we are incorporating these requirements into this rule making.

- WAC 296-307-40013 What requirements apply to the construction, original test, and requalification of nonrefrigerated containers?
- WAC 296-307-40015 How must nonrefrigerated containers and systems (other than DOT containers) be marked?
- WAC 296-307-40027 What emergency precautions are required when handling anhydrous ammonia?

NEW SECTIONS:

WAC 296-307-03930 Make sure emergency washing facilities are functional and readily accessible.

- Moved existing requirements relating to functional and readily accessible emergency washing facilities from WAC 296-62-130 to this section.

WAC 296-307-03935 Inspect and activate your emergency washing facilities.

- Moved existing requirements relating to inspecting and activating emergency washing facilities from WAC 296-62-130 to this section.

WAC 296-307-03940 Make sure supplemental flushing equipment provides sufficient water.

- Moved existing requirements relating to supplemental flushing equipment for emergency washing facilities from WAC 296-62-130 to this section.

WAC 296-307-03945 Definitions.

- Moved the following definitions relating to emergency washing facilities from WAC 296-62-130 to this section:
 - Corrosive.
 - Emergency washing facilities.
 - Strong irritant.
 - Toxic chemical.
- Added the following definitions to this section for clarity:
 - Hand-held drench hose.
 - Personal eyewash units.

WAC 296-307-445 Scope.

- Moved the scope relating to dipping and coating operations (dip tanks) from WAC 296-62-11021 to this section.

WAC 296-307-45010 Provide proper ventilation for the vapor area.

- Moved requirements relating to providing proper ventilation for the vapor area from WAC 296-62-11021 to this section.

WAC 296-307-45020 Take additional precautions when using an exhaust hood.

- Moved requirements relating to taking additional precautions when using an exhaust hood from WAC 296-62-11021 to this section.

WAC 296-307-45030 Make sure employees working near dip tanks know appropriate first-aid procedures.

- Moved requirements relating to first-aid procedures from WAC 296-62-11021 to this section.

WAC 296-307-45035 Prepare dip tanks before cleaning.

- Moved requirements relating to preparing dip tanks before cleaning from WAC 296-62-11021 to this section.

WAC 296-307-45045 Protect employees during welding, burning, or other work using open flames.

- Moved requirements relating to protecting employees during welding, burning or other work using open flames from WAC 296-62-11021 to this section.

WAC 296-307-45050 Protect employees that use liquids that may burn, irritate, or otherwise harm the skin.

- Moved requirements relating to protecting employees that use liquids that may burn, irritate, or otherwise harm the skin from WAC 296-62-11021 to this section.

WAC 296-307-455 Additional requirements for dip tanks using flammable or combustible liquids.

- Added this section as a summary page listing all the WAC sections applicable to requirements for dip tanks that use flammable or combustible liquids.

WAC 296-307-45505 Include additional safeguards when constructing dip tanks.

- Moved requirements relating to including additional safeguards when constructing dip tanks from WAC 296-62-11021 to this section.

WAC 296-307-45510 Provide overflow pipes.

- Moved requirements relating to providing overflow pipes from WAC 296-62-11021 to this section.

WAC 296-307-45515 Provide bottom drains.

- Moved requirements relating to providing bottom drains from WAC 296-62-11021 to this section.

WAC 296-307-45520 Provide fire protection in the vapor area.

- Moved requirements relating to providing fire protection in the vapor area from WAC 296-62-11021 to this section.

WAC 296-307-45525 Provide additional fire protection for large dip tanks.

- Moved requirements relating to providing additional fire protection for large dip tanks from WAC 296-62-11021 to this section.

WAC 296-307-45535 Prevent static electricity sparks or arcs when adding liquids to a dip tank.

- Moved requirements relating to preventing static electricity sparks or arcs from WAC 296-62-11021 to this section.

WAC 296-307-45540 Control ignition sources.

- Moved requirements relating to controlling ignition sources from WAC 296-62-11021 to this section.

WAC 296-307-45545 Provide safe electrical wiring and equipment where the liquid can drip or splash.

- Moved requirements relating to providing safe electrical wiring and equipment from WAC 296-62-11021 to this section.

WAC 296-307-45550 Keep the area around dip tanks clear of combustible material and properly dispose of waste.

- Moved requirements relating to keeping the area around dip tanks clear of combustible material and properly dispose of waste from WAC 296-62-11021 to this section.

WAC 296-307-45555 Make sure heating the liquid in your dip tanks does not cause a fire.

- Moved requirements relating to making sure heating the liquid in your dip tank does not cause a fire from WAC 296-62-11021 to this section.

WAC 296-307-45560 Make sure a heating system used for drying objects does not cause a fire.

- Moved requirements relating to making sure a heating system used for drying objects does not cause a fire from WAC 296-62-11021 to this section.

WAC 296-307-45565 Make sure conveyor systems are safe.

- Moved requirements relating to making sure conveyor systems are safe from WAC 296-62-11021 to this section.

WAC 296-307-460 Additional requirements for dip tanks used for specific processes. Summary.

- Added this section as a summary page listing all the WAC sections applicable to requirements for dip tanks used for specific processes.

WAC 296-307-46005 Meet specific requirements if you use a hardening or tempering tank.

- Moved requirements relating to hardening or tempering tanks from WAC 296-62-11021 to this section.

WAC 296-307-46025 Provide additional safeguards for vapor degreasing tanks.

- Moved requirements relating to providing additional safeguards for vapor degreasing tanks from WAC 296-62-11021 to this section.

WAC 296-307-46030 Control liquid spray over an open surface cleaning or degreasing tank.

- Moved requirements relating to controlling liquid spray over an open surface cleaning or degreasing tank from WAC 296-62-11021 to this section.

WAC 296-307-465 Definitions.

- Added the following definitions relating to dip tanks to this section for clarity:
 - ACGIH.
 - Adjacent area.
 - ANSI.
 - Approved.
 - Autoignition temperature.
 - Combustible liquid.

- Detearing.
- Dip tank.
- Flammable liquid.
- Flashpoint.
- Lower flammable limit.
- NFPA.
- Vapor area.
- You.

WAC 296-307-560 Scope.

- Moved the scope relating to the content and distribution of material safety data sheets (MSDSs) and label information from WAC 296-62-054 to this section.

WAC 296-307-56005 Hazard evaluation.

- Added this section as a summary page listing all the WAC sections applicable to hazard evaluations.

WAC 296-307-56010 Conduct complete hazard evaluations.

- Moved requirements relating to conducting complete hazard evaluations from WAC 296-62-05402, 296-62-05404, 296-62-05406, and 296-62-05408 to this section.

WAC 296-307-56015 Provide access to hazard evaluation procedures.

- Moved requirements relating to providing access to hazard evaluation procedures from WAC 296-62-05402 to this section.

WAC 296-307-56020 Material safety data sheets.

- Added this section as a summary page listing all the WAC sections applicable to material safety data sheets.

WAC 296-307-56025 Develop or obtain material safety data sheets (MSDSs).

- Moved requirements relating to developing or obtaining material safety data sheets from WAC 296-62-05404, 296-62-05406, and 296-62-05408 to this section.

WAC 296-307-56030 Provide MSDSs for products shipped, transferred or sold over-the-counter.

- Moved requirements relating to providing MSDSs for products shipped, transferred or sold over-the-counter from WAC 296-62-05412 to this section.

WAC 296-307-56035 Follow-up if an MSDS is not provided.

- Moved requirements relating to a follow-up if an MSDS is not provided from WAC 296-62-05412 to this section.

WAC 296-307-56040 Labeling.

- Moved requirements relating to labeling from WAC 296-62-05410 to this section.

WAC 296-307-56045 Label containers of hazardous chemicals.

- Moved requirements relating to labeling containers of hazardous chemicals from WAC 296-62-05410 to this section.

WAC 296-307-56050 Definitions.

- Moved the following definitions from WAC 296-62-054 to this section for clarity:
 - Article.
 - Chemical.
 - Chemical name.
 - Common name.
 - Designated representative.
 - Hazardous chemical.
 - Identity.
 - Importer.
 - Manufacturer.
 - Material safety data sheets (MSDSs).
 - Mixture.
 - Use.
- Added the following definitions for clarity:
 - Combustible liquid.
 - Commercial account.
 - Compressed gas.
 - Container.
 - Distributor.
 - Explosive.
 - Flammable.
 - Flashpoint.
 - Hazard warning.
 - Health hazard.
 - Label.
 - Organic peroxide.
 - Oxidizer.
 - Permissible exposure limits (PELs).
 - Physical hazards.
 - Produce.
 - Pyrophoric.
 - Responsible party.
 - Retailer.
 - Threshold limit values (TLVs).
 - Unstable (reactive).
 - Water-reactive.
 - Wholesaler.

AMENDED SECTIONS:**WAC 296-307-009 What definitions apply to this chapter?**

- Added the following definitions to this section:
 - Biological agents.
 - Chemical agents (airborne or contact).

WAC 296-307-018 What are the employer's responsibilities?

- Moved requirements relating to controlling chemical agents from WAC 296-62-07005 to this section as subsection (9).

- Moved requirements relating to biological agents from WAC 296-62-080 to this section as subsection (10).

WAC 296-307-40013 What requirements apply to the construction, original test, and requalification of nonrefrigerated containers?

- Requirements for how the containers need to be constructed and tested were inadvertently left out of this WAC section. The OSHA identified this as being "not at-least-as-effective-as" their federal rules. WISHA is required to be "at-least-as-effective-as," therefore we are incorporating these requirements into this section.

WAC 296-307-40015 How must nonrefrigerated containers and systems (other than DOT containers) be marked?

- Requirements for refrigerated containers were inadvertently left out of this WAC section. The OSHA identified this as being "not at-least-as-effective-as" their federal rules. WISHA is required to be "at-least-as-effective-as," therefore we are incorporating these requirements into this section.

WAC 296-307-40027 What emergency precautions are required when handling anhydrous ammonia?

- Requirements for at least two gas masks being readily accessible were inadvertently left out of this WAC section. The OSHA identified this as being "not at-least-as-effective-as" their federal rules. WISHA is required to be "at-least-as-effective-as," therefore we are incorporating these requirements into this section.

WAC 296-307-450 General requirements. Summary.

- Amended this section to include a summary page listing all the WAC sections applicable to general requirements for dipping and coating operations (dip tanks).

WAC 296-307-45005 Construct safe dip tanks.

- Deleted existing language and clarified requirements relating to constructing safe dip tanks.

WAC 296-307-45015 Take additional precautions if you recirculate ventilation system exhaust air into the workplace.

- Deleted existing language and clarified requirements relating to taking additional precautions if you recirculate ventilation system exhaust air into the workplace.

WAC 296-307-45025 Periodically inspect your dip tanks and associated equipment and correct any deficiencies.

- Deleted existing language and clarified requirements relating to periodic inspecting dip tanks.

WAC 296-307-55030 Inform and train your employees about hazardous chemicals in your workplace

- Corrected formatting errors.

REPEAL WAC SECTIONS:**WAC 296-62-054 Manufacturers, importers and distributors—Hazard communication.**

- Requirements in this section have been rewritten and moved to WAC 296-307-560 through 296-307-56050. Repealed this section.

WAC 296-62-05402 Determine whether the chemicals you produce in your workplace or import are hazardous.

- Requirements in this section have been rewritten and moved to WAC 296-307-560 through 296-307-56050. Repealed this section.

WAC 296-62-05404 Use these criteria in making hazard determinations.

- Requirements in this section have been rewritten and moved to WAC 296-307-560 through 296-307-56050. Repealed this section.

WAC 296-62-05406 Determine whether the chemicals you produce or import are health hazards.

- Requirements in this section have been rewritten and moved to WAC 296-307-560 through 296-307-56050. Repealed this section.

WAC 296-62-05408 Obtain or develop a material safety data sheet for each hazardous chemical you produce or import.

- Requirements in this section have been rewritten and moved to WAC 296-307-560 through 296-307-56050. Repealed this section.

WAC 296-62-05410 Label clearly each container of hazardous chemicals that leaves your workplace.

- Requirements in this section have been rewritten and moved to WAC 296-307-560 through 296-307-56050. Repealed this section.

WAC 296-62-05412 Provide material safety data sheets.

- Requirements in this section have been rewritten and moved to WAC 296-307-560 through 296-307-56050. Repealed this section.

WAC 296-62-070 Chemical agents (airborne or contact).

- Definitions in this section have been moved to WAC 296-307-009. Repealed this section.

WAC 296-62-07001 Definitions (airborne chemical agents).

- Definitions in this section have been moved to WAC 296-307-009. Repealed this section.

WAC 296-62-07003 Definitions (contact chemical agents).

- Definitions in this section have been moved to WAC 296-307-009. Repealed this section.

WAC 296-62-07005 Control of chemical agents.

- Requirements in this section have been rewritten and moved to WAC 296-307-018. Repealed this section.

WAC 296-62-080 Biological agents.

- Requirements in this section have been rewritten and moved to WAC 296-307-018. Repealed this section.

WAC 296-62-11021 Open surface tanks.

- Requirements in this section have been rewritten and moved to chapter 296-307 WAC, Part U-3. Repealed this section.

WAC 296-62-130 Emergency washing facilities.

- Requirements in this section have been rewritten and moved to chapter 296-307 WAC, Part B.

WAC 296-307-45001 What general requirements apply to hazardous materials and flammable and combustible liquids?, 296-307-45003 What requirements apply to dip tanks containing flammable or combustible liquids?, 296-307-45007 What requirements must ventilation systems meet?, 296-307-45009 What general requirements apply to the construction of dip tanks?, 296-307-45011 How must overflow pipes for dip tanks be constructed?, 296-307-45013 How must bottom drains of dip tanks be constructed?, 296-307-45017 What measures must an employer take to prevent hazards from electrical and other ignition sources?, 296-307-45019 How must dip tanks be operated and maintained?, 296-307-45021 What requirements must fire extinguishing systems meet?, and 296-307-45023 What requirements apply to hardening and tempering tanks?

- Requirements in these sections have been rewritten and moved to WAC 296-307-445 through 296-307-465.

WAC 296-307-45027 What requirements apply to electrostatic apparatus? and 296-307-45029 What requirements apply to roll coating applications?

- Repealed these sections.

Citation of Existing Rules Affected by this Order:
 Amending WAC 296-307-009 What definitions apply to this chapter?, 296-307-018 What are the employer's responsibilities?, 296-307-40013 What requirements apply to the construction, original test, and requalification of nonrefrigerated containers?, 296-307-40015 How must nonrefrigerated containers and systems (other than DOT containers) be marked?, 296-307-40027 What emergency precautions are required when handling anhydrous ammonia?, 296-307-450 General requirements. Summary, 296-307-45005 Construct safe dip tanks, 296-307-45015 Take additional precautions if you recirculate ventilation system exhaust air into the workplace, 296-307-45025 Periodically inspect your dip tanks and associated equipment and correct any deficiencies, and 296-307-55030 Inform and train your employees about hazardous chemicals in your workplace; and repealing WAC 296-62-054 Manufacturers, importers and distributors—Hazard

communication, 296-62-05402 Determine whether the chemicals you produce in your workplace or import are hazardous, 296-62-05404 Use these criteria in making hazard determinations, 296-62-05406 Determine whether the chemicals you produce or import are health hazards, 296-62-05408 Obtain or develop a material safety data sheet for each hazardous chemical you produce or import, 296-62-05410 Label clearly each container of hazardous chemicals that leaves your workplace, 296-62-05412 Provide material safety data sheets, 296-62-070 Chemical agents (airborne or contact), 296-62-07001 Definitions (airborne chemical agents), 296-62-07003 Definitions (contact chemical agents), 296-62-07005 Control of chemical agents, 296-62-080 Biological agents, 296-62-11021 Open surface tanks, 296-62-130 Emergency washing facilities, 296-307-45001 What general requirements apply to hazardous materials and flammable and combustible liquids?, 296-307-45003 What requirements apply to dip tanks containing flammable or combustible liquids?, 296-307-45007 What requirements must ventilation systems meet?, 296-307-45009 What general requirements apply to the construction of dip tanks?, 296-307-45011 How must overflow pipes for dip tanks be constructed?, 296-307-45013 How must bottom drains of dip tanks be constructed?, 296-307-45017 What measures must an employer take to prevent hazards from electrical and other ignition sources?, 296-307-45019 How must dip tanks be operated and maintained?, 296-307-45021 What requirements must fire extinguishing systems meet?, 296-307-45023 What requirements apply to hardening and tempering tanks?, 296-307-45027 What requirements apply to electrostatic apparatus?, and 296-307-45029 What requirements apply to roll coating applications?

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Adopted under notice filed as WSR 03-04-100 on February 4, 2003.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-307-560 Content and distribution of material safety data sheets, the title of this section was changed to "Preparing material safety data sheets (MSDSs)."

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 40, Amended 10, Repealed 26.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 40, Amended 10, Repealed 26.

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 40, Amended 10, Repealed 26.

Effective Date of Rule: August 1, 2003.

May 6, 2003

Karl Trause
Director

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-009 What definitions apply to this chapter? "Approved" means approved by the director of the department of labor and industries, or by another organization designated by the department. Also means listed or approved by a nationally recognized testing laboratory.

"Authorized person" means someone you have approved to perform specific duties or to be at a specific location on the job site.

"Biological agents" means organisms or their by-products.

"Chemical agents (airborne or contact)" means a chemical agent is any of the following:

• **Airborne chemical agent which is any of the following:**

- **Dust - solid particles suspended in air, generated by handling, drilling, crushing, grinding, rapid impact, detonation, or decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, grain, etc.**

- **Fume - solid particles suspended in air, generated by condensation from the gaseous state, generally after volatilization from molten metals, etc., and often accompanied by a chemical reaction such as oxidation.**

- **Gas - a normally formless fluid that can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.**

- **Mist - liquid droplets suspended in air, generated by condensation from the gaseous to the liquid state or by breaking up a liquid into a dispersed state, such as by splashing, foaming or atomizing.**

- **Vapor - the gaseous form of a substance that is normally in the solid or liquid state.**

• **Contact chemical agent which is any of the following:**

- **Corrosives - substances that in contact with living tissue cause destruction of the tissue by chemical action.**

- **Irritants - substances that on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.**

- **Toxicants - substances that have the inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.**

"Department" means the department of labor and industries. When this chapter refers to "we" or "us," it means labor and industries staff responsible for enforcing the Washington Industrial Safety and Health Act (WISHA).

"Director" means the director of the department of labor and industries, or a designated representative.

"Employee" means someone providing personal labor in the business of the employer, including anyone providing personal labor under an independent contract.

"Employer" means a business entity having one or more employees. Also, any person, partnership, or business entity with no employees but having industrial insurance coverage is both an employer and an employee. When this chapter refers to "you," it means the employer or a designated representative.

"Hazard" means a condition that can cause injury, death, or occupational disease.

"Listed" means listed by a nationally recognized testing laboratory.

"Must" means mandatory.

"Nationally recognized testing laboratory" See 29 CFR 1910.7 (federal OSHA requirements).

"Pesticide" means:

- Any substance intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest or which the director may declare to be a pest;

- Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

- Any spray adjuvant, such as a 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 pesticide as an aid to its application or effect, and sold in a package or container separate from that of the pesticide with which it is to be used.

"Safety factor" means the ratio of the ultimate breaking strength of a piece of material or equipment to the actual working stress or safe load when in use.

"Should" or "may" means recommended.

"Standard safeguard" means a device designed and constructed to remove a hazard related to the machine, appliance, tool, building, or equipment to which it is attached.

"Working day," for appeals and accident reporting, means a calendar day, except Saturdays, Sundays, and legal holidays as defined by RCW 1.16.050. To compute the time within which an act is to be completed, exclude the first working day and include the last.

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

WAC 296-307-018 What are the employer's responsibilities?

You must:

- (1) Provide a safe and healthful working environment.
- (2) Ensure that employees do not use defective or unsafe tools and equipment, including tools and equipment that may be furnished by the employee.
- (3) Implement a written accident prevention program as required by these standards.
- (4) Implement a hazard communication program as required by WAC 296-307-550.
- (5) Establish a system for reporting and recording accidents on the OSHA 200 log. (See chapter 296-27 WAC.)
- (6) Provide safety education and training programs.
- (7) Implement the requirements of WAC 296-62-074 through 296-62-07451 to ensure the safety of employees who are exposed to cadmium in the workplace.
- (8) Implement the requirements of WAC 296-62-145 through 296-62-14529 to ensure the safety of employees who are exposed to confined spaces in the workplace.

(9) Control chemical agents.

You must:

- Control chemical agents in a manner that they will not present a hazard to your workers; or

- Protect workers from the hazard of contact with, or exposure to, chemical agents.

Reference: Pesticides are chemical agents and are covered by chapter 296-307 WAC Part I, Pesticides (worker protection standard). Pesticides may also be covered by chapter 296-62 WAC Part E, Respiratory protection.

(10) Protect employees from biological agents.

You must:

- Protect employees from exposure to hazardous concentrations of biological agents that may result from processing, handling or using materials or waste.

Note: Examples of biological agents include:
 – Animals or animal waste
 – Body fluids
 – Biological agents in a medical research lab
 – Mold or mildew.

NEW SECTION

WAC 296-307-03930 Make sure emergency washing facilities are functional and readily accessible.

You must:

- Provide an emergency shower:
 - When there is potential for major portions of an employee's body to contact corrosives, strong irritants, or toxic chemicals
 - That delivers water to cascade over the user's entire body at a minimum rate of 20 gallons (75 liters) per minute for fifteen minutes or more.
- Provide an emergency eyewash:
 - When there is potential for an employee's eyes to be exposed to corrosives, strong irritants, or toxic chemicals
 - That irrigates and flushes both eyes simultaneously while the user holds their eyes open
 - With an on-off valve that activates in one second or less and remains on without user assistance until intentionally turned off
 - That delivers at least 0.4 gallons (1.5 liters) of water per minute for fifteen minutes or more.

Note: Chemicals that require emergency washing facilities:

- You can determine whether chemicals in your workplace require emergency washing facilities by looking at the material safety data sheet (MSDS) or similar documents. The MSDS contains information about first-aid requirements and emergency flushing of skin or eyes
- For chemicals developed in the workplace, the following resources provide information about first-aid requirements:
 - NIOSH Pocket Guide to Chemical Hazards
 - DHHS (NIOSH) Publication No. 97-140
 - <http://www.cdc.gov/niosh/npg/ggdstart.html>
 - Threshold Limit Values for Chemical Substances and Physical Agents American Conference of Governmental Industrial Hygienists (ACGIH).

You must:

- Make sure emergency washing facilities:
 - Are located so that it takes no more than ten seconds to reach
 - Are kept free of obstacles blocking their use
 - Function correctly

– Provide the quality and quantity of water that is satisfactory for emergency washing purposes.

Note:

- If water in emergency washing facilities is allowed to freeze, they will not function correctly. Precautions need to be taken to prevent this from happening
- The travel distance to an emergency washing facility should be no more than fifty feet (15.25 meters)
- For further information on the design, installation, and maintenance of emergency washing facilities, see American National Standards Institute (ANSI) publication Z358.1 - 1998, *Emergency Eyewash and Shower Equipment*. Emergency washing facilities that are designed to meet ANSI Z358.1 - 1998 also meet the requirements of this standard. The ANSI standard can be obtained from the American National Standards Institute, 1430 Broadway, New York, New York 10018.

Reference:

- Training in the location and use of your emergency washing facilities is required under the employer chemical hazard communication rule, WAC 296-307-550, and the accident prevention program rule, WAC 296-307-030.

NEW SECTION

WAC 296-307-03935 Inspect and activate your emergency washing facilities.

You must:

- Make sure all plumbed emergency washing facilities are inspected once a year to make sure they function correctly.

Note: Inspections should include:

- Examination of the piping
- Making sure that water is available at the appropriate temperature and quality
- Activation to check that the valves and other hardware work properly
- Checking the water flow rate.

You must:

- Make sure plumbed emergency eyewashes and hand-held drench hoses are activated weekly to check the proper functioning of the valves, hardware, and availability of water
- Make sure all self-contained eyewash equipment and personal eyewash units are inspected and maintained according to manufacturer instructions.
 - Inspections to check proper operation must be done once a year
 - Sealed personal eyewashes must be replaced after the manufacturer's expiration date.

Note: Most manufacturers recommend replacing fluid in open self-contained eyewashes every six months. The period for sealed containers is typically two years.

NEW SECTION

WAC 296-307-03940 Make sure supplemental flushing equipment provides sufficient water.

Note: Supplemental flushing equipment cannot be used in place of required emergency showers or eyewashes.

You must:

- Make sure hand-held drench hoses deliver at least 3.0 gallons (11.4 liters) of water per minute for fifteen minutes or more.

Note: Why use a drench hose? A drench hose is useful when:

- The spill is small and does not require an emergency shower

- Used with a shower for local rinsing, particularly on the lower extremities.

You must:

- Make sure personal eyewash equipment delivers only clean water or other medically approved eye flushing solutions.

NEW SECTION

WAC 296-307-03945 Definitions.

Corrosive

As used in first aid, WAC 296-307-039, is a substance that causes destruction of living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.

Emergency washing facilities

Emergency washing facilities are emergency showers, eyewashes, eye/face washes, hand-held drench hoses, or other similar units.

Hand-held drench hoses

Hand-held drench hoses are single-headed emergency washing devices connected to a flexible hose that can be used to irrigate and flush the face or other body parts.

Personal eyewash units

Personal eyewash units are portable, supplementary units that support plumbed units or self-contained units, or both, by delivering immediate flushing for less than fifteen minutes.

Strong irritant

As used in first aid, WAC 296-307-039, is a chemical that is not corrosive, but causes a strong, temporary inflammatory effect on living tissue by chemical action at the site of contact.

Toxic chemical

As used in first aid, WAC 296-307-039, is a chemical that produces serious injury or illness when absorbed through any body surface.

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-40013 What requirements apply to the construction, original test, and requalification of non-refrigerated containers? The code is the Unfired Pressure Vessel Code of the American Society of Mechanical Engineers (Section VIII of the ASME Boiler Construction Code), 1952, 1956, 1959, 1962, 1965, 1968 and 1971 editions, the joint code of the American Petroleum Institute and the American Society of Mechanical Engineers (API-ASME Code) 1951 edition, and amendments or later editions, as adopted.

(1) Containers used with systems covered in WAC 296-307-40005 and 296-307-40007 must be constructed and tested according to the code.

Exception: Construction under Table UW-12 at a basic joint efficiency of under 80% is prohibited. Containers built according to code are exempt from paragraphs UG-125 to UG-128, inclusive, and paragraphs UG-132 and UG-133 of the code.

Note: This subsection allows the continued use or reinstallation of containers constructed and maintained according to the 1949, 1950, 1952, 1956, 1959, 1962, 1965 and 1968 editions of the

Unfired Pressure Vessel Code of the ASME or any revisions thereof in effect at the time of fabrication.

(2) Containers more than 36 inches in diameter or 250 gallons water capacity must be constructed to meet one or more of the following requirements:

- (a) Containers must be stress relieved after fabrication according to the code; or
- (b) Cold-formed heads, when used, must be stress relieved; or
- (c) Hot-formed heads must be used.
- (3) Welding to the shell, head, or any other part of the container subject to internal pressure must be according to the code. Other welding is permitted only on saddle plates, lugs, or brackets attached to the container by the container manufacturer.

Containers used with systems covered in subsection (4) of this section must be constructed and tested in accordance with the DOT specifications.

(4) Containers must comply with department of transportation specifications and must be maintained, filed, packaged, marked, labeled and shipped to comply with current DOT regulations and American National Standard Method of Marking Portable Compressed Gas Containers to Identify the Material Contained, Z48.1-1954 R1970. See Appendix C for availability.

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-40015 How must nonrefrigerated containers and systems (other than DOT containers) be marked? (1) System nameplates, when required, must be permanently attached to the system so they are readily accessible for inspection.

(2) Each container or system covered in WAC 296-307-40005 and 296-307-40007 must be marked as follows:

- (a) With indication that the container or system meets the requirements of the code under which the container is constructed.
- (b) With indication on the container and system nameplate when the system is designed for underground installation.
- (c) With the name and address of the supplier of the container or the trade name of the container and with the date of fabrication.
- (d) With the water capacity of the container in pounds at 60°F or gallons, United States standard.
- (e) With the design pressure in pounds per square inch gauge.
- (f) With the wall thickness of the shell and heads.
- (g) With indication of the maximum fill level for liquid anhydrous ammonia between 20°F and 100°F. Markings must be in increments of not more than 20°F.

Exception: Containers with fixed maximum level indicators, such as fixed length dip tubes, or containers that are filled by weight are exempt from this requirement.

- (h) With the outside surface area in square feet.

(i) With minimum temperature in Fahrenheit for which the container is designed.

(j) The marking must be on the container itself or on a permanently attached nameplate.

(3) All main operating valves on permanently installed containers with a capacity of over 3,000 water gallons must be identified to show whether the valve is in liquid or vapor service. The valve must be identified as follows:

(a) The word LIQUID (or LIQUID VALVE), VAPOR (or VAPOR VALVE), as appropriate, must be placed on or within twelve inches of the valve by means of a stencil tag or decal.

(b) Liquid valves must be painted orange and vapor valves must be painted yellow. The legend ORANGE-LIQUID, YELLOW-VAPOR must be displayed in one or more conspicuous places at each permanent storage location. The legend must have letters at least two inches high and must be placed against a contrasting background.

(4) "Marking refrigerated containers." Each refrigerated container must be marked with a name plate on the outer covering in an accessible place as specified in the following:

- With the notation, "Anhydrous Ammonia"
- With the name and address of the builder and the date of fabrication
- With the water capacity of the container in gallons, U.S. Standard
- With the design pressure
- With the minimum temperature in degrees Fahrenheit for which the container was designed
- The maximum allowable water level to which the container may be filled for test purposes
- With the density of the product in pounds per cubic foot for which the container was designed
- With the maximum level to which the container may be filled with liquid anhydrous ammonia.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-40027 What emergency precautions are required when handling anhydrous ammonia? (1)

You must train employees required to handle ammonia in the safe operating practices and the proper action to take in an emergency. Employees must be instructed to use the equipment listed in subsection (3) of this section in an emergency.

(2) If ammonia system leaks, the employees trained for and designated to act in emergencies must:

(a) See that anyone not required to deal with an emergency is evacuated from the contaminated area.

(b) ~~(Put on a suitable gas mask.)~~ Have two suitable gas masks in readily accessible locations. Full face masks with ammonia canisters as certified by NIOSH under 42 CFR Part 84, are suitable for emergency action for most leaks, particularly those that occur outdoors. For protection in concentrated ammonia atmospheres, self-contained breathing apparatus is required.

(c) Wear gauntlet type plastic or rubber gloves and wear plastic or rubber suits in heavily contaminated atmospheres.

(d) Shut off the appropriate valves.

(3) All storage systems must have on hand at least the following equipment for emergency and rescue purposes:

- (a) *One full face gas mask with anhydrous ammonia refill canisters.
- (b) **One pair of protective gloves.
- (c) **One pair of protective boots.
- (d) **One protective slicker and/or protective pants and jacket.

(e) Easily accessible shower and/or at least 50 gallons of clean water in an open top container.

(f) Tight-fitting vented goggles or one full face shield.

~~*((An ammonia canister is effective for short periods of time in light concentrations of ammonia vapor, generally fifteen minutes in concentrations of 3% and will not protect breathing in heavier concentrations.))~~ If ammonia vapors are detected when the mask is applied, ~~((the concentration is too high for safety))~~ leave the area immediately. The life of a canister in service is controlled by the percentage of vapors to which it is exposed. Canisters must not be opened until ready for use and should be discarded after use or as recommended by the canister manufacturer. Unopened canisters may be guaranteed for as long as three years and all should be dated when received. In addition, an independently supplied air mask of the type used by fire departments may be used for ~~((severe))~~ emergencies.

**Gloves, boots, slickers, jackets, and pants must be made of rubber or other material impervious to ammonia.

(4) Where several persons are usually present, additional safety equipment may be necessary.

(5) Each tank motor vehicle transporting anhydrous ammonia, except farm applicator vehicles, must carry a container of at least five gallons of water and must have a full face gas mask, a pair of tight-fitting goggles or one full face shield. The driver must be instructed in their use and the proper action to take to provide for the driver's safety.

(6) If a leak occurs in transportation equipment and it is impractical to stop the leak, the driver should move the vehicle to an isolated location.

(7) If liquid ammonia contacts the skin or eyes, the affected area should be promptly and thoroughly flushed with water. Do not use neutralizing solutions or ointments on affected areas. A physician must treat all cases of eye exposure to liquid ammonia.

DIPPING AND COATING OPERATIONS (DIP TANKS)

NEW SECTION

WAC 296-307-445 Scope.

IMPORTANT:

A **dip tank** is a container holding a liquid other than plain water that is used for dipping or coating. An object may be completely or partially immersed (in a dip tank) or it may be suspended in a vapor coming from the tank.

Exemption: Dip tanks that use a molten material (molten metal, alloy, salt, etc.) are not covered by this chapter.

This chapter **applies to:**

- A dip tank that uses a liquid other than plain water, or the vapor of the liquid, to:
 - Clean an object

- Coat an object
- Alter the surface of an object

OR

- Change the character of an object.
- Draining or drying an object that has been dipped or coated.

Examples of covered dipping and coating operations include, but are not limited to:

- Paint dipping
- Anodizing
- Pickling
- Quenching
- Tanning
- Degreasing
- Stripping
- Cleaning
- Dyeing.

Reference: You have to do a hazard assessment to identify hazards or potential hazards in your workplace and determine if PPE is necessary to protect your employees. See personal protective equipment (PPE), WAC 296-307-100 through 296-307-10025.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-450 (~~Other hazardous materials~~)

General requirements.

Summary.

Your responsibility:

Safeguard employees working with dip tanks.

You must:

CONSTRUCTION

Construct safe dip tanks

WAC 296-307-45005

VENTILATION

Provide proper ventilation for the vapor area

WAC 296-307-45010

Take additional precautions if you recirculate ventilation system exhaust air into the workplace

WAC 296-307-45015

Take additional precautions when using an exhaust hood

WAC 296-307-45020

INSPECTION

Periodically inspect your dip tanks and associated equipment and correct any deficiencies

WAC 296-307-45025

FIRST AID

Make sure employees working near dip tanks know appropriate first-aid procedures

WAC 296-307-45030

CLEANING

Prepare dip tanks before cleaning

WAC 296-307-45035

WELDING

Protect employees during welding, burning or other work using open flames

WAC 296-307-45045

LIQUIDS HARMFUL TO SKIN

Provide additional protection for employees working near dip tanks that use liquid that may burn, irritate, or otherwise harm the skin

WAC 296-307-45050.

CONSTRUCTION

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-45005 (~~What definitions apply to this section?~~) **Construct safe dip tanks.** (~~"Dip tank" means a tank, vat, or container of flammable or combustible liquid in which articles or materials are immersed for coating, finishing, treating, or similar processes.~~

~~"Vapor area" means any area containing dangerous quantities of flammable vapors in the vicinity of dip tanks, drainboards or other drying, conveying, or other equipment during operation or shutdown.~~)

You must:

• Make sure dip tanks, including any drain boards, are strong enough to support the expected load.

VENTILATION**NEW SECTION**

WAC 296-307-45010 **Provide proper ventilation for the vapor area.**

You must:

- Make sure mechanical ventilation meets the requirements of one or more of the following standards:
 - NFPA 34-1995, Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids
 - ACGIH's "Industrial Ventilation: A Manual of Recommended Practice" (22nd ed., 1995)
 - ANSI Z9.1-1971, Practices for Ventilation and Operation of Open-Surface Tanks and ANSI Z9.2-1979, Fundamentals Governing the Design and Operation of Local Exhaust Systems.

Note: Some, or all, of the consensus standards (such as ANSI and NFPA) may have been revised. If you comply with a later version of a consensus standard, you will be considered to have complied with any previous version of the same consensus standard.

You must:

- Limit the vapor area to the smallest practical space by using mechanical ventilation
 - Keep airborne concentration of any substance below twenty-five percent of its lower flammable limit (LFL)
 - Make sure mechanical ventilation draws the flow of air into a hood or exhaust duct
 - Have a separate exhaust system for each dip tank if the combination of substances being removed could cause a:
 - Fire
 - Explosion
- OR**
- Potentially hazardous chemical reaction.

Reference: You need to keep employee exposure within safe levels when the liquid in a dip tank creates an exposure hazard. See Air contaminants, WAC 296-62-075 through 296-62-07515.

Note: You may use a tank cover or material that floats on the surface of the liquid to replace or assist ventilation. The method or combination of methods you choose has to maintain the airborne concentration of the hazardous material and the employee's exposure within safe limits.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-45015 (~~How must liquids used in dip tanks be stored and handled?~~) **Take additional precautions if you recirculate ventilation system exhaust air into the workplace.** (~~The storage of flammable and combustible liquids in connection with dipping operations must meet the requirements of the National Fire Protection Association Standard for Drycleaning Plants, NFPA No. 32-1970; the National Fire Protection Association Standard for the Manufacture of Organic Coatings, NFPA No. 35-1970; the National Fire Protection Association Standard for Solvent Extraction Plants, NFPA No. 36-1967; and the National Fire Protection Association Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, NFPA No. 37-1970.~~

~~Where portable containers are used to replenish flammable and combustible liquids, you must ensure that both the container and tank are positively grounded and electrically bonded to prevent static electric sparks.~~)

You must:

- Only recirculate air that contains no substance at a concentration that could pose a health or safety hazard to employees
 - Make sure any exhaust system that recirculates air into the workplace:
 - Passes the air through a device that removes contaminants
 - Sounds an alarm and automatically shuts down the dip tank operation, if the vapor concentration of any substance in the exhaust air exceeds twenty-five percent of its LFL
 - Monitors the concentration of vapor from flammable or combustible liquids with approved equipment.

Note:

- The LFL concentration in the air must be determined after the air passes through the air-cleaning device and before the air reenters the workspace
- Most substances will pose a health hazard at a concentration far below twenty-five percent of its LFL.

NEW SECTION

WAC 296-307-45020 **Take additional precautions when using an exhaust hood.**

You must:

- Make sure each room with an exhaust hood has a source of outside air that:
 - Enters the room in a way that will not interfere with the function of the hood
 - Replaces at least ninety percent of the air taken in through the hood.

INSPECTION

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-45025 (~~What requirements apply to flow-coat applications?~~) **Periodically inspect your dip tanks and associated equipment and correct any deficiencies.** ((1) All dip tank requirements must apply to flow-coat operations:

(2) All piping must be strongly erected and rigidly supported.

(3) Paint must be supplied by direct low-pressure pumping arranged to automatically shut down by an approved heat actuated device in the case of fire, or paint may be supplied by a gravity tank with a maximum capacity of 10 gallons.

(4) The sump area and any areas on which paint flows should be considered the area of dip tank.)

You must:

• Inspect or test your dip tanks and associated equipment periodically, including:

- Covers
- Overflow pipes
- Bottom drains and valves
- Electrical wiring, equipment, and grounding connections

- Ventilating systems

- Fire extinguishing equipment.

• Inspect the hoods and ductwork of the ventilation system for corrosion and damage and make sure the airflow is adequate:

- At least quarterly during operation
- Prior to operation after a prolonged shutdown.
- Promptly fix any deficiencies found.

Note: • To assist you in tracking your inspections and actions taken from those inspections, you may want to keep a written record

• It is recommended that inspections be at least quarterly even if the system is not operating. Depending on the chemicals in use more frequent inspection may be required.

FIRST AID

NEW SECTION

WAC 296-307-45030 **Make sure employees working near dip tanks know appropriate first-aid procedures.**

You must:

• Make sure your employees know the appropriate first-aid procedures for the hazards of your dipping and coating operations.

Note: • First-aid procedures are contained in the material safety data sheet (MSDS) for the chemicals used in the dip tank
• First-aid supplies appropriate for the hazards of the dipping or coating operation need to be located near the dip tank to be considered "readily available" as required by WAC 296-307-03920.

Reference: There are additional requirements that may include providing emergency washing facilities and employee training. See first aid, WAC 296-307-039, and employer chemical hazard communication, WAC 296-307-550.

CLEANING

NEW SECTION

WAC 296-307-45035 **Prepare dip tanks before cleaning.**

You must:

(1) Drain the contents of the tank and open any cleanout doors.

(2) Ventilate the tank to clear any accumulated hazardous vapors.

Reference: There may be requirements that apply before an employee enters a dip tank. See Permit-required confined spaces, WAC 296-62-141 and safety procedures, WAC 296-307-320.

WELDING

NEW SECTION

WAC 296-307-45045 **Protect employees during welding, burning, or other work using open flames.**

You must:

• Make sure the dip tank and the area around it are thoroughly cleaned of solvents and vapors before performing work involving:

- Welding
- Burning

OR

- Open flames.

Reference: There are additional requirements for this type of work. See Welding, cutting and brazing, WAC 296-307-475, and Respiratory protection, chapter 296-62 WAC, Part E.

LIQUIDS HARMFUL TO SKIN

NEW SECTION

WAC 296-307-45050 **Protect employees that use liquids that may burn, irritate, or otherwise harm the skin.**

You must:

(1) Make sure washing facilities, including hot water, are available for every ten employees that work with dip tank liquids.

(2) Satisfy medical requirements:

• Make sure an employee with any small skin abrasion, cut, rash, or open sore receives treatment by a properly designated person

• Make sure an employee with a sore, burn, or other skin lesion that needs medical treatment, has a physician's approval before they perform their regular work

• Make sure employees who work with chromic acid receive periodic examinations of their exposed body parts, especially their nostrils.

Note: • Periodic means on a yearly basis unless otherwise indicated
• Any time chromic acid spills onto an employee's skin or their clothing is saturated, a physician should be responsible for evaluating and monitoring the area where chromic acid made contact with the skin.

You must:

(3) Provide lockers or other storage space to prevent contamination of street clothes.

Reference: You have to do a hazard assessment to identify hazards or potential hazards in your workplace and determine if PPE is necessary to protect your employees. See Personal protective equipment (PPE), WAC 296-307-100.

NEW SECTION

WAC 296-307-455 Additional requirements for dip tanks using flammable or combustible liquids.

Summary.**IMPORTANT:**

This section applies to:

- Flammable and combustible liquids (flashpoint below 200°F)

- Liquids that have a flashpoint of 200°F (93.3°C) or higher if you:

- Heat the liquid
- Dip a heated object in the tank

Your responsibility:

Safeguard employees working with dip tanks containing flammable or combustible liquids

You must:**CONSTRUCTION**

Include additional safeguards when constructing dip tanks

WAC 296-307-45505

Provide overflow pipes

WAC 296-307-45510

Provide bottom drains

WAC 296-307-45515

FIRE PROTECTION

Provide fire protection in the vapor area

WAC 296-307-45520

Provide additional fire protection for large dip tanks

WAC 296-307-45525

ELECTRICAL WIRING AND EQUIPMENT AND SOURCES OF IGNITION

Prevent static electricity sparks or arcs when adding liquids to a dip tank

WAC 296-307-45535

Control ignition sources

WAC 296-307-45540

Provide safe wiring and electrical equipment where the liquid can drip or splash

WAC 296-307-45545

HOUSEKEEPING

Keep the area around dip tanks clear of combustible material and properly dispose of waste

WAC 296-307-45550

HEATING LIQUID

Make sure heating the liquid in your dip tanks does not cause a fire

WAC 296-307-45555

HEAT DRYING

Make sure a heating system used for drying objects does not cause a fire

WAC 296-307-45560

CONVEYORS

Make sure the conveyor system for dip tanks is safe

WAC 296-307-45565

CONSTRUCTION**NEW SECTION**

WAC 296-307-45505 Include additional safeguards when constructing dip tanks.

You must:

(1) Make sure the dip tank, drain boards (if provided), and supports are made of noncombustible material.

(2) Make sure piping connections on drains and overflow pipes allow easy access to the inside of the pipe for inspection and cleaning.

NEW SECTION

WAC 296-307-45510 Provide overflow pipes.

You must:

- Provide an overflow pipe on dip tanks that:

- Hold more than one hundred fifty gallons of liquid

OR

- Have more than ten square feet of liquid surface area.

- Make sure the overflow pipe is:

- Properly trapped

- Able to prevent the dip tank from overflowing

- Three inches or more (7.6 cm) in diameter

- Discharged to a safe location.

Note: Discharged to a safe location could be a:

- Safe location outside the building

OR

- Closed, properly vented salvage tank or tanks that can hold more than the dip tank.

You must:

- Make sure the bottom of the overflow pipe is at least six inches (15.2 cm) below the top of the tank.

Note: The overflow pipe should be large enough to remove water applied to the liquid surface of the dip tank from automatic sprinklers or other sources in the event of fire. Smaller dip tanks should be equipped with overflow pipes, if practical.

NEW SECTION

WAC 296-307-45515 Provide bottom drains.

Exemption: A bottom drain is not required if:

- The viscosity of the liquid makes it impractical to empty the tank by gravity or pumping

OR

- The dip tank has an automatic closing cover that meets the requirements of WAC 296-307-45530.

You must:

- Provide a bottom drain on all dip tanks that hold more than five hundred gallons of liquid

- Make sure the bottom drain:

- Is properly trapped

- Will empty the dip tank during a fire
- Has pipes large enough to empty the tank within five minutes
- Uses automatic pumps if gravity draining is not practical
- Is capable of both manual and automatic operation
- Discharges to a safe location.

Note: Discharges to a safe location could be a:

- Safe location outside the building

OR

- Closed, properly vented salvage tank or tanks that can hold more than the dip tank.

You must:

- Make sure manual operation of the bottom drain is performed from a safe and easily accessible location.

FIRE PROTECTION

NEW SECTION

WAC 296-307-45520 Provide fire protection in the vapor area.

You must:

- Provide a manual fire extinguisher near the tank that is suitable for putting out flammable and combustible liquid fires.

NEW SECTION

WAC 296-307-45525 Provide additional fire protection for large dip tanks.

You must:

- Provide at least one automatic fire extinguishing system or an automatic dip tank cover if the tank:
 - Holds one hundred fifty gallons or more of liquid
- OR
- Has four square feet or more of liquid surface area.
- Make sure automatic fire extinguishing systems or automatic dip tank covers meet the requirements of Table 1.

Exemption: An automatic fire extinguishing system or an automatic dip tank cover is not required for a hardening or tempering tank that:

- Holds less than five hundred gallons

OR

- Has less than twenty-five square feet of liquid surface area.

Table 1: Automatic Fire Protection System Requirements

If you provide:	Then you must:
An automatic fire extinguishing system	<ul style="list-style-type: none"> • Use extinguishing materials suitable for a fire fueled by the liquid in the tank • Make sure the system protects the: <ul style="list-style-type: none"> - Tanks - Drain boards - Stock over drain boards.
A dip tank cover	<ul style="list-style-type: none"> • Make sure the cover is: <ul style="list-style-type: none"> - Closed by approved automatic devices in the event of fire - Able to be manually activated - Kept closed when the tank is not being used

If you provide:	Then you must:
	<ul style="list-style-type: none"> - Made of noncombustible material or metal-clad material with locked metal joints.

ELECTRICAL WIRING AND EQUIPMENT AND SOURCES OF IGNITION

NEW SECTION

WAC 296-307-45535 Prevent static electricity sparks or arcs when adding liquids to a dip tank.

You must:

- Make sure any portable container used to add liquid to the tank is:
 - Electrically bonded to the dip tank
 - Positively grounded.

NEW SECTION

WAC 296-307-45540 Control ignition sources.

You must:

- (1) Make sure the vapor areas and adjacent areas do not have any:
 - Open flames
 - Spark producing devices
 - Heated surfaces hot enough to ignite vapors.
- (2) Use explosion-proof wiring and equipment in the vapor area.

Reference: Electrical wiring and equipment has to meet the requirements of the applicable hazardous (classified) location. See Hazardous (classified) locations, WAC 296-307-37209.

You must:

- (3) Prohibit smoking in any vapor area:
 - Post an easily seen "NO SMOKING" sign near each dip tank.

NEW SECTION

WAC 296-307-45545 Provide safe electrical wiring and equipment where the liquid can drip or splash.

You must:

- Make sure all electrical wiring and equipment in the vapor area is approved for areas that have:
 - Deposits of easily ignited residue
 - Explosive vapor.

Exemption: This does not apply to wiring that is:

- In rigid conduit, threaded boxes or fittings
- Has no taps, splices, or terminal connections.

HOUSEKEEPING

NEW SECTION

WAC 296-307-45550 Keep the area around dip tanks clear of combustible material and properly dispose of waste.

You must:

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- (1) Make sure the area surrounding dip tanks is:
- Completely free of combustible debris
 - As free of combustible stock as possible.
- (2) Provide approved metal waste cans that are:
- Used for immediate disposal of rags and other material contaminated with liquids from dipping or coating operations
 - Emptied and the contents properly disposed of at the end of each shift.

HEATING LIQUID

NEW SECTION

WAC 296-307-45555 Make sure heating the liquid in your dip tanks does not cause a fire.

You must:

- Keep the temperature of the liquid in the dip tank:
 - Below the liquid's boiling point
 - At least 100°F below the liquid's autoignition temperature.

HEAT DRYING

NEW SECTION

WAC 296-307-45560 Make sure a heating system used for drying objects does not cause a fire.

You must:

- Make sure the heating system used in a drying operation that could cause ignition:
 - Has adequate mechanical ventilation that operates before and during the drying operation
 - Shuts down automatically if a ventilating fan fails to maintain adequate ventilation
 - Is installed as required by NFPA 86-1999, Standard for Ovens and Furnaces.

Note: Some, or all, of the consensus standards (such as ANSI and NFPA) may have been revised. If you comply with a later version of a consensus standard, you will be considered to have complied with any previous version of the same consensus standard.

CONVEYORS

NEW SECTION

WAC 296-307-45565 Make sure conveyor systems are safe.

You must:

- Make sure the conveyor system shuts down automatically if:
 - The ventilation system fails to maintain adequate ventilation
- OR**
- There is a fire.

NEW SECTION

WAC 296-307-460 Additional requirements for dip tanks used for specific processes.

Summary.

Your responsibility:

Safeguard employees working with dip tanks used for specific processes

You must:

HARDENING OR TEMPERING

Meet specific requirements if you use a hardening or tempering tank

WAC 296-307-46005

VAPOR DEGREASING

Provide additional safeguards for vapor degreasing tanks

WAC 296-307-46025

SPRAY CLEANING OR DEGREASING

Control liquid spray over an open surface cleaning or degreasing tank

WAC 296-307-46030.

HARDENING OR TEMPERING

NEW SECTION

WAC 296-307-46005 Meet specific requirements if you use a hardening or tempering tank.

You must:

(1) Provide an automatic fire extinguishing system or an automatic dip tank cover for any hardening and tempering tank that uses flammable or combustible liquids and:

- Holds five hundred gallons (1893 L) or more of liquid
- OR**

– Has twenty-five square feet (2.37 m²) or more of liquid surface area.

(2) Prevent fires.

- Make sure hardening and tempering tanks are:

- **Not** located on or near combustible flooring
- Located as far away as practical from furnaces

– Equipped with noncombustible hoods and vents (or equally effective devices) for venting to the outside.

• Treat vent ducts as flues and keep them away from combustible material, particularly roofs.

(3) Make sure air under pressure is not used to:

- Fill the tank

OR

- Agitate the liquid in the tank.

(4) Equip each tank with an alarm that will sound when the temperature is within 50°F (10°C) of the liquid's flash-point (alarm set point).

(5) Make sure a limit switch shuts down conveyors supplying work to the tank when the temperature reaches the alarm setpoint, if operationally practical.

(6) Have a circulating cooling system if the temperature of the liquid can exceed the alarm set point.

Note: The bottom drain of the tank may be combined with the oil circulating system if the requirements for bottom drains in WAC 296-307-45515 are satisfied.

VAPOR DEGREASING

NEW SECTION

WAC 296-307-46025 Provide additional safeguards for vapor degreasing tanks.

You must:

- (1) Make sure, if the tank has a condenser or a vapor-level thermostat, that it keeps the vapor level at least:
 - Thirty-six inches (91 cm) below the top of the tank if the width of the tank is seventy-two inches or more
 - OR
 - One-half the tank width below the top of the tank if the tank is less than seventy-two inches wide.
- (2) Make sure, if you use gas as a fuel to heat the tank liquid, that the combustion chamber is airtight (except for the flue opening) to prevent solvent vapors from entering the air-fuel mixture.
- (3) Make sure the exhaust flue:
 - Is made of corrosion-resistant material
 - Extends to the outside
 - Has a draft diverter if mechanical exhaust is used.
- (4) Take special precautions to keep solvent vapors from mixing with the combustion air of the heater if chlorinated or fluorinated hydrocarbon solvents (for example, trichloroethylene or freon) are used in the dip tank.
- (5) Keep the temperature of the heating element low enough to keep a solvent or mixture from:
 - Decomposing
 - OR
 - Generating excessive vapor.

SPRAY CLEANING OR DEGREASING

NEW SECTION

WAC 296-307-46030 Control liquid spray over an open surface cleaning or degreasing tank.

You must:

- Control the spray to the greatest extent feasible by:
 - Enclosing the spraying operation as completely as possible
 - Using mechanical ventilation to provide enough inward air velocity to prevent the spray from leaving the vapor area.

Note: Mechanical baffles may be used to help prevent the discharge of spray.

Reference: Spray painting operations are covered in Spray-finishing operations, WAC 296-62-11019.

NEW SECTION

WAC 296-307-465 Definitions.

ACGIH: American Conference of Governmental Industrial Hygienists.

Adjacent area: Any area within twenty feet (6.1 m) of a vapor area that is not separated from the vapor area by tight partitions.

ANSI: American National Standards Institute.

Approved: Approved or listed by a nationally recognized testing laboratory. Refer to federal regulation 29 CFR 1910.7, for definition of nationally recognized testing laboratory.

Autoignition temperature: The minimum temperature required to cause self-sustained combustion without any other source of heat.

Combustible liquid: A liquid having a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). Mixtures with at least ninety-nine percent of their components having flashpoints of 200°F (93.3°C) or higher are not considered combustible liquids.

Detearing: A process for removing excess wet coating material from the bottom edge of a dipped or coated object or material by passing it through an electrostatic field.

Dip tank: A container holding a liquid other than plain water that is used for dipping or coating. An object may be immersed (or partially immersed) in a dip tank or it may be suspended in a vapor coming from the tank.

Flammable liquid: Any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up ninety-nine percent or more of the total volume of the mixture.

Flashpoint: The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested by any of the measurement methods described in the definition of flashpoint in WAC 296-307-55060.

Lower flammable limit: The lowest concentration of a material that will propagate a flame. The LFL is usually expressed as a percent by volume of the material in air (or other oxidant).

NFPA: National Fire Protection Association.

Vapor area: Any area in the vicinity of dip tanks, their drain boards or associated drying, conveying, or other equipment where the vapor concentration could exceed twenty-five percent of the lower flammable limit (LFL) for the liquid in the tank.

You: Means the employer.

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

WAC 296-307-55030 Inform and train your employees about hazardous chemicals in your workplace.

Note: The employer chemical hazard communication information and training requirements also apply to pesticides. Employers who have employees who are exposed to pesticides must be in compliance with this rule and the worker protection standards, WAC 296-307-12040.

You must:

- Provide employees with effective information on hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced into their employees' work areas, information must be provided.

- Inform employees of:

- ◆ The requirements of this rule.

◆ Any operations in their work area where hazardous chemicals are present.

◆ The location and availability of your written Chemical Hazard Communication Program, including the list(s) of hazardous chemicals and material safety data sheets (MSDSs) required by this rule.

• Provide employees with effective training about hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced, the employees must be trained.

• Make sure that employee training includes:

– Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area. Examples of these methods and observations may include:

- ◆ Monitoring conducted by you
- ◆ Continuous monitoring devices
- ◆ Visual appearance or odor of hazardous chemicals when being released

((◆)) = Physical and health hazards of the chemicals in the work area, including the likely physical symptoms or effects of overexposure

((◆)) = Steps employees can take to protect themselves from the chemical hazards in your workplace, including specific procedures implemented by you to protect employees from exposure to hazardous chemicals. Specific procedures may include:

- Appropriate work practices
- Engineering controls
- Emergency procedures
- Personal protective equipment to be used

((■)) = Details of the Chemical Hazard Communication Program developed by you, including an explanation of the labeling system and the MSDS, and how employees can obtain and use the appropriate hazard information.

• Tailor information and training to the types of hazards to which employees will be exposed. The information and training may be designed to cover categories of hazards, such as flammability or cancer-causing potential, or it may address specific chemicals. Chemical-specific information must always be available through labels and MSDSs.

• Make reasonable efforts to post notices in your employees' native languages (as provided by the department) if those employees have trouble communicating in English.

- Note:**
- Interactive computer-based training or training videos can be used provided they are effective.
 - Your MSDSs may not have WISHA permissible exposure limits (PELs) listed. In some cases, WISHA PELs are stricter than the OSHA PELs and other exposure limits listed on the MSDSs you receive. If this is the case, you must refer to the WISHA PEL table, WAC 296-62-075, for the appropriate exposure limits to be covered during training.

MATERIAL SAFETY DATA SHEETS AND LABEL PREPARATION

NEW SECTION

WAC 296-307-560 Scope. This chapter sets minimum requirements for content and distribution of material safety data sheets (MSDSs) and labels for hazardous chemicals.

• This chapter applies when you do **one or more** of the following:

- Import, produce, or repackage chemicals, including manufactured items (such as bricks, welding rods, and sheet metal) that are not exempt as articles
- Sell or distribute hazardous chemicals to manufacturers, distributors or employers
- Choose not to rely on material safety data sheets (MSDSs) provided by the importer, manufacturer or distributor.

- Note:**
- You are not required to evaluate chemicals or create MSDSs for chemicals you did not produce or import. If you decide to evaluate chemicals or create MSDSs, then the requirements of this chapter will apply to you.
 - Use Table 2 to determine which sections in this chapter apply to your workplace.

- Exemptions:**
- All of the following are **always** exempt from this chapter:
 - Ionizing and nonionizing radiation
 - Biological hazards
 - Tobacco and tobacco products
 - The chemicals and items listed in Table 1 are exempt from this chapter **under the conditions specified.**

Table 1 Conditional Exemptions from this chapter	
This chapter does NOT apply to	When
<ul style="list-style-type: none"> • Alcoholic beverages OR <ul style="list-style-type: none"> • Foods 	<ul style="list-style-type: none"> • Sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, bar, or tavern)
<ul style="list-style-type: none"> • An article (manufactured item) 	<ul style="list-style-type: none"> • It is not a fluid or particle AND • It is formed to a specific shape or design during manufacture for a particular end use function¹ AND • It releases only trace amounts of a hazardous chemical during normal use AND does not pose a physical or health risk to employees
<ul style="list-style-type: none"> • Consumer products <ul style="list-style-type: none"> – Produced or distributed for sale meeting the definition of "consumer products" in the Consumer Product Safety Act (see U.S. Code, Title 15, Chapter 47, section 2052²) OR <ul style="list-style-type: none"> • Hazardous household products 	<ul style="list-style-type: none"> • Both criteria apply: <ul style="list-style-type: none"> – They are used in the workplace for the same purpose as intended by the manufacturer or importer – The duration and frequency of an employee's exposure is no more than the range of exposures that consumers might reasonably experience

PERMANENT

PERMANENT

Table 1 Conditional Exemptions from this chapter	
This chapter does NOT apply to	When
– Meeting the definition of "hazardous substances" in the Federal Hazardous Substance Act (see U.S. Code, Title 15, Chapter 30, section 1261 ²)	
• Cosmetics	• Packaged and sold in retail establishments
• Drugs – Meeting the definition for "drugs" in the Federal Food, Drug, and Cosmetic Act (see U.S. Code, Title 21, Chapter 9, Subchapter II, section 321 ²)	• In solid, final form (for example, tablets, or pills) for direct administration to the patient OR • Packaged and sold in retail establishments (for example, over-the-counter drugs) OR • Intended for employee consumption while in the workplace (for example, first-aid supplies)
• Hazardous solid wastes – Meeting the definition of "hazardous wastes" in the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (see U.S. Code, Title 42, Chapter 82, Subchapter I, section 6903 ²)	• Subject to the United States Environmental Protection Agency (EPA) regulations ³
• Hazardous substances – Released into the environment, meeting the definition of "hazardous substances" in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (see U.S. Code, Title 42, Chapter 103, Subchapter I, section 9601 ²)	• They are the focus of remedial or removal action being conducted under CERCLA in accordance with EPA regulations (Title 40 of the Code of Federal Regulations (CFR) ³)
• Hazardous wastes – Meeting the definition of "dangerous wastes" in the Hazardous Waste Management Act (see chapter 70.105 RCW ⁴)	• Subject to department of ecology regulations, chapter 173-303 WAC ⁵ , that address the accumulation, handling and management of hazardous waste, and describe all of the following: – Safety – Labeling – Personnel training – And other related requirements
• Solid wood OR • Wood products (for example, lumber, and paper)	• All of the following apply: – The material is not treated with hazardous chemicals – The only hazard is potential flammability or combustibility

Table 1 Conditional Exemptions from this chapter	
This chapter does NOT apply to	When
	– The product is not expected to be processed (for example, by sanding or sawing)

¹End use is dependent in whole, or in part, upon maintaining the item's original shape or design. If the item will be significantly altered from its original form, it can no longer be considered a manufactured item.

²This federal act is included in the United States Code. See <http://www.access.gpo.gov/uscode/uscmmain.html>.

³EPA regulations are included in the Code of Federal Regulations (CFR). See <http://www.epa.gov>.

⁴This state act is included in the Revised Code of Washington (RCW). The RCW compiles all permanent laws of the state. See <http://www.leg.wa.gov/wsladm/default.htm>.

⁵See <http://www.ecy.wa.gov>.

Use Table 2 to find out which sections of this chapter apply to you. For example, if you import AND sell hazardous chemicals ALL sections apply. WAC 296-307-56050 applies to all employers covered by the scope of this chapter.

Table 2 Section Application				
If you	Then the sections marked with an "X" apply			
	56010 - 56015	56025	56030 - 56035	56045
• Import or produce chemicals	X	X		
• Sell or distribute hazardous chemicals to – Manufacturers OR – Distributors OR – Employers (includes retail or wholesale transactions)			X	X
• Choose to NOT rely on MSDSs provided by the importer, manufacturer or distributor	X	X		

NEW SECTION

WAC 296-307-56005 Hazard evaluation.

Your responsibility:

To make sure the hazardous chemicals are identified.

You must:

Conduct complete hazard evaluations

WAC 296-307-56010

Provide access to hazard evaluation procedures

WAC 296-307-56015.

NEW SECTION

WAC 296-307-56010 Conduct complete hazard evaluations.

IMPORTANT:

• Hazard evaluation is a process where hazards of chemicals are identified by reviewing available research or testing information. You are not required to perform your own laboratory research or testing to meet the requirements of this section

– Information from hazard evaluations is used to complete material safety data sheets (MSDSs) and labels

– MSDSs from your suppliers may be used to complete the hazard evaluation for chemicals you produce

– MSDSs and labels are **NOT** required for chemicals that are determined to be nonhazardous

• Importers and manufacturers are required to develop MSDSs and labels. If you decide to develop your own MSDSs and labels, then this chapter also applies to you.

You must:

(1) Describe in writing your procedures for conducting hazard evaluations.

(2) Conduct a complete hazard evaluation for ALL chemicals you produce or import to determine if they are hazardous chemicals.

• Identify and consider available scientific evidence of health and physical hazards

• Evidence that meets the criteria in Table 3 must be used to establish a hazard

• Chemicals identified in a Table 4 source must be regarded as hazardous

• The scope of health hazards considered must include the categories in Tables 5 and 6

• If the chemical is a mixture, follow the additional criteria in Table 7

• If you find evidence that meets the criteria in Table 3, use it in your hazard evaluation.

Table 3 Criteria for Hazard Evidence	
Hazard	Criteria
	– Flammable – An organic peroxide – An oxidizer – Pyrophoric – Unstable (reactive) – Water-reactive

¹If human data is not available, use results of tests done on animals and other available studies to predict health effects on employees (for example, effects resulting from short and long-term exposures to chemicals).

²In vitro studies alone do not generally form the basis of a finding of hazard.

³These terms are defined in WAC 296-307-56050.

Chemicals identified in the sources listed in Table 4 must be assumed to be hazardous (including carcinogens and potential carcinogens).

Table 4 Information Sources Identifying Hazardous Chemicals	
• Sources that address a broad range of hazard categories: <ul style="list-style-type: none"> – Chapter 296-62 WAC, General Occupational Health Standards, WISHA – 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA) – <i>Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment</i>, American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition). 	
• Sources that identify carcinogens or potential carcinogens: <ul style="list-style-type: none"> – Chapter 296-62 WAC, General Occupational Health Standards, WISHA – 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA) – National Toxicology Program (NTP), Annual Report on Carcinogens (latest edition) – International Agency for Research on Cancer (IARC) Monographs (latest editions). 	
Note: The <i>Registry of Toxic Effects of Chemical Substances</i> is published by the National Institute for Occupational Safety and Health (NIOSH) and identifies chemicals found to be potential carcinogens by the NTP and IARC.	

Chemicals meeting Table 5 definitions, along with the criteria for established evidence in Table 3, must be regarded as hazardous.

Table 5 is NOT intended to present all hazard categories or test methods. Available scientific data involving other test methods and animal species must also be evaluated to determine a chemical's hazards.

Table 3 Criteria for Hazard Evidence	
Hazard	Criteria
• Health hazard	• Where available, use human case reports of health effects AND • One or more studies that <ul style="list-style-type: none"> – Are based on human populations, if available, and animal populations^{1,2} AND – Report statistically significant conclusions of a hazardous effect or health hazard (as defined in this rule) AND – Have been conducted following established scientific principles
• Physical hazard	• Valid evidence that shows a chemical is any one of the following ³ : <ul style="list-style-type: none"> – A combustible liquid – A compressed gas – Explosive

Table 5 Standard Health Hazard Categories	
A chemical is considered to be	If
• A carcinogen	• The International Agency for Research on Cancer (IARC) considers it to be a carcinogen or potential carcinogen OR

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A chemical is considered to be	If
	<ul style="list-style-type: none"> The National Toxicity Program (NTP) (latest edition) lists it as a carcinogen or potential carcinogen <p>OR</p> <ul style="list-style-type: none"> It is regulated by WISHA or OSHA as a carcinogen
• Corrosive	<ul style="list-style-type: none"> It causes visible destruction of, or irreversible alterations in, living tissue (not inanimate surfaces) by chemical action at the site of contact <p>Example:</p> <ul style="list-style-type: none"> A chemical is corrosive if tested on the intact skin of albino rabbits by a method described by the U.S. Department of Transportation (in Appendix A to 49 CFR Part 173) and it destroys or changes (irreversibly) the structure of the tissue at the contact site after a four-hour exposure period
• Toxic	<ul style="list-style-type: none"> It has a median lethal dose (LD50) greater than 50 milligrams per kilogram, but no more than 500 milligrams per kilogram of body weight, when administered orally to albino rats weighing between 200 - 300 grams each <p>OR</p> <ul style="list-style-type: none"> It has a median lethal dose (LD50) greater than 200 milligrams per kilogram, but not more than 1,000 milligrams per kilogram, of body weight when administered by continuous contact for twenty-four hours (or less if death occurs within twenty-four hours) with the bare skin of albino rabbits weighing between 2 - 3 kilograms each <p>OR</p> <ul style="list-style-type: none"> It has a median lethal concentration (LC50), in air: <ul style="list-style-type: none"> Greater than 200 parts per million, but not more than 2,000 parts per million (by volume of gas or vapor) <p>OR</p> <ul style="list-style-type: none"> Greater than 2 milligrams per liter, but not more than 20 milligrams per liter, of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats, weighing between 200 - 300 grams each
• Highly toxic	<ul style="list-style-type: none"> It has a median lethal dose (LD50) of 50 milligrams, or less, per kilogram of body weight when administered orally to albino rats weighing between 200 - 300 grams each <p>OR</p> <ul style="list-style-type: none"> It has a median lethal dose (LD50) of 200 milligrams, or less, per kilogram of body weight when administered by continuous contact for twenty-four hours (or less if death occurs within twenty-four hours) with the bare skin of albino rabbits weighing between 2 - 3 kilograms each

A chemical is considered to be	If
	<p>OR</p> <ul style="list-style-type: none"> It has a median lethal concentration of (LC50), in air, of: <ul style="list-style-type: none"> 200 parts per million (by volume), or less, of gas or vapor <p>OR</p> <ul style="list-style-type: none"> 2 milligrams per liter, or less, of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 - 300 grams each
• An irritant	<ul style="list-style-type: none"> It is NOT corrosive, but causes a reversible inflammatory effect on living tissue by chemical action at the contact site <p>Examples:</p> <ul style="list-style-type: none"> The chemical is a skin irritant when tested on the intact skin of albino rabbits (by the methods of 16 CFR 1500.41) for four hours exposure (or by other appropriate techniques), and the exposure results in an empirical score of five or more A chemical is an eye irritant if so determined under the procedure listed in 16 CFR 1500.42 or other appropriate techniques
• A sensitizer	<ul style="list-style-type: none"> It causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure

Categories provided in Table 6 illustrate the broad range of target organ effects that must be considered when conducting hazard evaluations. Chemicals meeting Table 6 definitions, along with the criteria for established evidence in Table 3, must be regarded as hazardous.

Examples provided in Table 6 are NOT intended to be a complete list.

Category	Definition	Examples of Signs and Symptoms	Examples of Chemicals
Hepatotoxins	Cause liver damage	<ul style="list-style-type: none"> Jaundice Liver enlargement 	<ul style="list-style-type: none"> Carbon tetrachloride Nitrosamines
Nephrotoxins	Cause kidney damage	<ul style="list-style-type: none"> Edema Proteinuria 	<ul style="list-style-type: none"> Halogenated hydrocarbons Cadmium
Neurotoxins	Cause primary toxic effects on the nervous system	<ul style="list-style-type: none"> Narcosis Behavioral changes Decrease in motor functions 	<ul style="list-style-type: none"> Mercury Carbon disulfide Lead

Table 6
Examples of Target Organ Effect Categories Category

Category	Definition	Examples of Signs and Symptoms	Examples of Chemicals
Chemicals that act on the • Blood OR • Hematopoietic (blood forming) system	• Decrease hemoglobin function OR • Deprive the body tissues of oxygen	• Cyanosis • Loss of consciousness	• Carbon monoxide • Cyanides • Benzene
Chemicals that damage the lungs	• Irritate lungs OR • Damage pulmonary tissue	• Cough • Tightness in chest • Shortness of breath	• Silica • Asbestos
Reproductive toxins	Affect reproductive capabilities, including: • Chromosomal damage (mutation) • Effects on fetuses (teratogenesis)	• Birth defects • Sterility	• Lead • 1,2-Dibromo-3-chloropropane (DBCP) • Nitrous oxide
Cutaneous (skin) hazards	Affect the dermal layer of the body	• Defatting of the skin • Rashes • Irritation	• Ketones • Chlorinated compounds
Eye hazards	Affect the eye or ability to see	• Conjunctivitis • Corneal damage	• Organic solvents • Acids

Table 7
Criteria for Evaluating Chemical Mixtures

If a mixture	Then
• Has been thoroughly tested as a whole for a physical or health hazard	• You must use those results
• Has NOT been tested as a whole for a health hazard	• You must: – Evaluate EACH ingredient in the mixture to determine the hazards – Consider the mixture to have the same hazard as each ingredient determined to be hazardous
• Has NOT been tested as a whole for physical hazards	• You must: • Use any scientifically valid data available to evaluate the potential physical hazards of the mixture

NEW SECTION

WAC 296-307-56015 Provide access to hazard evaluation procedures.

You must:

- Provide access to your written hazard evaluation procedures when requested by any of the following:
 - Employees
 - Designated representatives of employees

- Representatives of the department of labor and industries
- Representatives of the National Institute for Occupational Safety and Health (NIOSH).

NEW SECTION

WAC 296-307-56020 Material safety data sheets.

Your responsibility:

To provide complete and accurate material safety data sheets (MSDSs).

You must:

Develop or obtain MSDSs

WAC 296-307-56025

Provide MSDSs

WAC 296-307-56030

Follow-up if an MSDS is not provided

WAC 296-307-56035.

NEW SECTION

WAC 296-307-56025 Develop or obtain material safety data sheets (MSDSs).

You must:

• Develop or obtain a complete and accurate material safety data sheet (MSDS) for each hazardous chemical or mixture according to ALL of the following:

– ALL information in Table 8 must be completed. If there is no relevant information for a required item, this must be noted. Blank spaces are not permitted.

Note: • No specific format is required for MSDSs; however, an example format (OSHA form 174) can be found online at: <http://www.osha.gov>

• One MSDS can be developed for a group of complex mixtures (for example, jet fuels or crude oil) IF the health and physical hazards of the mixtures are similar (the amounts of chemicals in the mixture may vary).

– Content of MSDSs must accurately represent the available scientific evidence.

Note: You may report results of scientifically valid studies that tend to refute findings of hazards.

– MSDSs must be in English.

Note: You may develop copies of MSDSs in other languages.

You must:

• Revise an MSDS when you become aware of new and significant information regarding the hazards of a chemical, or how to protect against the hazards

– Within three months after you first become aware of the information

OR

– Before the chemical is reintroduced into the workplace if the chemical is no longer being used, produced or imported.

Table 8
Information Required on MSDSs

• The chemical's identity as it appears on the label
• The date the MSDS was prepared or updated
• A contact for additional information about the hazardous chemical and appropriate emergency procedures

**Table 8
Information Required on MSDSs**

<p>Include all of the following:</p> <ul style="list-style-type: none"> - Name - Address - Telephone number of the responsible party preparing or distributing the MSDS
<ul style="list-style-type: none"> • The chemical's hazardous ingredients¹ as determined by your hazard evaluation <ul style="list-style-type: none"> - For a single substance chemical, include the chemical and common name(s) of the substance - For mixtures tested as a whole <ul style="list-style-type: none"> ■ Include the common name(s) of the mixture AND ■ List the chemical and common name(s) of ingredients that contribute to the known hazards - For mixtures NOT tested as a whole, list the chemical and common name(s) of hazardous ingredients <ul style="list-style-type: none"> ■ That make up 1% or more of the mixture, by weight or volume, including carcinogens (if 0.1% concentration or more, by weight or volume) - If ingredients are less than the above concentrations but may present a health risk to employees (for example, allergic reaction or exposure could exceed the permissible exposure limits, or PEL) they must be listed here
<ul style="list-style-type: none"> • Exposure limits for airborne concentrations. Include ALL of the following, when they exist: <ul style="list-style-type: none"> - WISHA or OSHA PELs² <ul style="list-style-type: none"> ■ The 8-hour time weighted average (TWA) ■ The short-term exposure limit (STEL), if available ■ Ceiling values, if available - Threshold limit values (TLVs) including 8-hour TWAs, STELs, and ceiling values - Other exposure limits used or recommended by the employer preparing the MSDS
<ul style="list-style-type: none"> • Physical and chemical characteristics <ul style="list-style-type: none"> - For example, boiling point, vapor pressure, and odor
<ul style="list-style-type: none"> • Fire, explosion data, and related information <ul style="list-style-type: none"> - For example, flashpoint, flammable and explosion limits, extinguishing media, and unusual fire or explosion hazards
<ul style="list-style-type: none"> • Physical hazards of the chemical including reactivity information <ul style="list-style-type: none"> - For example, incompatibilities, decomposition products, by-products, and conditions to avoid
<ul style="list-style-type: none"> • Health hazard information including ALL of the following: <ul style="list-style-type: none"> - Primary routes of exposure • For example, inhalation, ingestion, and skin absorption or other contact³ <ul style="list-style-type: none"> - Health effects (or hazards) associated with: <ul style="list-style-type: none"> ■ Short-term exposure⁴ AND ■ Long-term exposure⁴ - Whether the chemical is listed or described as a carcinogen or potential carcinogen in the latest editions of each of the following: <ul style="list-style-type: none"> ■ The National Toxicology Program (NTP) Annual Report on Carcinogens OR ■ The International Agency for Research on Cancer (IARC) Monographs as a potential carcinogen OR ■ WISHA or OSHA rules

**Table 8
Information Required on MSDSs**

<ul style="list-style-type: none"> - Signs and symptoms of exposure⁵ - Medical conditions generally recognized as being aggravated by exposure
<ul style="list-style-type: none"> • Emergency and first-aid procedures
<ul style="list-style-type: none"> • Generally applicable precautions for safe handling and use known to the employer preparing the MSDS <ul style="list-style-type: none"> - For example, appropriate procedures for clean-up of spills and leaks, waste disposal method, precautions during handling and storing
<ul style="list-style-type: none"> • Generally applicable and appropriate control measures known to the employer preparing the MSDS, including ALL of the following: <ul style="list-style-type: none"> - Engineering controls (for example, general or local exhaust ventilation) - Work practices - Personal protective equipment (PPE) - Personal hygiene practices - Protective measures during repair and maintenance of contaminated equipment

¹The identities of some chemicals may be protected as trade secret information (see chapter 296-62 WAC, Part B-1, Trade secrets).

²WISHA PEL categories are defined, and values are provided, in chapter 296-62 WAC, Part H.

³A "skin notation" listed with either an ACGIH TLV or WISHA/OSHA PEL indicates that skin absorption is a primary route of exposure.

⁴Examples of:

- Short-term health effects (or hazards) include eye irritation, skin damage caused by contact with corrosives, narcosis, sensitization, and lethal dose.
- Long-term health effects (or hazards) include cancer, liver degeneration, and silicosis.

⁵Signs and symptoms of exposure to hazardous substances include those that:

- Can be measured such as decreased pulmonary function
- AND
- Are subjective such as feeling short of breath.

NEW SECTION

WAC 296-307-56030 Provide MSDSs for products shipped, transferred or sold over-the-counter.

You must:

- Provide the correct MSDS to manufacturers, distributors and employers:
 - With the initial shipment or transfer of the product
 - AND
 - With the first shipment or transfer after an MSDS is updated
 - AND
 - Whenever one is requested.

Note:

- MSDSs may be provided separately from containers as long as they are provided before or at the same time as the containers. For example, you may fax, or e-mail the MSDS
- You are NOT required to provide MSDSs to retailers who inform you they
 - Do not sell the product to commercial accounts
 - AND
 - Do not open the sealed product containers for use in their workplace.

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You must:

- Follow the requirements in Table 9 for chemicals sold over-the-counter.

If you are a	Then
• Retail distributor WITH commercial accounts	• Provide an MSDS to employers with commercial accounts when requested AND • Post a sign, or otherwise inform employers, that MSDSs are available
• Retail distributor WITHOUT commercial accounts	• Provide the employer, when requested, with ALL of the following: – Name – Address – Telephone number of the chemical manufacturer, importer, or distributor who can provide an MSDS
• Wholesale distributor selling products over-the-counter to employers	• Provide an MSDS to employers with commercial accounts when requested AND • Post a sign, or otherwise inform employers, that MSDSs are available

- An appropriate hazard warning
- The name and address of the chemical manufacturer, importer, or other responsible party
- Make sure labeling does not conflict with the requirements of:
 - The Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.)

AND

- Regulations issued under the act by the U.S. Department of Transportation (Title 49 of the Code of Federal Regulations, Parts 171 through 180). See <http://www.dot.gov>
 - Revise labels within three months of becoming aware of new and significant information about chemical hazards
 - Provide revised labels on containers beginning with the first shipment after a revision, to manufacturers, distributors or employers
 - Revise the label when a chemical is not currently used, produced or imported, before:
 - You resume shipping (or transferring) the chemical

OR

- The chemical is reintroduced in the workplace
 - Label information
- Clearly written in English

AND

- Prominently displayed on the container.

Reference: Additional labeling requirements for specific hazardous chemicals (for example, asbestos, cadmium, and formaldehyde) are found in chapter 296-62 WAC, General occupational health standards (see parts F, G, I and I-1 of that chapter).

Note: When the conditions specified in Table 10 are met for the solid material products listed, you are not required to provide labels for every shipment.

NEW SECTION

WAC 296-307-56035 Follow-up if an MSDS is not provided.

You must:

- Obtain an MSDS from the chemical manufacturer, distributor or importer as soon as possible, if an MSDS is not provided for a shipment labeled as a hazardous chemical.

NEW SECTION

WAC 296-307-56040 Labeling.

Your responsibility:

To provide employers with containers of hazardous chemicals that are properly labeled.

NEW SECTION

WAC 296-307-56045 Label containers of hazardous chemicals.

Exemption: Containers are exempt from this section if **ALL** hazardous contents are listed in Table 11.

You must:

- Make sure every container of hazardous chemicals leaving the workplace is properly labeled. This includes **ALL** of the following:
 - The identity of the hazardous chemical (the chemical or common name) that matches the identity used on the MSDS

You need only send labels with the first shipment, IF the product is	And
Whole grain	• It is shipped to the same customer AND • No hazardous chemicals are part of or known to be present with the product which could expose employees during handling – For example, cutting fluids on solid metal, and pesticides with grain
Solid untreated wood	
Solid metal For example: Steel beams, metal castings	
Plastic items	

Exemptions: The chemicals (and items) listed in Table 11 are **EXEMPT** from THIS SECTION under the conditions specified. Requirements in other sections still apply.

This section does not apply to	When the product is
• Pesticides – Meeting the definition of "pesticides" in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (see Title 7, U.S.C. Chapter 6, Subchapter II, section 136 ¹)	• Subject to – Labeling requirements of FIFRA ¹

PERMANENT

Table 11
Conditional Label Exemptions

This section does not apply to	When the product is
	<p>AND</p> <ul style="list-style-type: none"> - Labeling regulations issued under FIFRA by the United States Environmental Protection Agency (EPA) (see Title 40 of the Code of Federal Regulations²)
<ul style="list-style-type: none"> • A chemical substance or mixture <ul style="list-style-type: none"> - Meeting the definition of "chemical substance" or "mixture" in the Toxic Substance Control Act (TSCA) (see Title 15 U.S.C. Chapter 53, Subchapter II, Section 2602¹) 	<ul style="list-style-type: none"> • Subject to <ul style="list-style-type: none"> - Labeling requirements of TSCA¹ <p>AND</p> <ul style="list-style-type: none"> - Labeling requirements issued under TSCA by the EPA (see Title 40 of the Code of Federal Regulations²)
<ul style="list-style-type: none"> • Each of the following <ul style="list-style-type: none"> - Food - Food additives - Color additives - Drugs - Cosmetics - Medical devices or products - Veterinary devices or products - Materials intended for use in these products (for example: Flavors, and fragrances) <p>• As defined in</p> <ul style="list-style-type: none"> - The Federal Food, Drug, and Cosmetic Act (see Title 21 U.S.C. Chapter 9, Subchapter II, Section 321¹) <p>OR</p> <ul style="list-style-type: none"> - The Virus-Serum Toxin Act of 1913 (see Title 21 U.S.C. Chapter 5, Section 151 et seq.¹) 	<ul style="list-style-type: none"> • Subject to: <ul style="list-style-type: none"> - Labeling requirements in Federal Food, Drug, and Cosmetic Act, Virus-Serum Toxin Act of 1913, and issued regulations enforced by the United States Food and Drug Administration (see Title 21 Parts 101-180 in the Code of Federal Regulations³) <p>OR</p> <ul style="list-style-type: none"> - Department of Agriculture (see Title 9, in the Code of Federal Regulations³)

Table 11
Conditional Label Exemptions

This section does not apply to	When the product is
<p>OR</p> <ul style="list-style-type: none"> - Regulations issued under these acts (see Title 21 Part 101 in the Code of Federal Regulations, and Title 9, in the Code of Federal Regulations³) 	
<ul style="list-style-type: none"> • Each of the following: <ul style="list-style-type: none"> - Distilled spirits (beverage alcohols) <p>AND</p> <ul style="list-style-type: none"> - Wine 	<ul style="list-style-type: none"> • Subject to: <ul style="list-style-type: none"> - Labeling requirements of Federal Alcohol Administration Act¹ <p>AND</p> <ul style="list-style-type: none"> - Labeling regulations issued under Federal Alcohol Administration Act by the Bureau of Alcohol, Tobacco, and Firearms (see Title 27 in the Code of Federal Regulations³)
<p>AND</p> <ul style="list-style-type: none"> - Malt beverage <p>• As defined in</p> <ul style="list-style-type: none"> - The Federal Alcohol Administration Act (see Title 27 U.S.C. Section 201¹) <p>AND</p> <ul style="list-style-type: none"> - Regulations issued under this act (see Title 27 in the Code of Federal Regulations³) 	
<ul style="list-style-type: none"> • Consumer products <p>AND</p> <ul style="list-style-type: none"> • Hazardous substances <ul style="list-style-type: none"> - As defined in the Consumer Product Safety Act (see 15 U.S.C. 2051 et seq.¹) <p>AND</p> <ul style="list-style-type: none"> - The Federal Hazardous Substances Act (see 15 U.S.C. 1261 et seq.¹) 	<ul style="list-style-type: none"> • Subject to: <ul style="list-style-type: none"> - A consumer product safety or labeling requirement of the Consumer Product Safety Act or Federal Hazardous Substances Act¹ <p>OR</p> <ul style="list-style-type: none"> - Regulations issued under these acts by the Consumer Product Safety Commission (see Title 16 in the Code of Federal Regulations³)
<ul style="list-style-type: none"> • Agricultural seed <p>AND</p> <ul style="list-style-type: none"> • Vegetable seed treated with pesticides 	<ul style="list-style-type: none"> • Labeled as required by <ul style="list-style-type: none"> - The Federal Seed Act (see Title 7 U.S.C. Chapter 37 Section 1551 et seq.¹)

PERMANENT

Table 11 Conditional Label Exemptions	
This section does not apply to	When the product is
	AND – Labeling requirements issued under Federal Seed Act by the United States Department of Agriculture ¹

¹This federal act is included in the United States Code. See <http://www.access.gpo.gov/uscode/uscmmain.html>.

²See <http://www.epa.gov>.

³See <http://www.access.gpo.gov/nara/cfr/index.html>.

NEW SECTION

WAC 296-307-56050 Definitions. The following definitions apply to this chapter:

Article (manufactured item)

A manufactured item that

- Is not a fluid or particle

AND

• Is formed to a specific shape or design during manufacture for a particular end use function

AND

• Releases only trace amounts of a hazardous chemical during normal use and does not pose a physical or health risk to employees.

Chemical

- An element or mixture of elements

OR

- A compound or mixture of compounds

OR

- A mixture of elements and compounds

Included are manufactured items (such as bricks, welding rods and sheet metal) that are not exempt as an article.

Chemical name

• The scientific designation of a chemical developed by the

– International union of pure and applied chemistry (IUPAC)

OR

– Chemical abstracts service (CAS) rules of nomenclature

OR

• A name that clearly identifies the chemical for the purpose of conducting a hazard evaluation.

Combustible liquid

Liquids with a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). A mixture with at least 99% of its components having flashpoints of 200°F (93.3°C), or higher, is not considered a combustible liquid.

Commercial account

An arrangement where a retailer is selling hazardous chemicals to an employer

- Generally in large quantities over time

OR

- At costs below regular retail price.

Common name

Any designation or identification used to identify a chemical other than the chemical name, such as a

- Code name or number

OR

- Trade or brand name

OR

- Generic name.

Compressed gas

• A contained gas or mixture of gases with an absolute pressure greater than:

- 40 psi at 70°F (21.1°C)

OR

– 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

OR

• A liquid with a vapor pressure greater than 40 psi at 100°F (37.8°C), as determined by ASTM D323-72.

Container

A vessel, other than a pipe or piping system, that holds a hazardous chemical. Examples include:

- Bags
- Barrels
- Bottles
- Boxes
- Cans
- Cylinders
- Drums
- Reaction vessels
- Storage tanks
- Rail cars.

Designated representative

• An individual or organization with written authorization from an employee

OR

• A recognized or certified collective bargaining agent (not necessarily authorized by an employee)

OR

• A legal representative of a deceased or legally incapacitated employee.

Distributor

A business that supplies hazardous chemicals to other employers. Included are employers who conduct retail and wholesale transactions.

Explosive

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Flammable

A chemical in one of the following categories:

• Aerosols that, when tested using a method described in 16 CFR 1500.45, yield either a:

– Flame projection of more than eighteen inches at full valve opening

OR

– A flashback (a flame extending back to the valve) at any degree of valve opening

• Gases that, at the temperature and pressure of the surrounding area, form a:

– Flammable mixture with air at a concentration of thirteen percent, by volume, or less

OR

– Range of flammable mixtures with air wider than twelve percent, by volume, regardless of the lower limit

• Liquids with a flashpoint below 100°F (37.8°C). A mixture with at least ninety-nine percent of its components having flashpoints of 100°F (37.8°C), or higher, is not considered a flammable liquid

• Solids, other than blasting agents or explosives, as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that:

– Is likely to cause fire through friction, moisture, absorption, spontaneous chemical change or retained heat from manufacturing or processing

OR

– That can be readily ignited (and when ignited burns so vigorously and persistently that it creates a serious hazard)

OR

– When tested by the method described in 16 CFR 1500.44, ignite and burn with a self-sustained flame at a rate greater than 1/10th of an inch per second along its major axis.

Flashpoint

The minimum temperature at which a liquid gives off an ignitable concentration of vapor, when tested by any of the following measurement methods:

• Tagliabue closed tester. Use this for liquids with a viscosity less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not tend to form a surface film under test. See American National Standard Method of Test for Flashpoint by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)

• Pensky-Martens closed tester. Use this for liquids with a viscosity equal to, or greater than, 45 SUS at 100°F (37.8°C) or for liquids that contain suspended solids or have a tendency to form a surface film under test. See American National Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)

• Setaflash closed tester. See American National Standard Method of Test for Flashpoint by Setaflash Closed Tester (ASTM D 3278-78)

Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

Hazardous chemical

A chemical, which is a physical or health hazard.

Hazard warning

Words, pictures or symbols (alone or in combination) that appear on labels (or other forms of warning such as placards or tags) that communicate specific physical and health hazards (including target organ effects) associated with chemicals in a container.

Health hazard

A chemical that may cause health effects in short or long-term exposed employees based on statistically significant evidence from a single study conducted by using established scientific principles.

Health hazards include, but are not limited to, any of the following:

- Carcinogens
- Toxic or highly toxic substances
- Reproductive toxins
- Irritants
- Corrosives
- Sensitizers
- Hepatotoxins (liver toxins)
- Nephrotoxins (kidney toxins)
- Neurotoxins (nervous system toxins)
- Substances that act on the hematopoietic system (blood or blood forming system)
- Substances that can damage the lungs, skin, eyes, or mucous membranes.

Identity

A chemical or common name listed on the material safety data sheet (MSDS) and label.

Importer

The first business, within the Customs Territory of the United States, that receives hazardous chemicals produced in other countries and supplies them to manufacturers, distributors or employers within the United States.

Label

Written, printed, or graphic material displayed on, or attached to, a container of hazardous chemicals.

Manufacturer

An employer with a workplace where one or more chemicals (including items not exempt as "articles," see Table 1 in this chapter) are produced for use or distribution.

Material safety data sheet (MSDS)

Written, printed or electronic information (on paper, microfiche, or on-screen) that informs manufacturers, distributors or employers about the chemical, its hazards and protective measures as required by this rule.

Mixture

A combination of two or more chemicals that retain their chemical identity after being combined.

Organic peroxide

An organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Oxidizer

A chemical, other than a blasting agent or explosive as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits

See chapter 296-62 WAC Part H, for definition of this term.

Physical hazards

A chemical that has scientifically valid evidence to show it is one of the following:

- A combustible liquid
- A compressed gas
- Explosive
- Flammable
- An organic peroxide

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- An oxidizer
- Pyrophoric
- Unstable (reactive)
- Water-reactive.

Produce

To do one or more of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage.

Pyrophoric

Chemicals that ignite spontaneously in the air at a temperature of 130°F (54.4°C) or below.

Responsible party

Someone who can provide more information about the hazardous chemical and appropriate emergency procedures.

Retailer

See "distributor."

Threshold limit values (TLVs)

Airborne concentrations of substances established by the American Conference of Governmental Industrial Hygienists (ACGIH), and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse health effects.

TLVs are specified in the most recent edition of the *Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices* and include the following categories:

- Threshold limit value-time-weighted average (TLV-TWA)
- Threshold limit value-short-term exposure limit (TLV-STEL)
- Threshold limit value-ceiling (TLV-C).

Unstable (reactive)

A chemical in its pure state, or as produced or transported, that will vigorously polymerize, decompose, condense, or become self-reactive under conditions of shocks, pressure or temperature.

Use

To do one or more of the following:

- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer.

Water-reactive

A chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

Wholesaler

See "distributor."

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-307-45001	What general requirements apply to hazardous materials and flammable and combustible liquids?
WAC 296-307-45003	What requirements apply to dip tanks containing flammable or combustible liquids?
WAC 296-307-45007	What requirements must ventilation systems meet?
WAC 296-307-45009	What general requirements apply to the construction of dip tanks?
WAC 296-307-45011	How must overflow pipes for dip tanks be constructed?
WAC 296-307-45013	How must the bottom drains of dip tanks be constructed?
WAC 296-307-45017	What measures must an employer take to prevent hazards from electrical and other ignition sources?
WAC 296-307-45019	How must dip tanks be operated and maintained?
WAC 296-307-45021	What requirements must fire extinguishing systems meet?
WAC 296-307-45023	What requirements apply to hardening and tempering tanks?
WAC 296-307-45027	What requirements apply to electrostatic apparatus?
WAC 296-307-45029	What requirements apply to roll coating applications?

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-62-054	Manufacturers, importers and distributors—Hazard communication.
WAC 296-62-05402	Determine whether the chemicals you produce in your workplace or import are hazardous.
WAC 296-62-05404	Use these criteria in making hazard determinations.
WAC 296-62-05406	Determine whether the chemicals you produce or import are health hazards.

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- WAC 296-62-05408 Obtain or develop a material safety data sheet for each hazardous chemical you produce or import.
- WAC 296-62-05410 Label clearly each container of hazardous chemicals that leaves your workplace.
- WAC 296-62-05412 Provide material safety data sheets.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-62-070 Chemical agents (airborne or contact).
- WAC 296-62-07001 Definitions (airborne chemical agents).
- WAC 296-62-07003 Definitions (contact chemical agents).
- WAC 296-62-07005 Control of chemical agents.
- WAC 296-62-080 Biological agents.
- WAC 296-62-11021 Open surface tanks.
- WAC 296-62-130 Emergency washing facilities.

WSR 03-10-080
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed May 6, 2003, 3:35 p.m., effective June 30, 2003]

Date of Adoption: May 6, 2003.

Purpose: Chapter 16-328 WAC, Certification of strawberry planting stock, this rule-making order adopts the fee schedule for strawberry plant certification for fiscal years 2003 and 2004. The fee schedule in WAC 16-328-011 increases strawberry certification fees by the Office of Financial Management fiscal growth factor for fiscal year 2003 (3.29%), effective until June 30, 2003, and fiscal year 2004 (3.2%), effective July 1, 2003. In addition, this order repeals WAC 16-328-010 because it is no longer needed. Finally, as required by Executive Order 97-02, WAC 16-328-008 and 16-328-011 are rewritten to improve their clarity.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-328-010; and amending WAC 16-328-008 and 16-328-011.

Statutory Authority for Adoption: Chapters 15.14 and 34.05 RCW.

Adopted under notice filed as WSR 03-07-090 on March 19, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 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 2, Repealed 1.

Effective Date of Rule: June 30, 2003.

May 6, 2003

Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 00-19-034, filed 9/12/00, effective 10/13/00)

WAC 16-328-008 Definitions. ~~((1))~~ "Department" means the department of agriculture of the state of Washington.

~~((2))~~ "Director" means the director of the department of agriculture or a duly appointed representative.

~~((3))~~ "Fairly clean" means that the roots are not matted or caked with dirt.

~~((4))~~ "Fairly fresh" means that the roots and petioles are not excessively wilted or otherwise damaged.

~~((5))~~ "Fairly well trimmed runners and petioles" means that the length of each runner and petiole is three inches or less.

~~((6))~~ "Firm" means that the crowns are not soft or spongy, although they may yield to slight pressure.

~~((7))~~ Free from damage by:

(a) "Sunburn" means that the roots are not damaged by sunburn or scald, but slight discoloration may be present.

(b) "Mold" means that the plants are free from excessive mold or decay. Plants slightly affected by mold may be allowed.

(c) "Freezing injury" means that the roots are of a normal color, and the plant is only moderately affected by discolored roots which may affect its normal growth. Black roots caused by disease are not permitted.

(d) "Broken or split crowns, mechanical injury" means there is no breaking or severance of the crown from the root section, or splitting of the crown, or other mechanical injury that would affect the normal growth of the plant.

~~((8))~~ "Index" means to test for virus infection by means of inoculation from the plant to be tested to an indicator plant, or by any other method accepted by the department.

~~((9))~~ "Indicator plant" means any herbaceous or woody plant used to index or test for virus infection.

~~((10))~~ "Moist" means that the plants are reasonably turgid and not dried to a degree ~~((than))~~ that would affect normal growth.

~~((11))~~ "Nuclear stock" means strawberry plants that have been indexed and found free of known viruses and

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virus-like diseases by United States Department of Agriculture personnel or other personnel acceptable to the department. Nuclear plants must be reindexed for virus and virus-like diseases at least every three years and maintained under conditions that would ensure freedom from infection.

~~((12))~~ "Off-type" means appearing by visual examination to be different from the species or variety listed on the application or exhibiting symptoms of a genetic or nontransmissible disorder.

~~((13))~~ "Similar varietal characteristics" means that the plants have the same general character of growth.

~~((14))~~ "Tolerance" means the maximum acceptable percentage of planting stock that is diseased, infected by plant pests, defective, or off-type based on visual inspection or laboratory testing by the director or other authorized person.

~~((15))~~ "Virus-like" means a graft-transmissible disorder resembling a virus disease, including, but not limited to, diseases caused by viroids and phytoplasmas.

AMENDATORY SECTION (Amending WSR 01-11-032, filed 5/8/01, effective 6/8/01)

WAC 16-328-011 Strawberry plant certification fees. ~~((Effective July 1, 2001,))~~ The strawberry plant certification fees are as follows:

	<u>Effective until June 30, 2003</u>	<u>Effective July 1, 2003</u>
<u>Application fee</u>	<u>\$136.34</u>	<u>\$140.70</u>
<u>Hourly inspection rate</u>	<u>\$27.26</u>	<u>\$28.10</u>

(1) Certification application fee. The applicant must furnish all information requested on the application for inspection, including, but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection or testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications for inspection must be filed with the Plant Services Program, P.O. Box 42560, Olympia, Washington, 98504-2560 by June 15 of each year and be accompanied by ~~((a \$132.00))~~ the application fee.

(2) Inspection fees. ~~((The inspection fee is \$26.40 per hour))~~ The department will conduct certification inspections at the hourly inspection rate plus mileage charged at a rate established by the state office of financial management. Testing fees will be charged at the rate established in chapter 16-470 WAC. Inspection and testing fees are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-328-010 Strawberry plant certification fees.

**WSR 03-10-081
PERMANENT RULES
DEPARTMENT OF AGRICULTURE**
[Filed May 6, 2003, 3:36 p.m., effective June 30, 2003]

Date of Adoption: May 6, 2003.

Purpose: Chapter 16-333 WAC, Certification of caneberry planting stock, this rule-making order adopts the fee schedule for caneberry plant certification for fiscal years 2003 and 2004. The fee schedule in WAC 16-333-041 increases caneberry certification fees by the Office of Financial Management fiscal growth factor for fiscal year 2003 (3.29%), effective until June 30, 2003, and fiscal year 2004 (3.2%), effective July 1, 2003. In addition, this order repeals WAC 16-333-040 because it is no longer needed. Finally, as required by Executive Order 97-02, WAC 16-333-010 and 16-333-041 are rewritten to improve their clarity.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-333-040; and amending WAC 16-333-010 and 16-333-041.

Statutory Authority for Adoption: Chapters 15.14 and 34.05 RCW.

Adopted under notice filed as WSR 03-07-089 on March 19, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 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 2, Repealed 1.

Effective Date of Rule: June 30, 2003.

May 6, 2003
Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 00-19-035, filed 9/12/00, effective 10/13/00)

WAC 16-333-010 Definitions. ~~((1))~~ "Caneberry" means any cultivated *Rubus* species.

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~~((2))~~ "Department" means the department of agriculture of the state of Washington.

~~((3))~~ "Director" means the director of the department of agriculture or a duly appointed representative.

~~((4))~~ "Index" means to test for virus infection by means of inoculation from the plant to be tested to an indicator plant, or by any other method approved by the department.

~~((5))~~ "Indicator plant" means any herbaceous or woody plant used to index or test for virus infection.

~~((6))~~ "Nuclear stock" means caneberry plants that have been indexed and found free of known viruses and virus-like diseases by United States Department of Agriculture personnel or other personnel acceptable to the department. Nuclear plants must be reindexed for virus and virus-like diseases at least every three years and maintained under conditions that would ensure freedom from infection.

~~((7))~~ "Off-type" means appearing by visual examination to be different from the species or variety listed on the application or exhibiting symptoms of a genetic or nontransmissible disorder.

~~((8))~~ "Root cuttings" means sections of roots which have one or more bud.

~~((9))~~ "Succulent plants" means small, actively growing plants that are developing from root buds, not having passed through a dormant period.

~~((10))~~ "Tolerance" means the maximum acceptable percentage of planting stock that is diseased, infected by plant pests, defective, or off-type based on visual inspection or laboratory testing by the director or other authorized person.

~~((11))~~ "Virus-like" means a graft-transmissible disorder resembling a virus disease, including, but not limited to, diseases caused by viroids and phytoplasmas.

AMENDATORY SECTION (Amending WSR 01-11-030, filed 5/8/01, effective 6/8/01)

WAC 16-333-041 Caneberry certification fees (~~effective July 1, 2001~~). The caneberry certification fees are as follows:

	<u>Effective until June 30, 2003</u>	<u>Effective July 1, 2003</u>
<u>Application fee</u>	<u>\$136.34</u>	<u>\$140.70</u>
<u>Hourly inspection rate</u>	<u>\$27.26</u>	<u>\$28.10</u>

(1) ~~((Caneberry))~~ Certification application fee. The applicant must furnish all information requested on the application form furnished by the department, including, but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection and testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications must be filed with the Plant Services Program, P.O. Box 42560, Olympia, Washington 98504-2560 by May 15 each year and be accompanied by ~~((a \$132.00))~~ the application fee.

(2) Inspection fees. ~~((The inspection fee is \$26.40 per hour))~~ The department will conduct certification inspections at the hourly inspection rate plus mileage charged at a rate established by the state office of financial management. Testing fees will be charged at the rate established in chapter 16-470 WAC. Inspection and testing fees are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-333-040 Caneberry certification fees effective June 30, 2001.

WSR 03-10-082

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 6, 2003, 3:37 p.m., effective June 30, 2003]

Date of Adoption: May 6, 2003.

Purpose: Chapter 16-470 WAC, Quarantine—Agricultural pests, this rule-making order adopts the fees charged for the plant pest detection, testing, inspection and documentation by the pest and plant services programs for fiscal years 2003 and 2004. Except for virus identity determinations, the fee schedules in WAC 16-470-912 and 16-470-917 increase plant pathology fees by the Office of Financial Management fiscal growth factor for fiscal year 2003 (3.29%), effective until June 30, 2003, and fiscal year 2004 (3.2%), effective July 1, 2003. For virus identity determinations, the fee for 1-9 samples will be charged at cost, the fee for 10-99 samples is decreased significantly, and the fee for 100+ samples is increased within the fiscal growth factors. The adopted amendments also clarify the requirements for services provided by written agreement. In addition, this order repeals WAC 16-470-911 and 16-470-916 because they are no longer needed. Finally, as required by Executive Order 97-02, WAC 16-470-905, 16-470-912, 16-470-917, and 16-470-921 are rewritten to improve their clarity.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-470-911 and 16-470-916; and amending WAC 16-470-905, 16-470-912, 16-470-917, and 16-470-921.

Statutory Authority for Adoption: Chapters 17.24 and 34.05 RCW.

Adopted under notice filed as WSR 03-07-092 on March 19, 2003.

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

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Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 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 4, Repealed 2.

Effective Date of Rule: June 30, 2003.

May 6, 2003
Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 99-12-035, filed 5/26/99, effective 6/26/99)

WAC 16-470-905 Schedule of fees and charges—

Establishing hourly rates. (1) Requested services are provided at the applicable hourly rate except as provided in ~~((WAC 16-470-905))~~ subsection (5) of this section. The hourly rate for nonbusiness hours applies for service provided before 8:00 a.m. or after 5:00 p.m. during the ~~((work day))~~ workday and for all services provided on Saturday, Sunday, or on a holiday listed in subsection (2) of this section.

(2) Holidays shall mean New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Veteran's Day, Christmas Day, President's Day, and Martin Luther King's Birthday.

(3) Charges are assessed in one-half hour increments.

(4) Persons requesting service with less than twenty-four hours notice during nonbusiness hours, may be subject to a charge of two additional hours at the nonbusiness hourly rate if the department is required to pay call back pay to the employee(s) providing the requested service.

(5) ~~((For large projects,))~~ The department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate for projects with one of the following characteristics:

(a) Projects requiring multiple periodic inspections and/or certificates; or

(b) Projects requiring field inspections of crops not regulated under chapter 15.13 or 15.14 RCW.

The rate charged shall not be less than the cost to the department of providing the services.

AMENDATORY SECTION (Amending WSR 01-11-033, filed 5/8/01, effective 6/8/01)

WAC 16-470-912 Schedule of fees and charges—
Applicable fees and charges~~((—Effective July 1, 2001)).~~

(1) Hourly rate.

~~((a) Business hours~~ \$28.40

~~(b) Nonbusiness hours (see WAC 16-407-905)~~ \$36.30))

	<u>Effective until June 30, 2003</u>	<u>Effective July 1, 2003</u>
<u>Hourly rate - business hours</u>	<u>\$29.33</u>	<u>\$30.20</u>
<u>Hourly rate - non-business hours</u>	<u>\$37.49</u>	<u>\$38.60</u>

(2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

(3) Plant pathology laboratory diagnostic fees are as follows:

Effective until June 30, 2003

Identity	1 sample	5 samples	10 samples	50 samples	100+samples
virus (ELISA)	(((\$85.30 ea)) <u>At cost</u>	(((\$62.45 ea)) <u>At cost</u>	(((\$47.70)) <u>9.70 ea</u>	(((\$18.10)) <u>4.85 ea</u>	(((\$2.75)) <u>2.84 ea</u>
bacteria	(((\$37.60)) <u>38.83 ea</u>	(((\$36.30)) <u>37.49 ea</u>	(((\$4.05)) <u>35.17 ea</u>	(((\$2.90)) <u>33.98 ea</u>	(((\$2.90)) <u>33.98 ea</u>
fungus	(((\$39.75)) <u>41.05 ea</u>	(((\$4.05)) <u>35.17 ea</u>	(((\$2.90)) <u>33.98 ea</u>	(((\$1.80)) <u>32.84 ea</u>	(((\$2.50)) <u>30.47 ea</u>
nematode	(((\$29.50)) <u>30.47 ea</u>	(((\$27.20)) <u>28.09 ea</u>	(((\$24.95)) <u>25.77 ea</u>	(((\$24.90)) <u>25.71 ea</u>	(((\$22.70)) <u>23.44 ea</u>

Note: To receive volume rates, samples must be submitted as a unit and identification requests must be for one specific virus, bacterium, fungus, or nematode. Samples tested for multiple pathogens will be considered as multiple samples unless all pathogens can be detected in a single test without additional inputs.

Effective July 1, 2003

Identity	1 sample	5 samples	10 samples	50 samples	100+samples
virus (ELISA)	<u>At cost</u>	<u>At cost</u>	<u>\$10.00 ea</u>	<u>\$5.00 ea</u>	<u>\$2.90 ea</u>
bacteria	<u>40.05 ea</u>	<u>38.65 ea</u>	<u>36.25 ea</u>	<u>35.05 ea</u>	<u>35.05 ea</u>
fungus	<u>42.35 ea</u>	<u>36.25 ea</u>	<u>35.05 ea</u>	<u>33.85 ea</u>	<u>31.40 ea</u>
nematode	<u>31.40 ea</u>	<u>28.95 ea</u>	<u>26.55 ea</u>	<u>25.90 ea</u>	<u>24.15 ea</u>

Note: To receive volume rates, samples must be submitted as a unit and identification requests must be for one specific virus, bacterium, fungus, or nematode. Samples tested for multiple pathogens will be considered as multiple samples unless all pathogens can be detected in a single test without additional inputs.

(4) ~~((For large projects,))~~ The department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate for projects with at least one of the following characteristics:

(a) Projects greater than one hundred samples;

(b) Projects requiring materials not readily available; or

(c) Projects requiring special handling or prolonged incubation periods.

The rate charged shall not be less than the cost to the department of performing the tests.

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AMENDATORY SECTION (Amending WSR 01-11-033, filed 5/8/01, effective 6/8/01)

WAC 16-470-917 Schedule of fees and charges—Fees for post entry inspection services~~((—Effective July 1, 2001)).~~ (1) Post entry site inspection and/or permit review and approval ((.....\$56.80))

- (a) Effective until June 30, 2003..... \$58.66
- (b) Effective July 1, 2003..... \$60.50

(2) Subsequent inspections of post entry plant materials are provided at the applicable hourly rate.

(3) Post entry inspection fees may be waived for state universities, United States Department of Agriculture researchers, and other public entities.

AMENDATORY SECTION (Amending WSR 01-11-033, filed 5/8/01, effective 6/8/01)

WAC 16-470-921 Schedule of fees and charges—Miscellaneous fees~~((—Effective July 1, 1999)).~~ (1) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections or post entry inspections that are not a part of a regular work schedule. Such charges may be prorated among applicants if more than one applicant is provided service during a workday or trip when per diem is applicable.

(2) Postage, special handling services and other miscellaneous costs exceeding five dollars ~~((are))~~ will be charged back to the applicant at the actual cost.

(3) Certificates of inspection, phytosanitary certificates, and other official documents ~~((are))~~ will be provided to the applicant subject to the charges and conditions established in chapter 16-401 WAC.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-470-911 Schedule of fees and charges—Applicable fees and charges—Effective June 30, 2001.

WAC 16-470-916 Schedule of fees and charges—Fees for post entry inspection services—Effective June 30, 2001.

WSR 03-10-083

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 6, 2003, 3:38 p.m., effective June 30, 2003]

Date of Adoption: May 6, 2003.

Purpose: Chapter 16-401 WAC, Nursery inspection fees, this rule-making order adopts the fee schedule for nursery inspection charged by the plant services program for fiscal years 2003 and 2004. The fee schedules in WAC 16-401-

027, 16-401-032, and 16-401-041 increase nursery inspection fees by the Office of Financial Management fiscal growth factor for fiscal year 2003 (3.29%), effective until June 30, 2003, and fiscal year 2004 (3.2%), effective July 1, 2003. This adoption does not increase the fees for retail or wholesale nursery dealer licenses. In addition, this order repeals WAC 16-401-026 and 16-401-031 because they are no longer needed. Finally, as required by Executive Order 97-02, WAC 16-401-021, 16-401-023, 16-401-027, and 16-401-032 are rewritten to improve their clarity.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-401-026 and 16-401-031; and amending WAC 16-401-021, 16-401-023, 16-401-027, 16-401-032, and 16-401-041.

Statutory Authority for Adoption: Chapters 15.13, 15.14, and 34.05 RCW.

Adopted under notice filed as WSR 03-07-091 on March 19, 2003.

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 5, 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 5, Repealed 2.

Effective Date of Rule: June 30, 2003.

May 6, 2003

Valoria H. Loveland

Director

AMENDATORY SECTION (Amending WSR 01-11-031, filed 5/8/01, effective 6/8/01)

WAC 16-401-021 Schedule of fees and charges—Facility inspection~~((—Effective July 1, 1999)).~~ (1) The department may conduct regulatory inspections of any plant material at ~~((a location))~~ any nursery facility licensed ~~((as a nursery dealer))~~ under chapter 15.13 RCW ~~((is subject to regulatory inspections. A nursery inspection report will be issued,))~~ without additional charge except as provided in subsection (2) of this section~~((, stating the results of the inspection)).~~ Subsequent to each inspection the department will issue a nursery inspection report to the licensed nursery.

(2) ~~((A fee may be charged))~~ The department may charge a fee for repeated, subsequent inspections of ~~((license))~~ licensed locations where plant material does not meet the requirements ~~((set forth))~~ in chapter 15.13 RCW ~~((Provided, That)).~~ However, the ~~((license))~~ licensed location ~~((is subject))~~ cannot be subjected to ~~((no))~~ more than two paid inspections each license period. Fees are assessed on the

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basis of the time required for the inspection at the applicable hourly rate provided in this chapter (~~(16-401-WAC)~~).

AMENDATORY SECTION (Amending WSR 99-12-034, filed 5/26/99, effective 6/26/99)

WAC 16-401-023 Schedule of fees and charges—Establishing hourly rates. (1) Requested services are provided at the applicable hourly rate. The nonbusiness hourly rate applies for service provided before 8:00 a.m. or after 5:00 p.m. during the (~~(work day)~~) workday and for all services provided on Saturday, Sunday, or a holiday listed in subsection (2) of this section.

(2) Holidays mean New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Veteran's Day, Christmas Day, President's Day, and Martin Luther King's Birthday.

(3) The hourly charge is assessed in one-half hour increments.

(4) Persons requesting service with less than twenty-four hours notice during nonbusiness hours may be subject to a charge of two additional hours at the nonbusiness hourly rate, if the department is required to pay call back to the employee(s) providing the requested service.

AMENDATORY SECTION (Amending WSR 01-11-031, filed 5/8/01, effective 6/8/01)

WAC 16-401-027 Schedule of fees and charges—Applicable rates and charges(~~—Effective July 1, 2001~~)). The following rates apply for requested inspection services:

- ~~((1) Hourly rate.~~
- ~~(a) Business hours \$28.40~~
- ~~(b) Nonbusiness hours (see WAC 16-401-023) \$36.30)~~

(1) Fee or Charge:	Effective Date	
	Until June 30, 2003	July 1, 2003
Hourly rate—business hours	\$29.33	\$30.20
Hourly rate—nonbusiness hours	\$37.49	\$38.60
Certificate issued at time if inspection	No charge	No charge
Certificate issued more than twenty-four hours after the inspection	\$14.04	\$14.40
Additional certificates	\$4.54	\$4.60
Fumigation lot or container fee	\$11.72	\$12.05
Certificate of plant health for non-commercial movement	\$5.83	\$6.00
Compliance agreement	\$29.33	\$30.20
Inspection tags or stickers (lots of 250)	\$5.83 per lot	\$6.00 per lot
Inspection tags or stickers (minimum 10)	\$0.278 each	\$0.28 each

(2) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the applicable hourly rate may be assessed for requested inspections that are not a part of a regular work

schedule. Such charge may be prorated among applicants if more than one applicant is provided service during a (~~(work day)~~) workday or trip when mileage and/or per diem are applicable.

(3) Inspections for phytosanitary certification, including growing season field inspections, are provided at the applicable hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between the department and an industry entity, university, or public agency. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of inspection each calendar year for nurseries licensed under WAC 16-401-041 (1)(b) or (2)(a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-041 (1)(c) or (2)(b), are without charge.

~~((a)) There is no additional charge for the first phytosanitary certificate issued at the time of the inspection.~~

~~((b) Phytosanitary certificates issued more than twenty-four hours from the time of the inspection, first certificate~~

~~..... \$13.60~~

~~(e) Additional phytosanitary certificates \$4.40 ea.))~~

(4) Inspection and certification of nonplant material or equipment for sanitation (freedom from soil or pests) by visual examination or through witnessing a prescribed treatment (steam cleaning, hydro-washing, etc.) is charged at the applicable hourly rate.

~~((a) There is no additional charge for the first certificate.~~

~~(b) Additional certificates \$4.40~~

~~(5) Inspections for garden brown snail certification or other miscellaneous inspection certification are charged at the applicable hourly rate.~~

~~(a) For the first certificate no charge~~

~~(b) For additional certificates \$4.40~~

~~(6)) (5) Witnessing and certification of fumigation is charged at the applicable hourly rate, plus a per lot or container fee ((of \$11.35~~

~~(7) For)).~~

(6) The department may issue a certificate of plant health for noncommercial movement of plant materials between states by unlicensed persons, up to a maximum of five plants, and provided that the plants are brought to a plant services office for inspection(~~(..... \$5.65)~~).

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate applies. One certificate for one service is issued at no charge. (~~(Additional certificates are issued at the \$4.40 rate.)~~)

AMENDATORY SECTION (Amending WSR 01-11-031, filed 5/8/01, effective 6/8/01)

WAC 16-401-032 Schedule of fees and charges—Miscellaneous charges(~~—Effective July 1, 2001~~)). The following rates for miscellaneous charges on requested inspections shall apply.

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(1) Postage, special handling services and other miscellaneous costs exceeding five dollars are charges at the actual cost.

(2) Other requested office services, not specifically provided for, are charged a fee based on the portion of an hour at the applicable hourly rate in this chapter ((16-401-WAC)).

~~((3) Nursery stickers and nursery stock inspection certificate tags:~~

- ~~(a) In lots of 250 \$5.65 per lot~~
- ~~(b) Less than 250 (minimum 10) \$0.27~~
- ~~(4) Authorization by the department to preprint Washington nursery stock inspection certificates on shipping containers, yearly authorization fee or renewal \$28.40))~~

AMENDATORY SECTION (Amending WSR 01-11-031, filed 5/8/01, effective 6/8/01)

WAC 16-401-041 Nursery dealer license fees. Annual license fees as established below, must accompany the application for nursery dealer license:

- (1) Retail nursery dealer license fee:
 - (a) Gross business sales of horticultural plants and turf less than two thousand five hundred dollars \$37.67
 - (b) Gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee is \$80.72
 - (c) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more \$161.45
- (2) Wholesale nursery dealer license fee:
 - (a) Gross business sales of horticultural plants and turf less than fifteen thousand dollars \$80.72
 - (b) Gross business sales of horticultural plants and turf of fifteen thousand dollars or more \$161.45
- (3) As provided in RCW 15.13.285, a surcharge of twenty percent of the base rate, in addition to the fees established on all classes of licenses in subsections (1) and (2) of this section, is established.
- (4) Permit fee for those types of sales and organizations exempted from licensing requirements by RCW 15.13.270.

- (a) Effective until June 30, ((2001, per permit. \$5.50)) 2003 \$5.83
- (b) Effective July 1, ((2001, per permit. \$5.65)) 2003 \$6.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-401-026 Schedule of fees and charges—Applicable rates and charges—Effective June 30, 2001.
- WAC 16-401-031 Schedule of fees and charges—Miscellaneous charges—Effective June 30, 2001.

**WSR 03-10-097
PERMANENT RULES
DEPARTMENT OF LICENSING**

[Filed May 7, 2003, 10:35 a.m.]

Date of Adoption: May 6, 2003.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-56A-065, 308-56A-075, and 308-56A-455.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 03-06-040 on February 27, 2003.

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 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, 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: Thirty-one days after filing.
May 6, 2003
Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 01-08-022, filed 3/27/01, effective 4/27/01)

WAC 308-56A-065 Vehicles held in trust. (1) **How is a trust shown on a certificate of ownership?** ((Owners who choose to designate the trust on a certificate of ownership may:)) A certificate of ownership may show the name of the trustee(s) or trust in one of the following manners:

- (a) ((Show the registered owner name with)) The trustee(s) name(s) only followed by the designation trustee, i.e., John Doe, trustee; or
- (b) ((Show the registered owner name with the designation)) The trustee(s) name(s) followed by the designation trustee and the name of the trust ((as one owner. If necessary, the name of the trust will be abbreviated to comply with the department's data field size constraints on the automated vehicle field system and space limitations on the certificate of ownership)), i.e., John Doe, trustee John Doe Family Trust; or
- (c) The name of the trust only, i.e., John Doe Family Trust.

Note: If necessary, the name of the trust will be abbreviated to meet the department's system limitations.

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(2) If a vehicle is held in trust, who represents the trust for certificate of ownership transactions? If the vehicle record shows or is to be shown as:

(a) The trustee(s) name(s) only, followed by the designation trustee, i.e., John Doe, trustee, all trustees shown or to be shown on the certificate of ownership must sign.

(b) The trustee(s) name(s) followed by the designation trustee and name of the trust, i.e., John Doe, trustee John Doe Family Trust, all trustees shown or to be shown on the certificate of ownership must sign.

(c) The name of the trust only, i.e., John Doe Family Trust, any trustee(s) designated in the trust document must sign.

(3) What trust documents do I need to present to apply for a certificate of ownership in the name of the trust? You will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees.

Note: Massachusetts trusts (established under) described in chapter 23.90 RCW must (also provide notarized/certified documentation from the secretary of state showing the trust is registered with the state of Washington) provide verification that the trust was filed with the Washington secretary of state.

~~((3) If a vehicle is titled in the name of a trust, who represents the trust for title transactions? Any trustee designated in the trust document represents the trust on all vehicle transactions with the department unless that trustee is replaced or the trust is terminated.))~~

(4) What is required when a (successor) trustee (is appointed) no longer acts on behalf of a trust? ~~((If the name of the trustee who has been succeeded, is shown on the certificate of ownership the successor trustee must apply for a new certificate of ownership and provide documentation appointing them as trustee.))~~ If a trustee no longer acts on behalf of a trust, and the vehicle ownership currently shows:

(a) The trustee(s) name(s) only followed by the designation trustee, i.e., John Doe, trustee, application must be made for a new certificate of ownership; or

(b) The trustee(s) name(s) followed by the designation trustee and the name of the trust, i.e., John Doe, trustee John Doe Family Trust, application must be made for a new certificate of ownership; or

(c) The name of the trust only, i.e., John Doe Family Trust, application for new certificate of ownership is not required.

In applying for a new certificate of ownership you will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees.

Note: Massachusetts trusts described in chapter 23.90 RCW must provide verification that the trust was filed with the Washington secretary of state.

Note: New or successor trustees must provide documentation showing they are named as such in the trust.

(5) What is required when a trust is terminated? The (new) owner of the vehicle must apply for a new certificate of ownership under chapter 46.12 RCW.

If trustee(s) are deceased and no successor trustee(s) is appointed, the process established in WAC 308-56A-335 - Owner deceased, applies.

AMENDATORY SECTION (Amending WSR 99-08-064, filed 4/5/99, effective 5/6/99)

WAC 308-56A-075 Multiple legal owners. (1) ~~((Will))~~ Can more than one legal owner show as security interest on the ((department issue a)) certificate of ownership ((indicating more than one legal owner))? Yes, ~~((more than one legal owner may be shown on the certificate of ownership))~~ however, this is subject to the limited amount of space available in the department's computer system for legal owner's name information.

(2) How are additional legal owner's interest shown on the certificate of ownership? Additional legal owners are shown directly after the first legal owner. Only the address of the first legal owner ~~((shall))~~ will be shown on the certificate of ownership.

(3) If the ((lien)) security interest has been satisfied with one of the legal owners shown on a certificate of ownership has been satisfied, how is their interest released? When the security interest of one of the legal owners shown on a certificate of ownership has been satisfied that interest ~~((shall))~~ must be released on the certificate of ownership or a department approved release of interest form. The remaining legal owner(s) ~~((shall))~~ must, within ten days of receiving the properly released certificate of ownership, apply for ~~((reissue))~~ reissuance of the certificate of ownership showing the remaining legal owner's name and address.

AMENDATORY SECTION (Amending WSR 00-04-046, filed 1/27/00, effective 2/27/00)

WAC 308-56A-455 Assembled and homemade vehicles. (1) What constitutes an assembled vehicle? An assembled vehicle is a vehicle that has been put together by using major component parts from two or more commercially manufactured vehicles. ~~((Further, major component parts often carry separate identification numbers.))~~ For the purposes of this section major component parts include replacement of those listed in RCW 46.80.010 ~~((3))~~ (5). Assembled vehicles are not glider kits, custom built, replica, or kit vehicles. An assembled vehicle will be recognized as one produced by a particular manufacturer.

(2) What constitutes a homemade vehicle? ~~((A homemade vehicle is a vehicle that has been structurally modified so that it does not have the same appearance as a similar vehicle from the same manufacturer or has been put together from parts and materials other than major component parts.))~~ A homemade vehicle that cannot visually be identified as one produced by a particular manufacturer. The model year of a homemade vehicle is determined by the Washington state patrol at the time of inspection. The make is homemade.

(3) What is the difference between an assembled vehicle and a homemade vehicle? The difference between an assembled and a homemade vehicle is that an assembled vehicle will be recognizable as one produced by a particular manufacturer. A homemade vehicle will be a vehicle that cannot visually be identified as one produced by a particular manufacturer. The model year of a homemade vehicle will be

the original year of licensing and the make will be home-made.

(4) ~~((How do I apply for a certificate of ownership for my assembled vehicle?))~~ **What documents are required to apply for a certificate of ownership for an assembled or homemade vehicle?** The application for certificate of ownership must be accompanied by the following documents:

(a) The certificate of ownership or bills of sale for each vehicle or major component part used in the assembly or construction of the vehicle ~~((or bills of sale for each major component part used in the assembly of the vehicle))~~. The bills of sale must be notarized unless the vendor has a regular place of business and is registered with the department of revenue as an agent for use tax purposes. The bill(s) of sale shall include:

- (i) The names and addresses of the seller and purchaser;
- (ii) A description of the part being sold, including the make, model and identification or serial number;
- (iii) The date of sale;
- (iv) The purchase price of the part; and
- (v) The stock number if from a Washington licensed wrecker.

(b) A ~~((statement of fact from an authorized member of the))~~ Washington state patrol inspection or inspection from other personnel authorized by the director verifying the vehicle identification number, make, model, and year ~~((and road-worthiness-)); and~~

(c) A completed declaration of value form ~~((provided by the department))~~.

(5) **What happens if I must remove, destroy or conceal a vehicle identification number during assembly or construction of my vehicle?** ~~((Prior to the assembly))~~ **The assembled parts must be inspected by an authorized member of the Washington state patrol or other personnel authorized by the director who will issue a statement of fact prior to assembly or construction of a vehicle** ~~((that will involve))~~ **involving** the removal, destruction, or concealment of any vehicle identification number ~~((, the parts shall be inspected by an authorized member of the Washington state patrol or other personnel authorized by the director who will issue a statement of fact))~~. After assembly ~~((and))~~ of a vehicle where the identification number has been removed, destroyed or concealed, an authorized member of the Washington state patrol or other personnel authorized by the director must determine if a new vehicle identification number will be ~~((determined and))~~ assigned ~~((by an authorized member of the Washington state patrol, or other personnel authorized by the director and a new statement of fact will be issued))~~.

~~((6))~~ **How do I apply for a certificate of ownership for my homemade vehicle?** The application for certificate of ownership must be accompanied by the following documents:

(a) ~~Bills of sale for each major component part used in the assembly of the vehicle. The bills of sale must be notarized unless the vendor has a regular place of business and is registered with the department of revenue as an agent for use tax purposes and shall include:~~

- ~~(i) The names and addresses of the seller and purchaser;~~

~~(ii) A description of the vehicle or part being sold, including the make, model and identification or serial number;~~

~~(iii) The date of sale; and~~

~~(iv) The purchase price of the vehicle or part.~~

~~(b) A statement from an authorized member of the Washington state patrol or other personnel authorized by the director verifying the vehicle identification number, make, model, year and roadworthiness.~~

~~(c) A declaration of value form provided by the department.~~

WSR 03-10-100

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed May 7, 2003, 11:07 a.m.]

Date of Adoption: April 14, 2003.

Purpose: WAC 246-926-100 Alternative training for radiological technologists, there is currently a critical shortage of certified technologists in Washington state. The proposed rule will allow more individuals to successfully complete the alternative training program and gain their certification as a nuclear medicine technologist in Washington state.

Citation of Existing Rules Affected by this Order: Amending WAC 246-926-100.

Statutory Authority for Adoption: RCW 18.84.040.

Adopted under notice filed as WSR 03-01-110 on December 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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 5, 2003

Eric Slagle

Deputy Secretary

for Mary C. Selecky

Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-926-100 Definitions—Alternative training radiologic technologists. (1) Definitions. For the purposes of

certifying radiologic technologists by alternative training methods the following definitions shall apply:

(a) "One quarter credit hour" equals eleven "contact hours";

(b) "One semester credit hour" equals sixteen contact hours;

(c) "One contact hour" is considered to be fifty minutes lecture time or one hundred minutes laboratory time;

(d) "One clinical year" is considered to be 1900 contact hours.

(e) "Immediate supervision" means the radiologist or nuclear medicine physician is in audible or visual range of the patient and the person treating the patient.

(f) "Direct supervision" means the supervisory clinical evaluator is on the premises, is quickly and easily available.

(g) "Indirect supervision" means the supervising radiologist or nuclear medicine physician is on site no less than half-time.

(h) "Allied health care profession" means an occupation for which programs are accredited by the American Medical Association Committee on Allied Health Education and Accreditation, Sixteenth Edition of the Allied Health Education Directory, 1988 or a previous edition.

(i) "Formal education" shall be obtained in postsecondary vocational/technical schools and institutions, community or junior colleges, and senior colleges and universities accredited by regional accrediting associations or by other recognized accrediting agencies or programs approved by the Committee on Allied Health Education and Accreditation of the American Medical Association.

(2) Clinical practice experience shall be supervised and verified by the approved clinical evaluators who must be:

(a) A certified radiologic technologist designated in the specialty area the individual is requesting certification who provides direct supervision; and

(b) A radiologist for those individuals requesting certification in practice of diagnostic radiologic technology or therapeutic radiologic technology; or for those individuals requesting certification as a nuclear medicine technologist, a physician specialist in nuclear medicine who provides indirect supervision. The physician supervisor shall routinely critique the films and evaluate the quality of the trainees' work;
or

(c) The physician specialist in nuclear medicine who is providing indirect supervision may also provide direct supervision, when a certified nuclear medicine technologist is not available, for individuals requesting to become certified as a nuclear medicine technologist.



WSR 03-10-001
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-72—Filed April 23, 2003, 4:25 p.m., effective April 26, 2003]

Date of Adoption: April 22, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 232-28-61900V; 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: Based on a predicted return of spring chinook to the Snake River, there are sufficient numbers of hatchery origin fish, within allowable limits for potential impacts to wild fish, to open this selective chinook fishery in the Snake River. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 26, 2003.

April 22, 2003
 J. P. Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 232-28-61900V Exceptions to statewide rules—Snake River. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective April 26 through May 31, 2003, in those waters of the Snake River from Texas Rapids boat launch upstream to the Corps of Engineers boat launch on the south bank of the river approximately one mile upstream of Little Goose Dam, it is lawful to fish for and possess salmon. Daily limit of one hatchery chinook salmon, minimum size 12 inches in length. Night closure is in effect when fishing for chinook salmon.

(a) It is unlawful to use barbed hooks when fishing for chinook salmon.

(b) It is unlawful to use any hook larger than 5/8 inch (point of hook to shank) when fishing for chinook salmon.

REPEALER

The following section of the Administrative Code is repealed effective May 31, 2003, one hour after official sunset:

WAC 232-28-61900V Exceptions to statewide rules—Snake River.

WSR 03-10-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-71—Filed April 23, 2003, 4:26 p.m.]

Date of Adoption: April 22, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-52-020.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Current language is not consistent with RCWs. This emergency regulation will provide for commercial clam sales as provided for in RCW 77.60.030 and 77.60.050. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 22, 2003
 J. P. Koenings
 Director

NEW SECTION

WAC 220-52-02000A Clams—Commercial harvest. Notwithstanding the provisions of WAC 220-52-020, effective immediately until further notice, it is lawful to take, dig for or possess clams, cockles, borers or mussels taken for commercial purposes from the tidelands of the state of Washington whenever under contract or permit with the Department of Fish and Wildlife.

WSR 03-10-003
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-74—Filed April 23, 2003, 4:27 p.m., effective April 26, 2003, 6:00 a.m.]

Date of Adoption: April 23, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100B and 220-32-06000A; and amending WAC 220-32-051 and 220-32-060.

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: Sets initial treaty Indian spring season commercial fishery. Allows the sale of fish caught in platform and hook and line fishery to be sold. Allows the sale of fish caught in Yakama Nation tributary fisheries to be sold during open tributary fisheries. The fishery catches are expected to remain within the allocation and guidelines of the 2001 management agreement and will be consistent with the biological opinion. Rule is consistent with action of the Columbia River Compact on April 23, 2003. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 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: April 26, 2003, 6:00 a.m.

April 23, 2003
 J. P. Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 220-32-05100B Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, White Salmon River and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. April 24 to 6:00 p.m. April 26, 2003

a) Open Areas: SMCRA 1F, 1G, 1H

b) Gear: Gillnets. No mesh restriction

2) Open Periods: 6:00 a.m. April 24 to 6:00 p.m. May 31, 2003

a) Open Areas: SMCRA 1F, 1G, 1H,

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

3) Open Periods: 6:00 a.m. April 24 to 6:00 p.m. May 31, 2003 only during lawfully enacted Yakama Nation tribal subsistence fisheries.

a) Open Areas: Klickitat River, Drano Lake, Wind River, White Salmon

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line. Gill nets may be used in Drano Lake.

4) Allowable sale includes: salmon, steelhead, walleye, shad, and carp. Sturgeon between 4 feet and 5 feet in length may be kept for subsistence purposes. Fish caught from platforms and hook and line fisheries may be sold.

5) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

6) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from

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the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

7) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b) Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

NEW SECTION

WAC 220-32-06000A Columbia River off-reservation treaty Indian ceremonial fishing. Notwithstanding the provisions of WAC 220-32-060, effective 6:00 a.m. April 24, 2003 through May 31, 2003, it is lawful to engage in ceremonial fishing during any portion of a week within a commercial fishing season.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 6:01 p.m. May 31, 2003:

WAC 220-32-05100B	Columbia River salmon seasons above Bonneville Dam.
WAC 220-32-06000A	Columbia River off-reservation treaty Indian ceremonial fishing.

**WSR 03-10-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-73—Filed April 24, 2003, 4:06 p.m., effective May 1, 2003, 12:01 a.m.]

Date of Adoption: April 24, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-24-040.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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: May 1, 2003, 12:01 a.m.

April 24, 2003

J. P. Koenings

Director

by Larry Peck

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NEW SECTION

WAC 220-24-04000I All-citizen commercial salmon troll. Notwithstanding the provisions of WAC 220-24-040, effective immediately until further notice it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section:

(1) Salmon Management and Catch Reporting Areas 1, 2, 3 and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open May 1 through June 30, 2003. It is unlawful to possess coho. The Cape Flattery and Columbia River Control Zones are closed.

(2) Minimum size for chinook salmon is 28 inches in length. No minimum size for pink, sockeye or chum salmon.

(3) Lawful troll gear is restricted to all legal troll gear with single point, single shank barbless hooks.

(4) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and must land within the Salmon Management and Catch Reporting Areas 1, 2, 3 or 4, or in Garibaldi, Oregon.

(5) The Cape Flattery Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ: and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and west of 125°05'00" W longitude.

(6) Columbia Control Zone - An area at the Columbia River mouth, bounded on the west by a line running north-east/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" West. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(7) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon, and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

(8) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279 or faxing the information to (360) 902-2949 or E-mailing to trollfishtickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, the species. The total number for each species and the total weight for each species including halibut.

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

**WSR 03-10-006
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-75—Filed April 24, 2003, 4:09 p.m.]

Date of Adoption: April 24, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-33-01000D.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation closes the ongoing select area fisheries until further notice. The catch of upriver spring chinook in these areas is greater than expected preseason. Fisheries will reopen when significant numbers of the upriver fish have cleared from the area.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 24, 2003

J. P. Koenings

Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000D Columbia River gillnet seasons below Bonneville. (03-69)

**WSR 03-10-007
EMERGENCY RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed April 25, 2003, 11:07 a.m., effective May 1, 2003]

Date of Adoption: April 23, 2003.

Purpose: The Office of the State Actuary (OSA) has provided the Department of Retirement Systems (DRS) updated factors for the calculation of the lump sum costs of purchasing service credit under RCW 41.50.165(2), based on a study that OSA undertakes every six years. As a result, it is necessary for DRS to amend sections in chapter 415-10 WAC. In addition, DRS is adopting new WAC 415-02-370, which provides the actuarial factors used in the calculations.

Citation of Existing Rules Affected by this Order: Amending WAC 415-10-020, 415-10-030, and 415-10-040.

Statutory Authority for Adoption: RCW 41.50.050(5), 41.50.165.

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: See Purpose above. There was not enough time to proceed using the "regular" rule-making process and be able to meet the May 1, 2003, implementation date. The "regular" rule-making process is proceeding simultaneously and DRS anticipates adopting the rule through the "regular" process no later than August 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 1, 2003.

April 23, 2003

John Charles
Director

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-10-020 Definitions. As used in this chapter:

(1) **Average earnings** means:

(a) In PERS Plan 1, TRS Plan 1 or WSPRS Plan 1: The average of your two highest consecutive years of compensation as of the date of your service credit purchase.

(b) In Plan 2 or Plan 3: The average of your five highest consecutive years of compensation as of the date of your service credit purchase.

(c) In LEOFF Plan 1: The basic salary attached to your position at the date of your service credit purchase.

(2) **Factors** means:

(a) ~~"Factor 1" means the actuarial cost factor calculated by the state actuary and adopted by the department. The actual factor used varies depending upon the time between the date of payment and the projected date of retirement. Generally, the longer the gap between date of payment and date of retirement the lower the factor.~~

(b) ~~"Factor 2" is the actuarial factor calculated by the state actuary based upon demographic differences between the membership of the different retirement systems. Those factors are: .00788 (PERS Plan 1); .00698 (TRS Plan 1); and .00908 (WSPRS Plan 1).~~

(e) ~~"Factor 3" means the interest factor calculated by the state actuary and adopted by the department. This factor is used only when the service credit purchase lowers the projected retirement age and is based upon the higher cost to the system of the earlier retirement)~~ means the actuarial cost factors calculated by the state actuary and adopted by the department that are used in the formulas for calculating the cost of a service credit purchase. See WAC 415-02-370 for additional information about the service credit purchase factors.

(3) **LEOFF** means the law enforcement officers' and fire fighters' retirement system established under chapter 41.26 RCW.

(4) **PERS** means the public employees' retirement system established under chapter 41.40 RCW.

(5) **SERS** means the school employees' retirement system established under chapter 41.35 RCW.

(6) **Service credit being purchased** means the number of service credit months or service credit years you are purchasing.

(7) **TRS** means the teachers' retirement system established under chapter 41.32 RCW.

(8) **WSPRS** means the Washington state patrol retirement system established under chapter 43.43 RCW.

(9) **Years of earlier retirement** equals the number of years or fractions of years you will be able to retire earlier as a result of your purchase of service credit.

(10) **Years of service** equals the total anticipated years of service you will have accrued at retirement, including the additional service credit you purchase under this section.

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-10-030 Calculation of cost to purchase service credit in certain plans. If you are a member of LEOFF Plan 1 or 2, PERS Plan 2 or 3, TRS Plan 2 or 3, or SERS Plan 2 or 3, the department will calculate the actuarial value of the service credit you purchase under RCW 41.50.165(2) using the following formula:

$$\text{Service Credit Purchase Cost} = \text{Average Earnings} \times \text{Service Credit Being Purchased} \times \text{Factor 1} \\ ((= \text{Cost to purchase service credit}))$$

This represents the cost of the additional retirement allowance you will receive by including the additional service credit from your purchase into your retirement benefit calculation.

Example: Purchase of additional service credit.

Ron is an active PERS Plan 2 member who currently has 18 years of service. Ron turned age 61 last month. His average earnings are \$50,000. Ron would like to purchase 3 years of service that he previously withdrew but did not restore before the deadline.

The department will first determine Ron's normal retirement age to identify the appropriate factor from the Factor 1 tableⁱ to use in the formula for calculating the service credit purchase cost. Normal retirement age (NRA) is the earliest age at which a member will be eligible to retire with unreduced benefits under the requirements of his or her system and plan. Ron's NRA will come when he is age 65 and has 21 years of serviceⁱⁱ. Since he is currently age 61, Ron is 4 years (48 months) to normal retirement age. So, the department will use the factor 0.2016 from the Factor 1 table, which is factor for 48 months to NRA under PERS Plan 2.

The department will then calculate the cost of purchasing the service credit using the Service Credit Purchase Cost formula:

$$\text{Cost} = \text{Average Earnings} \times \text{Service Credit Being Purchased} \times \text{Factor 1}$$

The cost of Ron's purchase would be calculated as follows:

$$\text{Cost} = \$50,000 \times 3 \text{ (years purchased)} \times 0.2016 \text{ (48 months to NRA)} = \$30,240$$

Ron's total cost to purchase 3 years of service credit is \$30,240.

Footnotes to section:

ⁱSee WAC 415-02-370.

ⁱⁱRon would first qualify under the PERS Plan 2 eligibility rule of being age 65 or older with at least 5 years of service.

AMENDATORY SECTION (Amending WSR 02-23-037, filed 11/13/02, effective 1/1/03)

WAC 415-10-040 Calculation of cost to purchase service credit for members of PERS Plan 1, TRS Plan 1 or WSPRS Plan 1 or 2. If you are a member of PERS 1, TRS 1 or WSPRS Plan 1 or 2, the department will calculate the actuarial value of the service credit you purchase under RCW 41.50.165(2) using the following three part formula:

<p><u>Part 1 Cost</u> =</p> <p>Service Credit Being Purchased</p> <p>x</p> <p>Average Earnings</p> <p>x</p> <p>Factor 1</p>	<p><u>Part 2 Cost</u> =</p> <p>Years of Service</p> <p>x</p> <p>Average Earnings</p> <p>x</p> <p>Factor 2</p> <p>x</p> <p>Years of Earlier Retirement</p> <p>x</p> <p>Factor 3</p>
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((Cost to purchase service credit)) Service Credit Purchase Cost (Part 3) = Part 1 Cost + Part 2 Cost.

The Part 1 Cost represents the cost of including the additional service in your retirement allowance calculation. The Part 2 Cost represents the cost of ~~((commencing))~~ beginning your retirement ~~((allowance))~~ benefit at ~~((the earliest possible))~~ an earlier age. If your purchase does not allow you to begin your retirement at an earlier age, your Part 2 Cost is zero.

Example: Purchase of additional service credit that enables earlier retirement.

Don is an active PERS 1 member who currently has 18 years of service. Don turned age 50 last month. His average earnings are \$50,000. Don would like to purchase 3 years of service that he previously withdrew but did not restore before the deadline.

The department will first determine Don's normal retirement age. Normal retirement age (NRA), is the earliest age at which a member will be eligible to retire with unreduced benefits under the requirements of his or her system and plan. The department will use Don's NRA to identify the appropriate factor from the Factor 1 tableⁱ to use in the formula for calculating the Part 1 Cost. Since Don can retire earlier due to the service credit purchase, the normal retirement age will also be used to identify the appropriate factor from the Factor 3 tableⁱⁱ to use in the formula for calculating the Part 2 Cost. Don's NRA will come in 7 years when he is age 57 and has 25 years of serviceⁱⁱⁱ. Since he is currently age 50, Don is 7 years (84 months) to normal retirement age. So, the department will use the factors for 84 months to NRA from the Factor 1 table and the Factor 3 table.

The department will next determine how much earlier Don can retire if he purchases service credit. If Don purchases 3 years of service, his service credit total will increase to 21 years. This means that Don would reach 25 years of service when he is age 54. In another year, Don would be eligible to retire (age 55, with 26 years). With the purchase, Don is eligible to retire 2 years earlier (age 55) than his NRA of 57.

The department will then calculate the cost of purchasing the service credit using the three part formula:

$$\begin{aligned} \text{Part 1 Cost} &= \text{Average Earnings} \times \text{Service Purchased} \times \text{Factor 1} \\ \text{Part 2 Cost} &= (\text{Total Service}^{\text{iv}}) \times (\text{Average Earnings}) \times (\text{Factor 2}^{\text{v}}) \times (\text{Years of Earlier Retirement}) \times (\text{Factor 3}) \\ \text{Service Credit Purchase Cost (Part 3)} &= \text{Part 1 Cost} + \text{Part 2 Cost} \end{aligned}$$

The cost of Don's purchase would be calculated as follows:

$$\begin{aligned} \text{Part 1 Cost} &= \$50,000 \times 3 \text{ (years purchased)} \times 0.1680 \text{ (7 years to NRA)} = \$25,200 \\ \text{Part 2 Cost} &= \$50,000 \times 26 \text{ years} \times 2 \text{ years earlier} \times 0.00434 \text{ (PERS 1)} \times 0.7940 \text{ (84 months to NRA)} = \$8,959 \\ \text{Service Credit Purchase Cost (Part 3)} &= \$25,200 + \$8,959 = \$34,159^{\text{vi}} \end{aligned}$$

Don's total cost to purchase 3 years of service credit is \$34,159.

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Footnotes to section:

ⁱSee WAC 415-02-370.

ⁱⁱSee WAC 415-02-370.

ⁱⁱⁱDon would qualify under the PERS Plan 1 eligibility rule of being age 55 or older with at least 25 years of service.

^{iv}This means the total service credit the member would have at retirement, including the purchased service credit.

^vSee WAC 415-02-370.

^{vi}This result is rounded to the nearest dollar.

NEW SECTION

WAC 415-02-370 Service credit purchase factors. RCW 41.50.165(2) and chapter 415-10 WAC allow a member to purchase service credit by paying the actuarial value of the resulting increase in his or her benefit. This section provides the actuarial factor tables that the department uses to calculate the lump sum costs for the purchase. For more information on the factors and their use, please read chapter 415-10 WAC.

(1) **What are the factors for calculating the lump sum costs of purchasing service credit?** There are three factors that may be used to calculate the cost of purchasing service credit:

(a) **Factor 1** represents the pension accrual rate, the annuity price (value of future benefit payments), increases in average final compensation, future salary increases and interest discount between the member's age at the time of the service credit purchase and the normal retirement age.

(b) **Factor 2** represents the cost of lowering the normal retirement age by one year.

(c) **Factor 3** represents future salary increases and interest discount between the member's age at the time of the service credit purchase and the normal retirement age.

(2) **What is "normal retirement age"?** Normal retirement age (NRA) is the earliest projected age at which a member will be eligible to retire with unreduced benefits under the requirements of his or her system and plan. The requirements are different among plans; please consult your plan for specific, detailed information.

LEOFF Plan 1:	RCW 41.26.090(1)
LEOFF Plan 2:	RCW 41.26.430(1)
PERS Plan 1:	RCW 41.40.180
PERS Plan 2:	RCW 41.40.630(1)
PERS Plan 3:	RCW 41.40.820(1)
SERS Plan 2:	RCW 41.35.420(1)
SERS Plan 3:	RCW 41.35.680(1)
TRS Plan 1:	RCW 41.32.480
TRS Plan 2:	RCW 41.32.765(1)
TRS Plan 3:	RCW 41.32.875(1)
WSPRS Plan 1:	RCW 43.43.250(2)
WSPRS Plan 2:	RCW 43.43.250(2)

(3) **What is "Months to NRA"?** This means the number of months from the member's age when the service credit is purchased to the member's NRA. The number of months to NRA is used to find the applicable factor(s) in Table 1 and Table 3 for calculating the service purchase credit cost.

(4) **Table - Factor 1.** Factor 1 is used in the calculation of the service credit purchase cost for a member in any PERS, TRS, SERS, LEOFF, or WSPRS plan.

FACTOR 1

Months to NRA	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
0	0.3245	0.2922	0.2115	0.2300	0.2445	0.2112	0.2454	0.3026	0.2815
1	0.3236	0.2914	0.2109	0.2294	0.2438	0.2106	0.2447	0.3018	0.2807
2	0.3227	0.2906	0.2104	0.2288	0.2432	0.2101	0.2441	0.3010	0.2800
3	0.3219	0.2898	0.2098	0.2281	0.2425	0.2095	0.2434	0.3001	0.2792
4	0.3210	0.2890	0.2092	0.2275	0.2419	0.2089	0.2427	0.2993	0.2785
5	0.3201	0.2882	0.2087	0.2269	0.2412	0.2084	0.2421	0.2985	0.2777
6	0.3192	0.2874	0.2081	0.2263	0.2406	0.2078	0.2414	0.2977	0.2770
7	0.3183	0.2867	0.2075	0.2257	0.2399	0.2072	0.2407	0.2969	0.2762
8	0.3174	0.2859	0.2070	0.2251	0.2392	0.2067	0.2401	0.2961	0.2754
9	0.3166	0.2851	0.2064	0.2244	0.2386	0.2061	0.2394	0.2952	0.2747
10	0.3157	0.2843	0.2058	0.2238	0.2379	0.2055	0.2387	0.2944	0.2739
11	0.3148	0.2835	0.2053	0.2232	0.2373	0.2050	0.2381	0.2936	0.2732
12	0.3139	0.2827	0.2047	0.2226	0.2366	0.2044	0.2374	0.2928	0.2724
13	0.3131	0.2819	0.2041	0.2220	0.2360	0.2038	0.2368	0.2920	0.2717
14	0.3122	0.2812	0.2036	0.2214	0.2353	0.2033	0.2361	0.2912	0.2709
15	0.3114	0.2804	0.2030	0.2208	0.2347	0.2027	0.2355	0.2904	0.2702
16	0.3105	0.2797	0.2025	0.2202	0.2340	0.2022	0.2348	0.2896	0.2695

EMERGENCY

Months to NRA	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
17	0.3097	0.2789	0.2019	0.2196	0.2334	0.2016	0.2342	0.2888	0.2687
18	0.3088	0.2782	0.2014	0.2190	0.2327	0.2011	0.2335	0.2880	0.2680
19	0.3080	0.2774	0.2008	0.2184	0.2321	0.2005	0.2329	0.2873	0.2673
20	0.3072	0.2766	0.2002	0.2178	0.2315	0.2000	0.2323	0.2865	0.2665
21	0.3063	0.2759	0.1997	0.2172	0.2308	0.1994	0.2316	0.2857	0.2658
22	0.3055	0.2751	0.1991	0.2166	0.2302	0.1989	0.2310	0.2849	0.2651
23	0.3046	0.2744	0.1986	0.2160	0.2295	0.1983	0.2303	0.2841	0.2643
24	0.3038	0.2736	0.1980	0.2154	0.2289	0.1978	0.2297	0.2833	0.2636
25	0.3030	0.2729	0.1975	0.2148	0.2283	0.1973	0.2291	0.2825	0.2629
26	0.3021	0.2721	0.1969	0.2142	0.2277	0.1967	0.2285	0.2818	0.2622
27	0.3013	0.2714	0.1964	0.2137	0.2270	0.1962	0.2278	0.2810	0.2614
28	0.3005	0.2706	0.1959	0.2131	0.2264	0.1957	0.2272	0.2803	0.2607
29	0.2997	0.2699	0.1953	0.2125	0.2258	0.1951	0.2266	0.2795	0.2600
30	0.2988	0.2691	0.1948	0.2119	0.2252	0.1946	0.2260	0.2788	0.2593
31	0.2980	0.2684	0.1943	0.2113	0.2246	0.1941	0.2254	0.2780	0.2586
32	0.2972	0.2677	0.1937	0.2107	0.2240	0.1935	0.2248	0.2772	0.2579
33	0.2964	0.2669	0.1932	0.2102	0.2233	0.1930	0.2241	0.2765	0.2571
34	0.2955	0.2662	0.1927	0.2096	0.2227	0.1925	0.2235	0.2757	0.2564
35	0.2947	0.2654	0.1921	0.2090	0.2221	0.1919	0.2229	0.2750	0.2557
36	0.2939	0.2647	0.1916	0.2084	0.2215	0.1914	0.2223	0.2742	0.2550
37	0.2931	0.2640	0.1911	0.2078	0.2209	0.1909	0.2217	0.2735	0.2543
38	0.2923	0.2633	0.1906	0.2073	0.2203	0.1904	0.2211	0.2727	0.2536
39	0.2915	0.2625	0.1900	0.2067	0.2197	0.1898	0.2205	0.2720	0.2530
40	0.2907	0.2618	0.1895	0.2061	0.2191	0.1893	0.2199	0.2712	0.2523
41	0.2899	0.2611	0.1890	0.2056	0.2185	0.1888	0.2193	0.2705	0.2516
42	0.2891	0.2604	0.1885	0.2050	0.2179	0.1883	0.2187	0.2697	0.2509
43	0.2884	0.2597	0.1880	0.2044	0.2173	0.1878	0.2181	0.2690	0.2502
44	0.2876	0.2590	0.1875	0.2039	0.2167	0.1873	0.2175	0.2683	0.2495
45	0.2868	0.2582	0.1869	0.2033	0.2161	0.1867	0.2169	0.2675	0.2489
46	0.2860	0.2575	0.1864	0.2027	0.2155	0.1862	0.2163	0.2668	0.2482
47	0.2852	0.2568	0.1859	0.2022	0.2149	0.1857	0.2157	0.2660	0.2475
48	0.2844	0.2561	0.1854	0.2016	0.2143	0.1852	0.2151	0.2653	0.2468
49	0.2836	0.2554	0.1849	0.2011	0.2137	0.1847	0.2145	0.2646	0.2461
50	0.2829	0.2547	0.1844	0.2005	0.2131	0.1842	0.2139	0.2639	0.2455
51	0.2821	0.2540	0.1839	0.2000	0.2126	0.1837	0.2134	0.2631	0.2448
52	0.2813	0.2533	0.1834	0.1994	0.2120	0.1832	0.2128	0.2624	0.2441
53	0.2806	0.2526	0.1829	0.1989	0.2114	0.1827	0.2122	0.2617	0.2435
54	0.2798	0.2519	0.1824	0.1983	0.2108	0.1822	0.2116	0.2610	0.2428
55	0.2790	0.2513	0.1819	0.1978	0.2103	0.1817	0.2110	0.2603	0.2421
56	0.2783	0.2506	0.1814	0.1973	0.2097	0.1812	0.2104	0.2596	0.2415
57	0.2775	0.2499	0.1809	0.1967	0.2091	0.1807	0.2099	0.2588	0.2408
58	0.2767	0.2492	0.1804	0.1962	0.2085	0.1802	0.2093	0.2581	0.2401
59	0.2760	0.2485	0.1799	0.1956	0.2080	0.1797	0.2087	0.2574	0.2395
60	0.2752	0.2478	0.1794	0.1951	0.2074	0.1792	0.2081	0.2567	0.2388
61	0.2745	0.2471	0.1789	0.1946	0.2068	0.1787	0.2075	0.2560	0.2381

EMERGENCY

Months to NRA	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
62	0.2737	0.2465	0.1784	0.1940	0.2063	0.1782	0.2070	0.2553	0.2375
63	0.2730	0.2458	0.1780	0.1935	0.2057	0.1778	0.2064	0.2546	0.2368
64	0.2722	0.2451	0.1775	0.1930	0.2052	0.1773	0.2059	0.2539	0.2362
65	0.2715	0.2445	0.1770	0.1925	0.2046	0.1768	0.2053	0.2532	0.2355
66	0.2707	0.2438	0.1765	0.1919	0.2041	0.1763	0.2048	0.2525	0.2349
67	0.2700	0.2431	0.1760	0.1914	0.2035	0.1758	0.2042	0.2519	0.2342
68	0.2693	0.2425	0.1755	0.1909	0.2029	0.1753	0.2036	0.2512	0.2336
69	0.2685	0.2418	0.1751	0.1904	0.2024	0.1749	0.2031	0.2505	0.2329
70	0.2678	0.2411	0.1746	0.1898	0.2018	0.1744	0.2025	0.2498	0.2323
71	0.2670	0.2405	0.1741	0.1893	0.2013	0.1739	0.2020	0.2491	0.2316
72	0.2663	0.2398	0.1736	0.1888	0.2007	0.1734	0.2014	0.2484	0.2310
73	0.2656	0.2391	0.1731	0.1883	0.2002	0.1729	0.2009	0.2477	0.2304
74	0.2648	0.2385	0.1727	0.1878	0.1996	0.1724	0.2003	0.2470	0.2297
75	0.2641	0.2378	0.1722	0.1872	0.1991	0.1720	0.1998	0.2464	0.2291
76	0.2634	0.2372	0.1717	0.1867	0.1985	0.1715	0.1992	0.2457	0.2285
77	0.2627	0.2365	0.1713	0.1862	0.1980	0.1710	0.1987	0.2450	0.2279
78	0.2619	0.2359	0.1708	0.1857	0.1974	0.1705	0.1981	0.2443	0.2272
79	0.2612	0.2352	0.1703	0.1852	0.1969	0.1701	0.1976	0.2437	0.2266
80	0.2605	0.2346	0.1699	0.1847	0.1964	0.1696	0.1971	0.2430	0.2260
81	0.2598	0.2339	0.1694	0.1841	0.1958	0.1691	0.1965	0.2423	0.2254
82	0.2590	0.2333	0.1689	0.1836	0.1953	0.1686	0.1960	0.2416	0.2247
83	0.2583	0.2326	0.1685	0.1831	0.1947	0.1682	0.1954	0.2410	0.2241
84	0.2576	0.2320	0.1680	0.1826	0.1942	0.1677	0.1949	0.2403	0.2235
85	0.2569	0.2314	0.1675	0.1821	0.1937	0.1672	0.1944	0.2396	0.2229
86	0.2562	0.2307	0.1671	0.1816	0.1931	0.1668	0.1938	0.2390	0.2223
87	0.2555	0.2301	0.1666	0.1811	0.1926	0.1663	0.1933	0.2383	0.2217
88	0.2548	0.2295	0.1662	0.1806	0.1921	0.1659	0.1928	0.2377	0.2211
89	0.2541	0.2289	0.1657	0.1801	0.1916	0.1654	0.1922	0.2370	0.2205
90	0.2534	0.2282	0.1653	0.1796	0.1910	0.1650	0.1917	0.2364	0.2199
91	0.2528	0.2276	0.1648	0.1792	0.1905	0.1645	0.1912	0.2357	0.2193
92	0.2521	0.2270	0.1643	0.1787	0.1900	0.1641	0.1906	0.2351	0.2187
93	0.2514	0.2264	0.1639	0.1782	0.1895	0.1636	0.1901	0.2344	0.2181
94	0.2507	0.2257	0.1634	0.1777	0.1889	0.1632	0.1896	0.2338	0.2175
95	0.2500	0.2251	0.1630	0.1772	0.1884	0.1627	0.1890	0.2331	0.2169
96	0.2493	0.2245	0.1625	0.1767	0.1879	0.1623	0.1885	0.2325	0.2163
97	0.2486	0.2239	0.1621	0.1762	0.1874	0.1619	0.1880	0.2319	0.2157
98	0.2479	0.2233	0.1616	0.1757	0.1869	0.1614	0.1875	0.2312	0.2151
99	0.2473	0.2227	0.1612	0.1753	0.1864	0.1610	0.1870	0.2306	0.2146
100	0.2466	0.2221	0.1608	0.1748	0.1859	0.1605	0.1865	0.2300	0.2140
101	0.2459	0.2215	0.1603	0.1743	0.1854	0.1601	0.1860	0.2294	0.2134
102	0.2452	0.2209	0.1599	0.1738	0.1849	0.1596	0.1855	0.2287	0.2128
103	0.2446	0.2202	0.1595	0.1734	0.1843	0.1592	0.1849	0.2281	0.2122
104	0.2439	0.2196	0.1590	0.1729	0.1838	0.1588	0.1844	0.2275	0.2116
105	0.2432	0.2190	0.1586	0.1724	0.1833	0.1583	0.1839	0.2269	0.2111
106	0.2425	0.2184	0.1582	0.1719	0.1828	0.1579	0.1834	0.2262	0.2105

EMERGENCY

Months to NRA	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
107	0.2419	0.2178	0.1577	0.1715	0.1823	0.1574	0.1829	0.2256	0.2099
108	0.2412	0.2172	0.1573	0.1710	0.1818	0.1570	0.1824	0.2250	0.2093
109	0.2405	0.2166	0.1569	0.1705	0.1813	0.1566	0.1819	0.2244	0.2087
110	0.2399	0.2160	0.1564	0.1701	0.1808	0.1562	0.1814	0.2238	0.2082
111	0.2392	0.2155	0.1560	0.1696	0.1803	0.1557	0.1809	0.2232	0.2076
112	0.2386	0.2149	0.1556	0.1692	0.1798	0.1553	0.1804	0.2226	0.2070
113	0.2379	0.2143	0.1552	0.1687	0.1793	0.1549	0.1799	0.2220	0.2065
114	0.2373	0.2137	0.1547	0.1683	0.1788	0.1545	0.1794	0.2214	0.2059
115	0.2366	0.2131	0.1543	0.1678	0.1784	0.1541	0.1790	0.2207	0.2053
116	0.2360	0.2125	0.1539	0.1673	0.1779	0.1537	0.1785	0.2201	0.2048
117	0.2353	0.2120	0.1535	0.1669	0.1774	0.1532	0.1780	0.2195	0.2042
118	0.2347	0.2114	0.1530	0.1664	0.1769	0.1528	0.1775	0.2189	0.2036
119	0.2340	0.2108	0.1526	0.1660	0.1764	0.1524	0.1770	0.2183	0.2031
120	0.2334	0.2102	0.1522	0.1655	0.1759	0.1520	0.1765	0.2177	0.2025
121	0.2328	0.2096	0.1518	0.1650	0.1754	0.1516	0.1760	0.2171	0.2019
122	0.2321	0.2091	0.1514	0.1646	0.1749	0.1512	0.1755	0.2165	0.2014
123	0.2315	0.2085	0.1509	0.1641	0.1745	0.1507	0.1751	0.2159	0.2008
124	0.2309	0.2079	0.1505	0.1637	0.1740	0.1503	0.1746	0.2153	0.2003
125	0.2302	0.2074	0.1501	0.1632	0.1735	0.1499	0.1741	0.2147	0.1997
126	0.2296	0.2068	0.1497	0.1628	0.1730	0.1495	0.1736	0.2141	0.1992
127	0.2290	0.2062	0.1493	0.1623	0.1726	0.1491	0.1732	0.2136	0.1986
128	0.2283	0.2057	0.1489	0.1619	0.1721	0.1487	0.1727	0.2130	0.1981
129	0.2277	0.2051	0.1484	0.1614	0.1716	0.1482	0.1722	0.2124	0.1975
130	0.2271	0.2045	0.1480	0.1610	0.1711	0.1478	0.1717	0.2118	0.1970
131	0.2264	0.2040	0.1476	0.1605	0.1707	0.1474	0.1713	0.2112	0.1964
132	0.2258	0.2034	0.1472	0.1601	0.1702	0.1470	0.1708	0.2106	0.1959
133	0.2252	0.2028	0.1468	0.1597	0.1697	0.1466	0.1703	0.2100	0.1954
134	0.2246	0.2023	0.1464	0.1592	0.1693	0.1462	0.1699	0.2095	0.1948
135	0.2240	0.2017	0.1460	0.1588	0.1688	0.1458	0.1694	0.2089	0.1943
136	0.2234	0.2012	0.1456	0.1584	0.1684	0.1454	0.1690	0.2083	0.1938
137	0.2228	0.2006	0.1452	0.1579	0.1679	0.1450	0.1685	0.2078	0.1933
138	0.2222	0.2001	0.1448	0.1575	0.1675	0.1446	0.1681	0.2072	0.1927
139	0.2215	0.1995	0.1445	0.1571	0.1670	0.1443	0.1676	0.2066	0.1922
140	0.2209	0.1990	0.1441	0.1566	0.1665	0.1439	0.1671	0.2061	0.1917
141	0.2203	0.1984	0.1437	0.1562	0.1661	0.1435	0.1667	0.2055	0.1912
142	0.2197	0.1979	0.1433	0.1558	0.1656	0.1431	0.1662	0.2049	0.1906
143	0.2191	0.1973	0.1429	0.1553	0.1652	0.1427	0.1658	0.2044	0.1901
144	0.2185	0.1968	0.1425	0.1549	0.1647	0.1423	0.1653	0.2038	0.1896
145	0.2179	0.1963	0.1421	0.1545	0.1642	0.1419	0.1648	0.2032	0.1891
146	0.2173	0.1957	0.1417	0.1541	0.1638	0.1415	0.1644	0.2027	0.1886
147	0.2167	0.1952	0.1413	0.1536	0.1633	0.1412	0.1639	0.2021	0.1881
148	0.2161	0.1947	0.1409	0.1532	0.1629	0.1408	0.1635	0.2016	0.1876
149	0.2155	0.1941	0.1405	0.1528	0.1624	0.1404	0.1630	0.2010	0.1871
150	0.2149	0.1936	0.1401	0.1524	0.1620	0.1400	0.1626	0.2005	0.1866
151	0.2144	0.1931	0.1398	0.1520	0.1615	0.1396	0.1621	0.1999	0.1860

EMERGENCY

Months to NRA	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
152	0.2138	0.1925	0.1394	0.1516	0.1611	0.1392	0.1617	0.1994	0.1855
153	0.2132	0.1920	0.1390	0.1511	0.1606	0.1389	0.1612	0.1988	0.1850
154	0.2126	0.1915	0.1386	0.1507	0.1602	0.1385	0.1608	0.1983	0.1845
155	0.2120	0.1909	0.1382	0.1503	0.1597	0.1381	0.1603	0.1977	0.1840
156	0.2114	0.1904	0.1378	0.1499	0.1593	0.1377	0.1599	0.1972	0.1835
157	0.2108	0.1899	0.1374	0.1495	0.1589	0.1373	0.1595	0.1967	0.1830
158	0.2103	0.1894	0.1371	0.1491	0.1584	0.1369	0.1590	0.1961	0.1825
159	0.2097	0.1888	0.1367	0.1487	0.1580	0.1366	0.1586	0.1956	0.1820
160	0.2091	0.1883	0.1363	0.1483	0.1576	0.1362	0.1582	0.1951	0.1815
161	0.2086	0.1878	0.1360	0.1479	0.1572	0.1358	0.1577	0.1945	0.1810
162	0.2080	0.1873	0.1356	0.1475	0.1567	0.1354	0.1573	0.1940	0.1805
163	0.2074	0.1868	0.1352	0.1470	0.1563	0.1351	0.1569	0.1935	0.1800
164	0.2069	0.1863	0.1349	0.1466	0.1559	0.1347	0.1564	0.1929	0.1795
165	0.2063	0.1857	0.1345	0.1462	0.1555	0.1343	0.1560	0.1924	0.1790
166	0.2057	0.1852	0.1341	0.1458	0.1550	0.1339	0.1556	0.1919	0.1785
167	0.2052	0.1847	0.1338	0.1454	0.1546	0.1336	0.1551	0.1913	0.1780
168	0.2046	0.1842	0.1334	0.1450	0.1542	0.1332	0.1547	0.1908	0.1775
169	0.2040	0.1837	0.1330	0.1446	0.1538	0.1328	0.1543	0.1903	0.1770
170	0.2035	0.1832	0.1327	0.1442	0.1534	0.1325	0.1539	0.1898	0.1765
171	0.2029	0.1827	0.1323	0.1438	0.1529	0.1321	0.1534	0.1892	0.1761
172	0.2024	0.1822	0.1319	0.1434	0.1525	0.1318	0.1530	0.1887	0.1756
173	0.2018	0.1817	0.1316	0.1430	0.1521	0.1314	0.1526	0.1882	0.1751
174	0.2013	0.1812	0.1312	0.1426	0.1517	0.1311	0.1522	0.1877	0.1746
175	0.2007	0.1808	0.1308	0.1423	0.1513	0.1307	0.1518	0.1872	0.1742
176	0.2001	0.1803	0.1305	0.1419	0.1509	0.1303	0.1514	0.1867	0.1737
177	0.1996	0.1798	0.1301	0.1415	0.1504	0.1300	0.1509	0.1861	0.1732
178	0.1990	0.1793	0.1297	0.1411	0.1500	0.1296	0.1505	0.1856	0.1727
179	0.1985	0.1788	0.1294	0.1407	0.1496	0.1293	0.1501	0.1851	0.1723
180	0.1979	0.1783	0.1290	0.1403	0.1492	0.1289	0.1497	0.1846	0.1718
181	0.1974	0.1778	0.1287	0.1399	0.1488	0.1285	0.1493	0.1841	0.1713
182	0.1968	0.1773	0.1283	0.1395	0.1484	0.1282	0.1489	0.1836	0.1709
183	0.1963	0.1769	0.1280	0.1392	0.1480	0.1278	0.1485	0.1831	0.1704
184	0.1958	0.1764	0.1276	0.1388	0.1476	0.1275	0.1481	0.1826	0.1699
185	0.1952	0.1759	0.1273	0.1384	0.1472	0.1271	0.1477	0.1821	0.1695
186	0.1947	0.1754	0.1269	0.1380	0.1468	0.1268	0.1473	0.1816	0.1690
187	0.1942	0.1749	0.1266	0.1377	0.1463	0.1264	0.1469	0.1812	0.1685
188	0.1936	0.1744	0.1263	0.1373	0.1459	0.1261	0.1465	0.1807	0.1681
189	0.1931	0.1740	0.1259	0.1369	0.1455	0.1257	0.1461	0.1802	0.1676
190	0.1926	0.1735	0.1256	0.1365	0.1451	0.1254	0.1457	0.1797	0.1671
191	0.1920	0.1730	0.1252	0.1362	0.1447	0.1250	0.1453	0.1792	0.1667
192	0.1915	0.1725	0.1249	0.1358	0.1443	0.1247	0.1449	0.1787	0.1662
193	0.1910	0.1720	0.1246	0.1354	0.1439	0.1244	0.1445	0.1782	0.1657
194	0.1905	0.1716	0.1242	0.1351	0.1435	0.1240	0.1441	0.1777	0.1653
195	0.1899	0.1711	0.1239	0.1347	0.1432	0.1237	0.1437	0.1773	0.1648
196	0.1894	0.1706	0.1235	0.1343	0.1428	0.1234	0.1433	0.1768	0.1644

Months to NRA	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
197	0.1889	0.1702	0.1232	0.1340	0.1424	0.1230	0.1429	0.1763	0.1639
198	0.1884	0.1697	0.1228	0.1336	0.1420	0.1227	0.1425	0.1758	0.1635
199	0.1879	0.1692	0.1225	0.1332	0.1416	0.1224	0.1422	0.1753	0.1630
200	0.1874	0.1688	0.1222	0.1329	0.1412	0.1220	0.1418	0.1748	0.1626
201	0.1868	0.1683	0.1218	0.1325	0.1409	0.1217	0.1414	0.1744	0.1621
202	0.1863	0.1678	0.1215	0.1321	0.1405	0.1214	0.1410	0.1739	0.1617
203	0.1858	0.1674	0.1211	0.1318	0.1401	0.1210	0.1406	0.1734	0.1612
204	0.1853	0.1669	0.1208	0.1314	0.1397	0.1207	0.1402	0.1729	0.1608
205	0.1848	0.1664	0.1205	0.1310	0.1393	0.1204	0.1398	0.1724	0.1604
206	0.1843	0.1660	0.1201	0.1307	0.1389	0.1200	0.1394	0.1720	0.1599
207	0.1838	0.1655	0.1198	0.1303	0.1386	0.1197	0.1391	0.1715	0.1595
208	0.1833	0.1651	0.1195	0.1300	0.1382	0.1194	0.1387	0.1710	0.1591
209	0.1828	0.1646	0.1192	0.1296	0.1378	0.1191	0.1383	0.1706	0.1586
210	0.1823	0.1642	0.1188	0.1293	0.1374	0.1187	0.1379	0.1701	0.1582
211	0.1818	0.1637	0.1185	0.1289	0.1370	0.1184	0.1375	0.1696	0.1578
212	0.1813	0.1633	0.1182	0.1285	0.1366	0.1181	0.1371	0.1692	0.1573
213	0.1808	0.1628	0.1179	0.1282	0.1363	0.1178	0.1368	0.1687	0.1569
214	0.1803	0.1624	0.1175	0.1278	0.1359	0.1174	0.1364	0.1682	0.1565
215	0.1798	0.1619	0.1172	0.1275	0.1355	0.1171	0.1360	0.1678	0.1560
216	0.1793	0.1615	0.1169	0.1271	0.1351	0.1168	0.1356	0.1673	0.1556
217	0.1788	0.1611	0.1166	0.1268	0.1347	0.1165	0.1352	0.1668	0.1552
218	0.1783	0.1606	0.1163	0.1264	0.1344	0.1162	0.1349	0.1664	0.1547
219	0.1779	0.1602	0.1159	0.1261	0.1340	0.1158	0.1345	0.1659	0.1543
220	0.1774	0.1597	0.1156	0.1257	0.1337	0.1155	0.1341	0.1655	0.1539
221	0.1769	0.1593	0.1153	0.1254	0.1333	0.1152	0.1338	0.1650	0.1535
222	0.1764	0.1588	0.1150	0.1250	0.1330	0.1149	0.1334	0.1646	0.1530
223	0.1759	0.1584	0.1147	0.1247	0.1326	0.1146	0.1330	0.1641	0.1526
224	0.1754	0.1580	0.1144	0.1244	0.1322	0.1143	0.1327	0.1636	0.1522
225	0.1750	0.1575	0.1140	0.1240	0.1319	0.1139	0.1323	0.1632	0.1518
226	0.1745	0.1571	0.1137	0.1237	0.1315	0.1136	0.1319	0.1627	0.1513
227	0.1740	0.1566	0.1134	0.1233	0.1312	0.1133	0.1316	0.1623	0.1509
228	0.1735	0.1562	0.1131	0.1230	0.1308	0.1130	0.1312	0.1618	0.1505
229	0.1730	0.1558	0.1128	0.1227	0.1304	0.1127	0.1308	0.1614	0.1501
230	0.1726	0.1554	0.1125	0.1223	0.1301	0.1124	0.1305	0.1609	0.1497
231	0.1721	0.1549	0.1122	0.1220	0.1297	0.1121	0.1301	0.1605	0.1493
232	0.1716	0.1545	0.1119	0.1217	0.1294	0.1118	0.1298	0.1601	0.1489
233	0.1712	0.1541	0.1116	0.1213	0.1290	0.1115	0.1294	0.1596	0.1485
234	0.1707	0.1537	0.1113	0.1210	0.1287	0.1112	0.1291	0.1592	0.1481
235	0.1702	0.1533	0.1109	0.1207	0.1283	0.1108	0.1287	0.1588	0.1477
236	0.1698	0.1529	0.1106	0.1203	0.1279	0.1105	0.1284	0.1583	0.1473
237	0.1693	0.1524	0.1103	0.1200	0.1276	0.1102	0.1280	0.1579	0.1469
238	0.1688	0.1520	0.1100	0.1197	0.1272	0.1099	0.1277	0.1575	0.1465
239	0.1684	0.1516	0.1097	0.1193	0.1269	0.1096	0.1273	0.1570	0.1461
240	0.1679	0.1512	0.1094	0.1190	0.1265	0.1093	0.1270	0.1566	0.1457
241	0.1674	0.1508	0.1091	0.1187	0.1262	0.1090	0.1267	0.1562	0.1453

EMERGENCY

Months to NRA	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
242	0.1670	0.1504	0.1088	0.1184	0.1258	0.1087	0.1263	0.1557	0.1449
243	0.1665	0.1500	0.1085	0.1180	0.1255	0.1084	0.1260	0.1553	0.1445
244	0.1661	0.1496	0.1082	0.1177	0.1251	0.1081	0.1256	0.1549	0.1441
245	0.1656	0.1492	0.1079	0.1174	0.1248	0.1078	0.1253	0.1545	0.1437
246	0.1652	0.1488	0.1076	0.1171	0.1244	0.1075	0.1249	0.1540	0.1433
247	0.1647	0.1483	0.1074	0.1168	0.1241	0.1073	0.1246	0.1536	0.1429
248	0.1642	0.1479	0.1071	0.1165	0.1238	0.1070	0.1243	0.1532	0.1425
249	0.1638	0.1475	0.1068	0.1161	0.1234	0.1067	0.1239	0.1528	0.1421
250	0.1633	0.1471	0.1065	0.1158	0.1231	0.1064	0.1236	0.1523	0.1417
251	0.1629	0.1467	0.1062	0.1155	0.1227	0.1061	0.1232	0.1519	0.1413
252	0.1624	0.1463	0.1059	0.1152	0.1224	0.1058	0.1229	0.1515	0.1409
253	0.1620	0.1459	0.1056	0.1149	0.1221	0.1055	0.1226	0.1511	0.1405
254	0.1615	0.1455	0.1053	0.1146	0.1217	0.1052	0.1222	0.1507	0.1401
255	0.1611	0.1451	0.1051	0.1142	0.1214	0.1049	0.1219	0.1503	0.1398
256	0.1607	0.1447	0.1048	0.1139	0.1211	0.1046	0.1216	0.1499	0.1394
257	0.1602	0.1443	0.1045	0.1136	0.1208	0.1043	0.1212	0.1495	0.1390
258	0.1598	0.1439	0.1042	0.1133	0.1204	0.1040	0.1209	0.1491	0.1386
259	0.1594	0.1435	0.1039	0.1130	0.1201	0.1038	0.1206	0.1486	0.1383
260	0.1589	0.1431	0.1036	0.1127	0.1198	0.1035	0.1202	0.1482	0.1379
261	0.1585	0.1427	0.1034	0.1123	0.1195	0.1032	0.1199	0.1478	0.1375
262	0.1581	0.1423	0.1031	0.1120	0.1191	0.1029	0.1196	0.1474	0.1371
263	0.1576	0.1419	0.1028	0.1117	0.1188	0.1026	0.1192	0.1470	0.1368
264	0.1572	0.1415	0.1025	0.1114	0.1185	0.1023	0.1189	0.1466	0.1364
265	0.1568	0.1411	0.1022	0.1111	0.1182	0.1020	0.1186	0.1462	0.1360
266	0.1563	0.1407	0.1019	0.1108	0.1178	0.1017	0.1182	0.1458	0.1357
267	0.1559	0.1404	0.1017	0.1105	0.1175	0.1015	0.1179	0.1454	0.1353
268	0.1555	0.1400	0.1014	0.1102	0.1172	0.1012	0.1176	0.1450	0.1349
269	0.1551	0.1396	0.1011	0.1099	0.1169	0.1009	0.1173	0.1446	0.1346
270	0.1546	0.1392	0.1008	0.1096	0.1165	0.1006	0.1169	0.1442	0.1342
271	0.1542	0.1389	0.1006	0.1093	0.1162	0.1004	0.1166	0.1439	0.1338
272	0.1538	0.1385	0.1003	0.1090	0.1159	0.1001	0.1163	0.1435	0.1335
273	0.1534	0.1381	0.1000	0.1087	0.1156	0.0998	0.1160	0.1431	0.1331
274	0.1529	0.1377	0.0997	0.1084	0.1152	0.0995	0.1156	0.1427	0.1327
275	0.1525	0.1374	0.0995	0.1081	0.1149	0.0993	0.1153	0.1423	0.1324
276	0.1521	0.1370	0.0992	0.1078	0.1146	0.0990	0.1150	0.1419	0.1320
277	0.1517	0.1366	0.0989	0.1075	0.1143	0.0987	0.1147	0.1415	0.1316
278	0.1513	0.1362	0.0986	0.1072	0.1140	0.0985	0.1144	0.1411	0.1313
279	0.1509	0.1359	0.0984	0.1069	0.1137	0.0982	0.1141	0.1408	0.1309
280	0.1505	0.1355	0.0981	0.1066	0.1134	0.0979	0.1138	0.1404	0.1306
281	0.1501	0.1351	0.0978	0.1063	0.1131	0.0977	0.1135	0.1400	0.1302
282	0.1497	0.1347	0.0975	0.1060	0.1128	0.0974	0.1132	0.1396	0.1299
283	0.1492	0.1344	0.0973	0.1058	0.1124	0.0971	0.1128	0.1392	0.1295
284	0.1488	0.1340	0.0970	0.1055	0.1121	0.0969	0.1125	0.1388	0.1291
285	0.1484	0.1336	0.0967	0.1052	0.1118	0.0966	0.1122	0.1385	0.1288
286	0.1480	0.1332	0.0964	0.1049	0.1115	0.0963	0.1119	0.1381	0.1284

EMERGENCY

Months to NRA	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
287	0.1476	0.1329	0.0962	0.1046	0.1112	0.0961	0.1116	0.1377	0.1281
288	0.1472	0.1325	0.0959	0.1043	0.1109	0.0958	0.1113	0.1373	0.1277
289	0.1468	0.1321	0.0956	0.1040	0.1106	0.0955	0.1110	0.1369	0.1273
290	0.1464	0.1318	0.0954	0.1037	0.1103	0.0953	0.1107	0.1365	0.1270
291	0.1460	0.1314	0.0951	0.1035	0.1100	0.0950	0.1104	0.1362	0.1266
292	0.1456	0.1311	0.0949	0.1032	0.1097	0.0948	0.1101	0.1358	0.1263
293	0.1452	0.1307	0.0946	0.1029	0.1094	0.0945	0.1098	0.1354	0.1259
294	0.1448	0.1304	0.0944	0.1026	0.1091	0.0943	0.1095	0.1350	0.1256
295	0.1444	0.1300	0.0941	0.1023	0.1088	0.0940	0.1092	0.1347	0.1252
296	0.1440	0.1296	0.0938	0.1020	0.1085	0.0937	0.1089	0.1343	0.1249
297	0.1436	0.1293	0.0936	0.1018	0.1082	0.0935	0.1086	0.1339	0.1245
298	0.1432	0.1289	0.0933	0.1015	0.1079	0.0932	0.1083	0.1335	0.1242
299	0.1428	0.1286	0.0931	0.1012	0.1076	0.0930	0.1080	0.1332	0.1238
300	0.1424	0.1282	0.0928	0.1009	0.1073	0.0927	0.1077	0.1328	0.1235
301	0.1420	0.1279	0.0925	0.1006	0.1070	0.0924	0.1074	0.1324	0.1232
302	0.1416	0.1275	0.0923	0.1004	0.1067	0.0922	0.1071	0.1321	0.1228
303	0.1413	0.1272	0.0920	0.1001	0.1064	0.0919	0.1068	0.1317	0.1225
304	0.1409	0.1268	0.0918	0.0998	0.1061	0.0917	0.1065	0.1314	0.1222
305	0.1405	0.1265	0.0915	0.0996	0.1058	0.0914	0.1062	0.1310	0.1218
306	0.1401	0.1261	0.0913	0.0993	0.1055	0.0912	0.1059	0.1307	0.1215
307	0.1397	0.1258	0.0910	0.0990	0.1053	0.0909	0.1057	0.1303	0.1212
308	0.1393	0.1255	0.0908	0.0988	0.1050	0.0907	0.1054	0.1299	0.1208
309	0.1390	0.1251	0.0905	0.0985	0.1047	0.0904	0.1051	0.1296	0.1205
310	0.1386	0.1248	0.0903	0.0982	0.1044	0.0902	0.1048	0.1292	0.1202
311	0.1382	0.1244	0.0900	0.0980	0.1041	0.0899	0.1045	0.1289	0.1198
312	0.1378	0.1241	0.0898	0.0977	0.1038	0.0897	0.1042	0.1285	0.1195
313	0.1374	0.1238	0.0896	0.0974	0.1035	0.0895	0.1039	0.1281	0.1192
314	0.1370	0.1234	0.0893	0.0972	0.1032	0.0892	0.1036	0.1278	0.1189
315	0.1367	0.1231	0.0891	0.0969	0.1030	0.0890	0.1034	0.1274	0.1185
316	0.1363	0.1227	0.0888	0.0966	0.1027	0.0887	0.1031	0.1271	0.1182
317	0.1359	0.1224	0.0886	0.0964	0.1024	0.0885	0.1028	0.1267	0.1179
318	0.1355	0.1220	0.0883	0.0961	0.1021	0.0882	0.1025	0.1264	0.1176
319	0.1352	0.1217	0.0881	0.0958	0.1019	0.0880	0.1022	0.1260	0.1173
320	0.1348	0.1214	0.0879	0.0956	0.1016	0.0878	0.1019	0.1257	0.1170
321	0.1344	0.1210	0.0876	0.0953	0.1013	0.0875	0.1017	0.1253	0.1166
322	0.1340	0.1207	0.0874	0.0950	0.1010	0.0873	0.1014	0.1250	0.1163
323	0.1337	0.1203	0.0871	0.0948	0.1008	0.0870	0.1011	0.1246	0.1160
324	0.1333	0.1200	0.0869	0.0945	0.1005	0.0868	0.1008	0.1243	0.1157
325	0.1329	0.1197	0.0867	0.0942	0.1002	0.0866	0.1005	0.1240	0.1154
326	0.1326	0.1194	0.0864	0.0940	0.0999	0.0863	0.1003	0.1236	0.1151
327	0.1322	0.1190	0.0862	0.0937	0.0997	0.0861	0.1000	0.1233	0.1147
328	0.1319	0.1187	0.0860	0.0935	0.0994	0.0859	0.0997	0.1230	0.1144
329	0.1315	0.1184	0.0857	0.0932	0.0991	0.0856	0.0995	0.1226	0.1141
330	0.1312	0.1181	0.0855	0.0930	0.0988	0.0854	0.0992	0.1223	0.1138
331	0.1308	0.1178	0.0853	0.0927	0.0986	0.0852	0.0989	0.1220	0.1135

EMERGENCY

Months to NRA	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
332	0.1304	0.1175	0.0850	0.0924	0.0983	0.0849	0.0987	0.1216	0.1132
333	0.1301	0.1171	0.0848	0.0922	0.0980	0.0847	0.0984	0.1213	0.1128
334	0.1297	0.1168	0.0846	0.0919	0.0977	0.0845	0.0981	0.1210	0.1125
335	0.1294	0.1165	0.0843	0.0917	0.0975	0.0842	0.0979	0.1206	0.1122
336	0.1290	0.1162	0.0841	0.0914	0.0972	0.0840	0.0976	0.1203	0.1119
337	0.1286	0.1159	0.0839	0.0912	0.0969	0.0838	0.0973	0.1200	0.1116
338	0.1283	0.1156	0.0836	0.0909	0.0967	0.0835	0.0971	0.1196	0.1113
339	0.1279	0.1152	0.0834	0.0907	0.0964	0.0833	0.0968	0.1193	0.1110
340	0.1276	0.1149	0.0832	0.0904	0.0962	0.0831	0.0965	0.1190	0.1107
341	0.1272	0.1146	0.0830	0.0902	0.0959	0.0829	0.0963	0.1187	0.1104
342	0.1269	0.1143	0.0827	0.0899	0.0957	0.0826	0.0960	0.1183	0.1101
343	0.1265	0.1140	0.0825	0.0897	0.0954	0.0824	0.0957	0.1180	0.1098
344	0.1262	0.1137	0.0823	0.0895	0.0951	0.0822	0.0955	0.1177	0.1095
345	0.1258	0.1133	0.0821	0.0892	0.0949	0.0820	0.0952	0.1174	0.1092
346	0.1255	0.1130	0.0818	0.0890	0.0946	0.0817	0.0949	0.1170	0.1089
347	0.1251	0.1127	0.0816	0.0887	0.0944	0.0815	0.0947	0.1167	0.1086
348	0.1248	0.1124	0.0814	0.0885	0.0941	0.0813	0.0944	0.1164	0.1083
349	0.1245	0.1121	0.0812	0.0883	0.0938	0.0811	0.0941	0.1161	0.1080
350	0.1241	0.1118	0.0809	0.0880	0.0936	0.0808	0.0939	0.1158	0.1077
351	0.1238	0.1115	0.0807	0.0878	0.0933	0.0806	0.0936	0.1154	0.1074
352	0.1235	0.1112	0.0805	0.0875	0.0931	0.0804	0.0934	0.1151	0.1071
353	0.1231	0.1109	0.0803	0.0873	0.0928	0.0802	0.0931	0.1148	0.1068
354	0.1228	0.1106	0.0800	0.0870	0.0926	0.0799	0.0929	0.1145	0.1065
355	0.1225	0.1103	0.0798	0.0868	0.0923	0.0797	0.0926	0.1142	0.1063
356	0.1221	0.1100	0.0796	0.0866	0.0920	0.0795	0.0923	0.1139	0.1060
357	0.1218	0.1097	0.0794	0.0863	0.0918	0.0793	0.0921	0.1135	0.1057
358	0.1215	0.1094	0.0791	0.0861	0.0915	0.0790	0.0918	0.1132	0.1054
359	0.1211	0.1091	0.0789	0.0858	0.0913	0.0788	0.0916	0.1129	0.1051
360	0.1208	0.1088	0.0787	0.0856	0.0910	0.0786	0.0913	0.1126	0.1048
361	0.1205	0.1085	0.0785	0.0854	0.0908	0.0784	0.0911	0.1123	0.1045
362	0.1201	0.1082	0.0783	0.0851	0.0905	0.0782	0.0908	0.1120	0.1042
363	0.1198	0.1079	0.0781	0.0849	0.0903	0.0780	0.0906	0.1117	0.1040
364	0.1195	0.1076	0.0779	0.0847	0.0900	0.0778	0.0903	0.1114	0.1037
365	0.1191	0.1073	0.0777	0.0844	0.0898	0.0776	0.0901	0.1111	0.1034
366	0.1188	0.1070	0.0775	0.0842	0.0895	0.0774	0.0898	0.1108	0.1031
367	0.1185	0.1067	0.0772	0.0840	0.0893	0.0771	0.0896	0.1105	0.1028
368	0.1181	0.1064	0.0770	0.0837	0.0891	0.0769	0.0894	0.1102	0.1025
369	0.1178	0.1061	0.0768	0.0835	0.0888	0.0767	0.0891	0.1099	0.1023
370	0.1175	0.1058	0.0766	0.0833	0.0886	0.0765	0.0889	0.1096	0.1020
371	0.1171	0.1055	0.0764	0.0830	0.0883	0.0763	0.0886	0.1093	0.1017
372	0.1168	0.1052	0.0762	0.0828	0.0881	0.0761	0.0884	0.1090	0.1014
373	0.1165	0.1049	0.0760	0.0826	0.0879	0.0759	0.0882	0.1087	0.1011
374	0.1162	0.1046	0.0758	0.0824	0.0876	0.0757	0.0879	0.1084	0.1008
375	0.1159	0.1044	0.0756	0.0821	0.0874	0.0755	0.0877	0.1081	0.1006
376	0.1156	0.1041	0.0754	0.0819	0.0871	0.0753	0.0874	0.1078	0.1003

Months to NRA	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
377	0.1153	0.1038	0.0752	0.0817	0.0869	0.0751	0.0872	0.1075	0.1000
378	0.1150	0.1035	0.0750	0.0815	0.0866	0.0749	0.0869	0.1072	0.0997
379	0.1146	0.1032	0.0747	0.0813	0.0864	0.0746	0.0867	0.1070	0.0995
380	0.1143	0.1029	0.0745	0.0811	0.0862	0.0744	0.0865	0.1067	0.0992
381	0.1140	0.1027	0.0743	0.0808	0.0859	0.0742	0.0862	0.1064	0.0989
382	0.1137	0.1024	0.0741	0.0806	0.0857	0.0740	0.0860	0.1061	0.0986
383	0.1134	0.1021	0.0739	0.0804	0.0854	0.0738	0.0857	0.1058	0.0984
384	0.1131	0.1018	0.0737	0.0802	0.0852	0.0736	0.0855	0.1055	0.0981
385	0.1128	0.1015	0.0735	0.0800	0.0850	0.0734	0.0853	0.1052	0.0978
386	0.1125	0.1012	0.0733	0.0798	0.0847	0.0732	0.0850	0.1049	0.0976
387	0.1122	0.1010	0.0731	0.0795	0.0845	0.0730	0.0848	0.1046	0.0973
388	0.1119	0.1007	0.0729	0.0793	0.0843	0.0728	0.0846	0.1043	0.0970
389	0.1116	0.1004	0.0727	0.0791	0.0840	0.0726	0.0843	0.1040	0.0968
390	0.1113	0.1001	0.0725	0.0789	0.0838	0.0724	0.0841	0.1037	0.0965
391	0.1109	0.0999	0.0723	0.0787	0.0836	0.0722	0.0839	0.1035	0.0962
392	0.1106	0.0996	0.0721	0.0785	0.0833	0.0720	0.0836	0.1032	0.0960
393	0.1103	0.0993	0.0719	0.0782	0.0831	0.0718	0.0834	0.1029	0.0957
394	0.1100	0.0990	0.0717	0.0780	0.0829	0.0716	0.0832	0.1026	0.0954
395	0.1097	0.0988	0.0715	0.0778	0.0826	0.0714	0.0829	0.1023	0.0952
396	0.1094	0.0985	0.0713	0.0776	0.0824	0.0712	0.0827	0.1020	0.0949
397	0.1091	0.0982	0.0711	0.0774	0.0822	0.0710	0.0825	0.1017	0.0946
398	0.1088	0.0980	0.0709	0.0772	0.0820	0.0708	0.0823	0.1014	0.0944
399	0.1085	0.0977	0.0707	0.0769	0.0817	0.0706	0.0820	0.1012	0.0941
400	0.1082	0.0974	0.0705	0.0767	0.0815	0.0704	0.0818	0.1009	0.0939
401	0.1079	0.0972	0.0703	0.0765	0.0813	0.0702	0.0816	0.1006	0.0936
402	0.1076	0.0969	0.0701	0.0763	0.0811	0.0700	0.0814	0.1003	0.0934
403	0.1074	0.0966	0.0700	0.0761	0.0809	0.0699	0.0812	0.1001	0.0931
404	0.1071	0.0964	0.0698	0.0759	0.0807	0.0697	0.0810	0.0998	0.0928
405	0.1068	0.0961	0.0696	0.0756	0.0804	0.0695	0.0807	0.0995	0.0926
406	0.1065	0.0958	0.0694	0.0754	0.0802	0.0693	0.0805	0.0992	0.0923
407	0.1062	0.0956	0.0692	0.0752	0.0800	0.0691	0.0803	0.0990	0.0921
408	0.1059	0.0953	0.0690	0.0750	0.0798	0.0689	0.0801	0.0987	0.0918
409	0.1056	0.0950	0.0688	0.0748	0.0796	0.0687	0.0799	0.0984	0.0916
410	0.1053	0.0948	0.0686	0.0746	0.0794	0.0685	0.0797	0.0982	0.0913
411	0.1050	0.0945	0.0685	0.0744	0.0791	0.0684	0.0794	0.0979	0.0911
412	0.1047	0.0943	0.0683	0.0742	0.0789	0.0682	0.0792	0.0976	0.0908
413	0.1044	0.0940	0.0681	0.0740	0.0787	0.0680	0.0790	0.0974	0.0906
414	0.1041	0.0938	0.0679	0.0738	0.0785	0.0678	0.0788	0.0971	0.0903
415	0.1039	0.0935	0.0677	0.0736	0.0783	0.0676	0.0786	0.0968	0.0901
416	0.1036	0.0932	0.0675	0.0734	0.0781	0.0674	0.0784	0.0966	0.0899
417	0.1033	0.0930	0.0674	0.0732	0.0778	0.0673	0.0781	0.0963	0.0896
418	0.1030	0.0927	0.0672	0.0730	0.0776	0.0671	0.0779	0.0960	0.0894
419	0.1027	0.0925	0.0670	0.0728	0.0774	0.0669	0.0777	0.0958	0.0891
420	0.1024	0.0922	0.0668	0.0726	0.0772	0.0667	0.0775	0.0955	0.0889
421	0.1021	0.0919	0.0666	0.0724	0.0770	0.0665	0.0773	0.0952	0.0887

EMERGENCY

Months to NRA	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
422	0.1018	0.0917	0.0664	0.0722	0.0768	0.0663	0.0771	0.0950	0.0884
423	0.1016	0.0914	0.0663	0.0720	0.0766	0.0662	0.0769	0.0947	0.0882
424	0.1013	0.0912	0.0661	0.0718	0.0764	0.0660	0.0767	0.0945	0.0879
425	0.1010	0.0909	0.0659	0.0716	0.0762	0.0658	0.0765	0.0942	0.0877
426	0.1007	0.0907	0.0657	0.0714	0.0760	0.0656	0.0763	0.0940	0.0874
427	0.1005	0.0904	0.0655	0.0713	0.0757	0.0654	0.0760	0.0937	0.0872
428	0.1002	0.0902	0.0653	0.0711	0.0755	0.0652	0.0758	0.0934	0.0870
429	0.0999	0.0899	0.0652	0.0709	0.0753	0.0651	0.0756	0.0932	0.0867
430	0.0996	0.0897	0.0650	0.0707	0.0751	0.0649	0.0754	0.0929	0.0865
431	0.0994	0.0894	0.0648	0.0705	0.0749	0.0647	0.0752	0.0927	0.0862
432	0.0991	0.0892	0.0646	0.0703	0.0747	0.0645	0.0750	0.0924	0.0860
433	0.0988	0.0890	0.0644	0.0701	0.0745	0.0643	0.0748	0.0921	0.0858
434	0.0986	0.0887	0.0642	0.0699	0.0743	0.0641	0.0746	0.0919	0.0855
435	0.0983	0.0885	0.0641	0.0697	0.0741	0.0640	0.0744	0.0916	0.0853
436	0.0980	0.0883	0.0639	0.0695	0.0739	0.0638	0.0742	0.0914	0.0851
437	0.0978	0.0880	0.0637	0.0693	0.0737	0.0636	0.0740	0.0911	0.0848
438	0.0975	0.0878	0.0635	0.0691	0.0735	0.0634	0.0738	0.0909	0.0846
439	0.0972	0.0876	0.0634	0.0690	0.0733	0.0633	0.0735	0.0906	0.0844
440	0.0970	0.0873	0.0632	0.0688	0.0731	0.0631	0.0733	0.0904	0.0841
441	0.0967	0.0871	0.0630	0.0686	0.0729	0.0629	0.0731	0.0901	0.0839
442	0.0964	0.0869	0.0628	0.0684	0.0727	0.0627	0.0729	0.0899	0.0837
443	0.0962	0.0866	0.0627	0.0682	0.0725	0.0626	0.0727	0.0896	0.0834
444	0.0959	0.0864	0.0625	0.0680	0.0723	0.0624	0.0725	0.0894	0.0832
445	0.0956	0.0862	0.0623	0.0678	0.0721	0.0622	0.0723	0.0892	0.0830
446	0.0954	0.0859	0.0622	0.0676	0.0719	0.0621	0.0721	0.0889	0.0827
447	0.0951	0.0857	0.0620	0.0675	0.0717	0.0619	0.0719	0.0887	0.0825
448	0.0949	0.0855	0.0618	0.0673	0.0715	0.0617	0.0717	0.0884	0.0823
449	0.0946	0.0852	0.0617	0.0671	0.0713	0.0616	0.0715	0.0882	0.0821
450	0.0944	0.0850	0.0615	0.0669	0.0711	0.0614	0.0713	0.0879	0.0818
451	0.0941	0.0848	0.0613	0.0667	0.0709	0.0612	0.0712	0.0877	0.0816
452	0.0938	0.0845	0.0612	0.0665	0.0707	0.0611	0.0710	0.0875	0.0814
453	0.0936	0.0843	0.0610	0.0664	0.0705	0.0609	0.0708	0.0872	0.0812
454	0.0933	0.0841	0.0608	0.0662	0.0703	0.0607	0.0706	0.0870	0.0809
455	0.0931	0.0838	0.0607	0.0660	0.0701	0.0606	0.0704	0.0867	0.0807
456	0.0928	0.0836	0.0605	0.0658	0.0699	0.0604	0.0702	0.0865	0.0805
457	0.0925	0.0834	0.0603	0.0656	0.0697	0.0602	0.0700	0.0863	0.0803
458	0.0923	0.0831	0.0602	0.0654	0.0695	0.0601	0.0698	0.0860	0.0801
459	0.0920	0.0829	0.0600	0.0653	0.0694	0.0599	0.0696	0.0858	0.0798
460	0.0918	0.0827	0.0598	0.0651	0.0692	0.0598	0.0694	0.0856	0.0796
461	0.0915	0.0824	0.0597	0.0649	0.0690	0.0596	0.0692	0.0853	0.0794
462	0.0913	0.0822	0.0595	0.0647	0.0688	0.0595	0.0690	0.0851	0.0792
463	0.0910	0.0820	0.0593	0.0645	0.0686	0.0593	0.0689	0.0849	0.0790
464	0.0908	0.0817	0.0592	0.0643	0.0684	0.0591	0.0687	0.0846	0.0788
465	0.0905	0.0815	0.0590	0.0642	0.0683	0.0590	0.0685	0.0844	0.0785
466	0.0903	0.0813	0.0588	0.0640	0.0681	0.0588	0.0683	0.0842	0.0783

Months to NRA	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
467	0.0900	0.0810	0.0587	0.0638	0.0679	0.0587	0.0681	0.0839	0.0781
468	0.0898	0.0808	0.0585	0.0636	0.0677	0.0585	0.0679	0.0837	0.0779
469	0.0896	0.0806	0.0583	0.0634	0.0675	0.0583	0.0677	0.0835	0.0777
470	0.0893	0.0804	0.0582	0.0633	0.0673	0.0582	0.0675	0.0832	0.0775
471	0.0891	0.0801	0.0580	0.0631	0.0672	0.0580	0.0674	0.0830	0.0773
472	0.0888	0.0799	0.0579	0.0629	0.0670	0.0579	0.0672	0.0828	0.0771
473	0.0886	0.0797	0.0577	0.0628	0.0668	0.0577	0.0670	0.0826	0.0769
474	0.0883	0.0795	0.0576	0.0626	0.0666	0.0576	0.0668	0.0823	0.0767
475	0.0881	0.0793	0.0574	0.0624	0.0664	0.0574	0.0666	0.0821	0.0764
476	0.0879	0.0791	0.0572	0.0623	0.0662	0.0572	0.0664	0.0819	0.0762
477	0.0876	0.0788	0.0571	0.0621	0.0661	0.0571	0.0663	0.0817	0.0760
478	0.0874	0.0786	0.0569	0.0619	0.0659	0.0569	0.0661	0.0814	0.0758
479	0.0871	0.0784	0.0568	0.0618	0.0657	0.0568	0.0659	0.0812	0.0756
480	0.0869	0.0782	0.0566	0.0616	0.0655	0.0566	0.0657	0.0810	0.0754

(5) **Tables - Factor 2 and Factor 3.** Factors 2 and 3 will be used in the calculation of the service credit purchase cost only for a member in PERS Plan 1, TRS Plan 1, WSPRS Plan 1, or WSPRS Plan 2 and only if the service credit purchase would allow the member to retire earlier.

FACTOR 2

Plan	Factor 2
PERS 1	0.00434
TRS 1	0.00383
WSPRS 1	0.00489
WSPRS 2	0.00460

FACTOR 3

Months to NRA	Factor 3
0	1.0000
1	0.9973
2	0.9946
3	0.9919
4	0.9892
5	0.9865
6	0.9838
7	0.9811
8	0.9784
9	0.9757
10	0.9730
11	0.9703
12	0.9676
13	0.9650
14	0.9624
15	0.9597
16	0.9571

Months to NRA	Factor 3
17	0.9545
18	0.9519
19	0.9493
20	0.9467
21	0.9440
22	0.9414
23	0.9388
24	0.9362
25	0.9337
26	0.9311
27	0.9286
28	0.9261
29	0.9236
30	0.9210
31	0.9185
32	0.9160
33	0.9135
34	0.9109
35	0.9084
36	0.9059
37	0.9034
38	0.9010
39	0.8985
40	0.8961
41	0.8936
42	0.8912
43	0.8887
44	0.8863
45	0.8838
46	0.8814

EMERGENCY

Months to NRA	Factor 3
47	0.8789
48	0.8765
49	0.8741
50	0.8718
51	0.8694
52	0.8670
53	0.8647
54	0.8623
55	0.8599
56	0.8576
57	0.8552
58	0.8528
59	0.8505
60	0.8481
61	0.8458
62	0.8435
63	0.8412
64	0.8389
65	0.8366
66	0.8343
67	0.8321
68	0.8298
69	0.8275
70	0.8252
71	0.8229
72	0.8206
73	0.8184
74	0.8162
75	0.8139
76	0.8117
77	0.8095
78	0.8073
79	0.8051
80	0.8029
81	0.8006
82	0.7984
83	0.7962
84	0.7940
85	0.7919
86	0.7897
87	0.7876
88	0.7854
89	0.7833
90	0.7811
91	0.7790
92	0.7769

Months to NRA	Factor 3
93	0.7747
94	0.7726
95	0.7704
96	0.7683
97	0.7662
98	0.7641
99	0.7621
100	0.7600
101	0.7579
102	0.7558
103	0.7538
104	0.7517
105	0.7496
106	0.7475
107	0.7455
108	0.7434
109	0.7414
110	0.7394
111	0.7374
112	0.7354
113	0.7334
114	0.7314
115	0.7293
116	0.7273
117	0.7253
118	0.7233
119	0.7213
120	0.7193
121	0.7174
122	0.7154
123	0.7135
124	0.7115
125	0.7096
126	0.7076
127	0.7057
128	0.7038
129	0.7018
130	0.6999
131	0.6979
132	0.6960
133	0.6941
134	0.6922
135	0.6904
136	0.6885
137	0.6866
138	0.6847

EMERGENCY

Months to NRA	Factor 3
139	0.6829
140	0.6810
141	0.6791
142	0.6772
143	0.6754
144	0.6735
145	0.6717
146	0.6698
147	0.6680
148	0.6662
149	0.6644
150	0.6625
151	0.6607
152	0.6589
153	0.6571
154	0.6552
155	0.6534
156	0.6516
157	0.6498
158	0.6481
159	0.6463
160	0.6446
161	0.6428
162	0.6411
163	0.6393
164	0.6375
165	0.6358
166	0.6340
167	0.6323
168	0.6305
169	0.6288
170	0.6271
171	0.6254
172	0.6237
173	0.6220
174	0.6203
175	0.6186
176	0.6169
177	0.6152
178	0.6135
179	0.6118
180	0.6101
181	0.6084
182	0.6068
183	0.6051
184	0.6035

Months to NRA	Factor 3
185	0.6018
186	0.6002
187	0.5985
188	0.5969
189	0.5952
190	0.5936
191	0.5919
192	0.5903
193	0.5887
194	0.5871
195	0.5855
196	0.5839
197	0.5823
198	0.5807
199	0.5792
200	0.5776
201	0.5760
202	0.5744
203	0.5728
204	0.5712
205	0.5697
206	0.5681
207	0.5666
208	0.5650
209	0.5635
210	0.5619
211	0.5604
212	0.5589
213	0.5573
214	0.5558
215	0.5542
216	0.5527
217	0.5512
218	0.5497
219	0.5482
220	0.5467
221	0.5452
222	0.5437
223	0.5423
224	0.5408
225	0.5393
226	0.5378
227	0.5363
228	0.5348
229	0.5333
230	0.5319

Months to NRA	Factor 3
231	0.5304
232	0.5290
233	0.5275
234	0.5261
235	0.5246
236	0.5232
237	0.5217
238	0.5203
239	0.5188
240	0.5174
241	0.5160
242	0.5146
243	0.5132
244	0.5118
245	0.5104
246	0.5090
247	0.5077
248	0.5063
249	0.5049
250	0.5035
251	0.5021
252	0.5007
253	0.4993
254	0.4980
255	0.4966
256	0.4953
257	0.4939
258	0.4926
259	0.4912
260	0.4898
261	0.4885
262	0.4871
263	0.4858
264	0.4844
265	0.4831
266	0.4818
267	0.4805
268	0.4792
269	0.4779
270	0.4766
271	0.4752
272	0.4739
273	0.4726
274	0.4713
275	0.4700
276	0.4687

Months to NRA	Factor 3
277	0.4674
278	0.4662
279	0.4649
280	0.4636
281	0.4624
282	0.4611
283	0.4598
284	0.4586
285	0.4573
286	0.4560
287	0.4548
288	0.4535
289	0.4523
290	0.4510
291	0.4498
292	0.4486
293	0.4474
294	0.4461
295	0.4449
296	0.4437
297	0.4425
298	0.4412
299	0.4400
300	0.4388
301	0.4376
302	0.4364
303	0.4353
304	0.4341
305	0.4329
306	0.4317
307	0.4305
308	0.4293
309	0.4282
310	0.4270
311	0.4258
312	0.4246
313	0.4235
314	0.4223
315	0.4212
316	0.4200
317	0.4189
318	0.4177
319	0.4166
320	0.4155
321	0.4143
322	0.4132

EMERGENCY

Months to NRA	Factor 3
323	0.4120
324	0.4109
325	0.4098
326	0.4087
327	0.4075
328	0.4064
329	0.4053
330	0.4042
331	0.4031
332	0.4020
333	0.4008
334	0.3997
335	0.3986
336	0.3975
337	0.3964
338	0.3954
339	0.3943
340	0.3932
341	0.3922
342	0.3911
343	0.3900
344	0.3890
345	0.3879
346	0.3868
347	0.3858
348	0.3847
349	0.3837
350	0.3826
351	0.3816
352	0.3805
353	0.3795
354	0.3784
355	0.3774
356	0.3764
357	0.3753
358	0.3743
359	0.3732
360	0.3722
361	0.3712
362	0.3702
363	0.3692
364	0.3682
365	0.3672
366	0.3662
367	0.3651
368	0.3641

Months to NRA	Factor 3
369	0.3631
370	0.3621
371	0.3611
372	0.3601
373	0.3591
374	0.3582
375	0.3572
376	0.3562
377	0.3553
378	0.3543
379	0.3533
380	0.3524
381	0.3514
382	0.3504
383	0.3495
384	0.3485
385	0.3476
386	0.3466
387	0.3457
388	0.3447
389	0.3438
390	0.3428
391	0.3419
392	0.3410
393	0.3400
394	0.3391
395	0.3381
396	0.3372
397	0.3363
398	0.3354
399	0.3344
400	0.3335
401	0.3326
402	0.3317
403	0.3308
404	0.3299
405	0.3289
406	0.3280
407	0.3271
408	0.3262
409	0.3253
410	0.3244
411	0.3236
412	0.3227
413	0.3218
414	0.3209

EMERGENCY

Months to NRA	Factor 3
415	0.3201
416	0.3192
417	0.3183
418	0.3174
419	0.3166
420	0.3157
421	0.3148
422	0.3140
423	0.3131
424	0.3123
425	0.3114
426	0.3106
427	0.3097
428	0.3088
429	0.3080
430	0.3071
431	0.3063
432	0.3054
433	0.3046
434	0.3037
435	0.3029
436	0.3021
437	0.3013
438	0.3004
439	0.2996
440	0.2988
441	0.2980
442	0.2971
443	0.2963
444	0.2955
445	0.2947
446	0.2939
447	0.2931
448	0.2923
449	0.2915
450	0.2907
451	0.2900
452	0.2892
453	0.2884
454	0.2876
455	0.2868
456	0.2860
457	0.2852
458	0.2844
459	0.2837
460	0.2829

Months to NRA	Factor 3
461	0.2821
462	0.2813
463	0.2806
464	0.2798
465	0.2790
466	0.2782
467	0.2775
468	0.2767
469	0.2759
470	0.2752
471	0.2744
472	0.2737
473	0.2729
474	0.2722
475	0.2714
476	0.2707
477	0.2699
478	0.2692
479	0.2684
480	0.2677

WSR 03-10-015
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-76—Filed April 25, 2003, 4:49 p.m., effective April 26, 2003]

Date of Adoption: April 25, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
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: This regulation allows anglers to retain early returning hatchery summer run steelhead caught during the existing hatchery spring chinook 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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 26, 2003.

April 25, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900W Exceptions to statewide rules—Green River (Cowlitz County) Notwithstanding the provisions of WAC 232-28-619:

(1) Effective April 26 through May 31, 2003, in those waters of the Green River from the mouth to 400 feet below water intake at upper end of salmon hatchery, special daily limit of eight fish, six salmon of which no more than two may be adults and two hatchery steelhead. Release wild chinook. Minimum size for salmon is 12 inches and 20 inches for steelhead.

(2) Release wild coho and chum salmon beginning August 1, 2003.

WSR 03-10-021

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-82—Filed April 28, 2003, 2:18 p.m.]

Date of Adoption: April 28, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600V and 220-52-04600X; 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: The state may not authorize commercial shellfish harvest absent agreed planning or compliance with a process. The provisions of this rule are in conformity with agreed plans with applicable tribes which have been entered as required by the court order. 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.

April 28, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-04600X Coastal crab fishery—Special management area. Notwithstanding the provisions of WAC 220-52-046, effective immediately until further notice, it is unlawful for non-Indian commercial fishers to fish for or take crab for commercial purposes, or place gear, in the following areas during the periods indicated:

(1) The following area is closed through June 30, 2003:

(a) Coastal waters between 47°40.50'N and 47°54.00'N, and east of a line described by the following points:

Southern point: 47°40.50'N 124°40.00'W

Northern point: 47°54.00'N 124°47.00'W

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04600V Coastal crab fishery—Special management area. (03-46)

The following section of the Washington Administrative Code is repealed effective July 1, 2003:

WAC 220-52-04600X Coastal crab fishery—Special management area. (03-82)

WSR 03-10-022

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-78—Filed April 28, 2003, 2:22 p.m.]

Date of Adoption: April 25, 2003.

Purpose: Amend commercial and personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-04600S, 220-52-04600T, and 220-56-33000U.

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: Results from the last two Department of Health samples showed that all crab tested were below the action level of thirty parts per million meeting the requirements necessary for the Department of Health to reopen the recreational and commercial crab fishery.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 25, 2003

J. P. Koenig
Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-52-04600S Crab fishery—Seasons and areas. (03-25)
- WAC 220-52-04600T Crab fishery—Seasons and areas. (03-39)
- WAC 220-56-33000U Crab—Areas and seasons. (03-39)

WSR 03-10-026

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed April 28, 2003, 4:34 p.m.]

Date of Adoption: April 28, 2003.

Purpose: The Division of Developmental Disabilities has been directed by the 2002 Washington state legislature to begin paying an income supplemental, called state supplementary payment (SSP). Implementation of this directive requires amendment of rules in chapter 388-820 WAC. The department has filed a CR-101 Preproposal statement of inquiry (WSR 02-17-068) and has initiated a rule-making proceeding to adopt permanent rules on this subject matter. These rules supersede the emergency WAC 388-820-020, 388-820-060, and 388-820-120 filed in WSR 03-03-115 on January 21, 2003.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-820-020, 388-820-060, and 388-820-120.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.10.020.

Other Authority: 2001-03 Supplemental Budget, ESSB 6387, (chapter 371, Laws of 2002).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The state legislature in adopting ESSB 6387 (chapter 371, Laws of 2002), has directed the Division of Developmental Disabilities to begin paying an income supplement, called state supplementary payment. In its published "Final Budget - Statewide Agency Detail" for ESSB 6387, the legislature also clearly stated its intent that "Beginning July 2002, state supplemental payments will no longer be provided automatically to all persons receiving a federal SSI benefit. SSI recipients will continue to receive their federal benefits and their federally provided annual cost of living increases each January. Some recipients who are dependent on larger state supplements will be provided a transitional state supplemental payment. The remaining amount of state supplemental payments required by federal rules will be used to support low... income families who are struggling to continue to care for children and other relatives with developmental disabilities." Emergency adoption of these rules is necessary to implement ESSB 6387 and the legislature's intent. The department is working with public stakeholders to develop proposed rules for permanent adoption.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

EMERGENCY

Effective Date of Rule: Immediately.

April 24, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-020 What definitions apply to this chapter? "Agency" means an entity interested in becoming a service provider that offers residential instruction and support services to clients.

"Certification" means the determination by DSHS that an agency or service provider has satisfactorily complied with the requirements outlined in this chapter and in the department contract.

"Client" means a person who:

((*) (1) Has a developmental disability;

((*) (2) Is eligible under RCW 71A.10.020 (for eligibility criteria, see chapter 388-825 WAC); and

((*) (3) Is authorized by DDD to receive residential services outlined in this chapter or privately purchases residential services. ((For eligibility criteria, see chapter 388-825 WAC.)))

"Client services" means instruction and support activities that benefit clients, as specified under WAC 388-820-450 through 388-820-510.

"Community alternatives program (CAP)" means a Title XIX Medicaid waiver program that serves a specific number of individuals. This waiver is for particular home- and community-based services not covered under the Medicaid state plan. (See WAC 388-825-170 for more details.)

"Community protection services" (Community Protection Intensive Supported Living Services, or CP-ISLS) means intensive supported living services provided to clients who meet the criteria of "Individual with Community Protection Issues."

"DDD" refers to the division of developmental disabilities at DSHS.

"DSHS" refers to the department of social and health services of Washington state.

"Exceptions" means DSHS' approval of a written request for an exception to a rule in this chapter. (There are no exceptions to RCWs.)

"Group home" means residential services provided in a dwelling that is:

((*) (1) Owned, leased, or rented by an entity other than the client;

((*) (2) Licensed by the applicable state authority; and

((*) (3) Operated by a provider.

(See WAC 388-820-090 for further details.)

"Group training home" means a certified nonprofit residential facility that provides full-time care, treatment, training, and maintenance for clients, as defined under RCW 71A.22.020(2).

"IFP" refers to individual financial plan. (See WAC 388-820-620.)

"IISP" refers to the individual instruction and support plan for clients. (See WAC 388-820-560 through 388-820-580.)

"Individual with community protection issues" means a client identified by DDD as needing one or more of the following criteria:

((*) (1) The person has been convicted of or charged with a crime of sexual violence as defined in chapter 71.09 RCW, including, but not limited to, rape, statutory rape, rape of a child, and child molestation;

((*) (2) The person has been convicted of or charged with acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization;

((*) (3) The person has been convicted of or charged with a sexually violent offense and/or predatory act, and may constitute a future danger;

((*) (4) The person has not been convicted and/or charged, but has a history of stalking, sexually violent, predatory, and/or opportunistic behavior which demonstrates a likelihood to commit a sexually violent and/or predatory act based on current behaviors that may escalate to violence;

((*) (5) The person has committed one or more violent crimes, such as murder, attempted murder, arson, first degree assault, kidnapping, or use of a weapon to commit a crime.

"Instruction" means goal-oriented teaching that is designed for acquiring and enhancing skills.

"ISP" refers to the individual service plan for clients. (See WAC 388-820-520 through 388-820-550.)

"Nursing assistant" means a person who is registered or certified by department of health under chapter 18.88A RCW. A nursing assistant performs certain nursing care tasks that are delegated by a registered nurse for a specific client in authorized settings. (See chapter 246-841 WAC for more details.)

"Reprisal" means any negative action taken as retaliation against an employee.

"Residential service" means client services offered by certified service providers.

"Secretary" means the secretary of the department of social and health services or the secretary's designee.

"Service provider" means an agency certified by and contracted with DDD to provide residential services to clients.

"Severity" means the seriousness of an incident. This is determined by the extent to which a client's physical, mental, or psychosocial well-being is or may be compromised or threatened.

"Support" means assistance as requested or needed by a client, based on their abilities, needs, and goals.

"Supported living" means residential services provided to clients living in their own homes, which are owned, rented, or leased by the clients or their legal representatives. (See WAC 388-820-080 for more details.)

"Trust account" means a bank account containing two or more clients' funds where the service provider has the authority to make deposits and withdrawals.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-060 Who may receive residential services? Clients (~~(who)~~) may receive residential services if they are at least eighteen years old and either authorized by DDD (~~(may receive)~~) or have an agreement with the service provider to purchase residential services from their own resources.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-120 Who pays for a client's residential services? (1) DSHS must pay for residential services provided to department-funded clients under department contract at the contracted rate.

(2) (~~(DSHS must require a client to share the cost of services when mandated by federal or state statute or regulation)~~) Clients not included in the department contract may purchase services privately through a separate agreement with the service provider.

(3) The service provider must inform DSHS when the (~~(client)~~) department-funded clients requires additional supports.

(a) The service provider must submit a written request with justification for additional service hours.

(b) DSHS may approve and provide payment for additional expenses or services.

(c) The service provider must retain a copy of department approval.

(4) For a client who is receiving group home services and support:

(a) The client must pay for cost of care or services from earnings or other financial resources. Clients receiving SSI are responsible only for the cost of room and board.

(b) DSHS may pay for these services only after a department-funded client has used his or her own financial resources.

(c) When a client's guardian or legal representative controls the client's income, estate, or trust fund, they must reimburse the service provider as described in WAC 388-820-120.

(5) Clients receiving supported living services must pay for their own housing, utilities, food, clothing, and other personal and incidental expenses from earnings and other financial resources.

begin paying an income supplemental, called state supplementary payment (SSP). Implementation of this directive requires amendment of rules in chapters 388-825 and 388-850 WAC, as well as adoption of new WAC 388-825-500 through 388-825-600, Division of Developmental Disabilities state supplementary payment. The department has filed a CR-101 Preproposal statement of inquiry (WSR 02-17-068) and has initiated a rule-making proceeding to adopt permanent rules on this subject matter. These rules supersede emergency rules filed as WSR 02-20-045 on September 25, 2002, and the emergency rules filed as WSR 03-03-115 on January 21, 2003.

Citation of Existing Rules Affected by this Order: Amending WAC 388-825-020, 388-825-055, 388-825-100, 388-825-120, 388-825-180, 388-825-205, 388-825-252, 388-825-254, 388-850-035, and 388-850-045.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.10.020.

Other Authority: 2001-03 Supplemental Budget ESSB 6387, (chapter 371, Laws of 2002).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The state legislature in adopting ESSB 6387 (chapter 371, Laws of 2002), has directed the Division of Developmental Disabilities to begin paying an income supplement, called state supplementary payment. In its published "Final Budget - Statewide Agency Detail" for ESSB 6387, the legislature also clearly stated its intent that "Beginning July 2002, state supplementary payments will no longer be provided automatically to all persons receiving a federal SSI benefit. SSI recipients will continue to receive their federal benefits and their federally provided annual cost of living increases each January. Some recipients who are dependent on larger state supplements will be provided a transitional state supplementary payment. The remaining amount of state supplementary payments required by federal rules will be used to support low... income families who are struggling to continue to care for children and other relatives with developmental disabilities." Emergency adoption of these rules is necessary to implement ESSB 6387 and the legislature's intent. The department is working with public stakeholders to develop proposed rules for permanent adoption.

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 24, Amended 13, 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 Mak-

WSR 03-10-027

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed April 28, 2003, 4:36 p.m.]

Date of Adoption: April 28, 2003.

Purpose: The Division of Developmental Disabilities has been directed by the 2002 Washington state legislature to

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 24, Amended 13, Repealed 0.

Effective Date of Rule: Immediately.

April 24, 2003

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 03-11 issue of the Register.

WSR 03-10-032

EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 03-77—Filed April 29, 2003, 3:41 p.m., effective May 1, 2003, 12:01 a.m.]

Date of Adoption: April 29, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900X; 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: Preseason forecast is 4,900 adult spring chinook returning to the Cowlitz River and 3,100 returning to the Lewis River in 2003. Therefore regulations will be relaxed while the hatchery escapement goals are expected to be met. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 1, 2003, 12:01 a.m.

April 29, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900X Exceptions to statewide rules—Cowlitz River, Lewis River (including North Fork). Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions:

(1) Cowlitz River -

(a) Effective May 1 through July 31, 2003, special daily limit of six salmon no more than two adults in those waters of the Cowlitz River from boundary markers at the mouth upstream to 400 feet or posted deadline below the Barrier Dam. Release wild chinook.

(b) Effective May 1 through June 15, 2003, South bank of the river from Mill Creek upstream to the Barrier Dam is closed to all fishing.

(2) Lewis River - Effective May 1 through July 31, 2003, special daily limit of six salmon no more than two adults in those waters of the Lewis River from boundary markers at the mouth upstream to mouth of East Fork.

(3) North Fork Lewis River - Effective May 1 through July 31, 2003, it is lawful to fish in those waters of the North Fork Lewis River from the mouth to overhead power lines below Merwin Dam.

(a) Trout daily limit is two fish. Minimum size 20 inches. Release wild steelhead

Other Gamefish - Statewide rules are in effect.

(b) Salmon - Daily limit of six salmon, no more than two adults. Minimum size 12 inches. Release wild chinook.

(4) North Fork Lewis River - Effective May 1 through July 31, 2003, it is lawful to fish from a floating device in those waters from Johnson Creek upstream to Colvin Creek.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2003:

WAC 232-28-61900X Exceptions to statewide rules—Cowlitz River, Lewis River (including North Fork).

WSR 03-10-033

EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 03-87—Filed April 29, 2003, 3:42 p.m., effective May 4, 2003, 12:01 a.m.]

Date of Adoption: April 29, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900T and 232-28-61900Z; 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: Modification of the Columbia River spring chinook sport fishery above Bonneville Dam is necessary to keep impacts to listed upriver spring chinook within the guidelines of the preseason plans and consistent with the 2001 management agreement. Conforms Washington and Oregon state rules in concurrent waters. 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: May 4, 2003, 12:01 a.m.

April 29, 2003

J. P. Koenings

Director

NEW SECTION

WAC 232-28-61900Z Exceptions to statewide rules—Columbia River Notwithstanding the provisions of WAC 232-28-619:

(1) Effective immediately through May 15, 2003, it is unlawful to fish for or possess spring chinook, steelhead, and shad in those waters of the Columbia River from the I-5 Bridge upstream to 600 feet below the fish ladder at Bonneville Dam.

(2) Effective immediately through May 15, 2003, it is lawful to fish for and possess adipose fin-clipped spring chinook, adipose fin-clipped steelhead, and shad in those waters of the Columbia River from Buoy 10 upstream to the I-5 Bridge.

1) Daily limit: Six chinook, no more than two of which may be adults, and all of which must be adipose fin-clipped, and minimum size 12 inches in length. Two trout minimum size 12 inches in length. Release wild steelhead and wild cutthroat.

2) Season: Open Wednesdays through Saturdays only.

(3) Effective May 4, 2003 through May 15, 2003, it is lawful to fish for and possess adipose fin-clipped spring chinook, adipose fin-clipped steelhead, and shad in those areas listed below:

1) Areas: 1) The Bonneville Reservoir upstream from the Tower Island power lines.

Waters upstream from the Interstate Bridge (Highway 197) to The Dalles Dam are closed except that bank fishing is

permitted up to the downstream navigation lock wall on the Washington shore.

2) The Dalles Reservoir.

3) John Day Reservoir.

2) Daily limit: Six chinook, no more than two of which may be adults, and all of which must be adipose fin-clipped, and minimum size 12 inches in length. Two trout minimum size 12 inches in length. Release wild steelhead.

3) Season: Open Wednesdays through Saturdays only.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 4, 2003:

WAC 232-28-61900T Exceptions to statewide rules—Columbia River. (03-58)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 16, 2003:

WAC 232-28-61900Z Exceptions to statewide rules—Columbia River. (03-87)

WSR 03-10-034

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-88—Filed April 29, 2003, 3:43 p.m.]

Date of Adoption: April 29, 2003.

Purpose: Amend personal use fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500C; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot shrimp has been taken in the area closed under this rule. Designation of the Port Townsend Bay Shrimp District is necessary to simplify WAC and pamphlet language, because there are different open days and season length restrictions inside that bay, compared to the remainder of Marine Area 9. 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.

EMERGENCY

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 29, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-56-32500D Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310:

1) Effective immediately, the following area shall be defined as a shrimp fishing district: Port Townsend Shrimp District - All waters of Port Townsend bay south and west of a line from Marrowstone Point to Point Hudson (including Kilisut Harbor).

2) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 9, including the Port Townsend Shrimp District.

3) Effective 9:30 p.m., May 1, 2003, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 8-1, 8-2 and 10.

4) It is unlawful to fish for or possess shrimp from those waters of Hood Canal south of the Hood Canal floating bridge except as provided for in this section:

(a) Fishing for shrimp is allowed between 9:00 a.m. and 1:00 p.m. on the following dates: May 17, 21, 24, and 28, 2003.

(b) No shrimp fishers may set gear before 9:00 a.m. or leave shrimp fishing gear in the water after 1:00 p.m. each day of the fishery.

(c) Fishers are not required to retain the heads of shrimp taken while in the field.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-56-32500C Shrimp—Areas and seasons (03-64)

WSR 03-10-039

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 03-84—Filed April 30, 2003, 4:23 p.m.]

Date of Adoption: April 30, 2003.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-12800F, 220-56-18000B, 220-56-19500K, 232-12-61900S, 232-28-61900Y, 232-28-62000K and 232-28-62100K; and amending WAC 220-56-100, 220-56-128, 220-56-180, 220-56-195, 233-12-619, 232-28-619, 232-28-620, and 232-28-621.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The department is in the process of adopting the permanent rules that are necessary to implement the personal use fishing plans agreed to with resource comanagers in the North of Falcon proceedings. These interim personal use rules are necessary to cover the time period until permanent rules become effective.

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 8, Amended 0, Repealed 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 30, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-56-10000A Definitions—Personal use fishing. "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish means a chinook or coho salmon with a missing adipose fin or a steelhead or cutthroat trout with a missing adipose fin or a missing ventral fin. There must be a healed scar at the location of the missing fin.

EMERGENCY

NEW SECTION

WAC 220-56-12800F Food fish fishing—Closed areas—2003 North of Falcon. Notwithstanding the provisions of WAC 220-56-123, effective July 1 until further notice, waters south of a line from Angeles Point westerly to Observatory Point are closed to food fish angling.

NEW SECTION

WAC 220-56-18000B Statewide salmon rules—2003 North of Falcon. Notwithstanding the provisions of WAC 232-28-619, in Marine Areas 1 through 4, chinook salmon must be not less than 26 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

NEW SECTION

WAC 220-56-19500K Closed saltwater salmon areas—2003 North of Falcon. Notwithstanding the provisions of WAC 220-56-195:

(1) Kydaka Point: effective July 1 until further notice, waters of Areas 4 and 5 southerly of a line from Kydaka Point to Shipwreck Point are closed to salmon angling.

(2) Port Angeles Harbor: effective July 1 until further notice, waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed to salmon angling.

(3) Commencement Bay: those waters southerly of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed to salmon angling June 1 through July 31.

NEW SECTION

WAC 232-12-61900S Permanent Washington statewide game fish rules—2003 North of Falcon. Notwithstanding the provisions of WAC 232-28-619, effective July 1 until further notice - waters south of a line from Angeles Point westerly to Observatory Point are closed to game fish angling.

NEW SECTION

WAC 232-28-61900Y Exceptions to statewide rules—2003 North of Falcon. Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions, provided that unless otherwise amended all permanent rules remain in effect:

Baker River (Skagit County): Mouth to Highway 20 Bridge: Open to salmon fishing July 1 through July 31. Daily limit 2 sockeye only.

Carbon River (Pierce County): From mouth to Voight Creek: Effective August 1 until further notice, single point barbless hooks required.

Elwha River (Clallam County): Effective June 1 until further notice, closed from mouth to marker at outfall of WDFW rearing channel.

Hoh River (Jefferson County): Trout: effective May 16 through May 31 from mouth to Willoughby Creek, open Wednesday through Sunday of each week with a daily limit of 2 hatchery steelhead only.

Hoh River South Fork (Jefferson County): outside Olympic National Park: Effective June 1 until further notice, selective gear rules are in effect.

Johns River, including North and South forks (Grays Harbor County): Effective June 1 until further notice, closed upstream of Ballon Creek.

McAllister Creek (Thurston County): July 1 until further notice, salmon daily limit: 6 fish of which no more than 4 may be adult salmon.

Nooksack River (Whatcom County), from Lummi Indian Reservation boundary to Mount Baker High School bus barn at Deming: Salmon: Open August 1 until further notice, in mainstem from Lummi Indian Reservation boundary to Guide Meridian Bridge, daily limit 2 pink salmon only. Selective gear rules, except fishing from boats equipped with motor allowed.

Puyallup River (Pierce County): Effective August 1 until further notice, salmon daily limit of 6 fish of which no more than 2 may be adult salmon. Lawful to retain pink salmon.

Quillayute River, outside Olympic National Park (Clallam County): Trout: May 1 through May 31, open with a daily limit of 2 hatchery steelhead only. Salmon: effective May 1 until further notice, daily limit 6 fish of which no more than 2 may be adult salmon, release wild adult chinook and wild adult coho.

Skagit River (Skagit/Whatcom counties):

1) Effective June 1 through June 15, open to trout fishing in waters between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Trout minimum length fourteen inches. Legal to retain Dolly Varden/bull trout as part of trout daily limit, minimum length twenty inches.

2) Effective July 1 through July 31, open for salmon from the Dalles Bridge at Concrete to a line projected across the river at a point 200' upstream of the east bank of the Baker River. Daily limit 2 sockeye only.

Skykomish River (Snohomish County): Beginning June 1 until further notice, from Lewis Street Bridge in Monroe to Wallace River, night closure and non-buoyant lure restriction in effect.

Sol Duc River (Clallam County):

1) Effective May 1 until further notice, from mouth to concrete pump station at Sol Duc Hatchery, salmon daily limit 6 fish of which no more than 2 may be adult salmon, release wild adult chinook and wild adult coho.

2) Effective May 1 through May 31 from mouth to concrete pump station at Sol Duc Hatchery, open to trout fishing with a daily limit of 2 hatchery steelhead only.

3) Beginning June 1 until further notice, from Highway 101 Bridge downstream of Snider Creek to Olympic National Park boundary, selective gear rules are in effect.

NEW SECTION

WAC 232-28-62000K Coastal salmon seasons—2003 North of Falcon. Notwithstanding the provisions of WAC 232-28-620, effective May 1 until further notice, it is unlawful to fish for salmon in coastal waters during 2003 except as provided in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) Area 1 - Open June 29 until further notice - Open Sunday through Thursday of each week, daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho.

(2) Areas 2, 2-1, and 2-2:

(a) Areas 2 and 2-1 - Open June 22 until further notice, open Sunday through Thursday of each week, daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho.

(b) Area 2-2 - Open June 22 until further notice west of the Buoy 13 line, Sunday through Thursday of each week, daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho.

(3) Area 3 - Open June 22 until further notice - Daily limit 2 salmon not more than one of which may be a chinook and 1 additional pink, except release wild coho.

(4) Area 4:

(a) Open June 22 until further notice - Daily limit 2 salmon not more than one of which may be a chinook and 1 additional pink, except release wild coho, release chinook east of the Bonilla-Tatoosh Line, and effective beginning August 1, release chum.

(i) Effective July 1 - July 31, lawful to retain chinook east of the Bonilla-Tatoosh Line and west of a true north-south line through Sail Rock.

(ii) Effective July 1 through July 31 closed to salmon angling east of a true north/south line through Sail Rock.

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.

NEW SECTION

WAC 232-28-62100K Puget Sound salmon seasons—2003 North of Falcon. Notwithstanding the provisions of WAC 232-28-621 and WAC 220-56-195, effective May 1 until further notice, it is unlawful to fish for salmon in Puget Sound during 2003 except as provided for in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) Area 5 - Open July 1 until further notice with the following limits and species restrictions:

(a) July 1 through July 4 - Daily limit 2 salmon, except release chinook, chum and wild coho.

(b) July 5 through July 31 - Daily limit 2 salmon, except release chum, wild chinook, and wild coho. Unlawful to bring on board a vessel salmon that are to be released.

(c) August 1 until further notice - Daily limit 4 salmon, no more than 2 coho and chinook in total, except release chum, wild chinook, and wild coho. Unlawful to bring on board a vessel salmon that are to be released.

(2) Area 6 - Open July 1 until further notice with the following limits and species restrictions:

(a) July 1 through July 4 - Daily limit 2 salmon, except release chinook, chum and wild coho.

(b) July 5 through July 31 - Daily limit 2 salmon, except release chum and wild coho, release wild chinook west of a true north-south line through Buoy #2 (immediately east of Ediz Hook), and release all chinook east of a true north-south line through Buoy #2 (immediately east of Ediz Hook). Unlawful to bring on board a vessel salmon that are to be released.

(c) August 1 until further notice - Daily limit 4 salmon, no more than 2 coho and chinook in total, except release chum and wild coho, release wild chinook west of a true north-south line through Buoy #2 (immediately east of Ediz Hook), and release all chinook east of a true north-south line through Buoy #2 (immediately east of Ediz Hook). Unlawful to bring on board a vessel salmon that are to be released.

(3) Area 7 - Open July 1 until further notice with the following limits and species restrictions:

(a) July 1 through July 31 - Daily limit 2 salmon not more than one of which may be a chinook salmon.

(b) August 1 until further notice - Daily limit 4 salmon, no more than 2 coho and chinook in total, no more than 1 chinook, except release chum and wild coho.

(4) Area 8-1 - Open August 1 until further notice, daily limit 4 salmon, no more than 2 coho and chum in total, except release chinook.

(5) Area 8-2:

(a) Effective July 4 until further notice - Waters adjacent to Tulalip Bay west of the line from Mission Point to Hermosa Point, and within 2,000 feet of shore, north of pilings at old Bower's Resort and south of a fishing marker 1.4 miles northwest of Hermosa Point, open Friday through 11:59 a.m. the following Monday of each week. Daily limit 2 salmon.

(b) All other waters of Area 8-2, open August 1 until further notice - Daily limit 4 salmon, no more than 2 coho and chum in total, except release chinook.

(6) Area 9 - Open July 16 until further notice with the following limits and species restrictions:

(a) July 16 through July 31 - Daily limit 2 salmon, except release chinook.

(b) August 1 until further notice - Daily limit 4 salmon, no more than 2 coho, except release chinook and chum.

(c) Salmon fishing open year-round from Edmonds fishing pier. Daily limit 2 salmon, not more than one of which may be a chinook, and effective beginning August 1, release chum.

(d) Salmon fishing open year-round from the Hood Canal Bridge fishing pontoon. Daily limit 2 salmon, except effective beginning July 1 release chinook, and effective beginning August 1 release chum.

(7) Area 10 - Effective June 16 until further notice:

(a) June 16 through June 30, closed, except open north of a line from Meadow Point to Point Monroe, release all salmon, and unlawful to bring salmon on board a vessel.

(b) Open July 1 until further notice with the following area rules, limits, and species restrictions - Daily limit 2 salmon, except release chinook and effective August 1 until further notice, release chum.

(i) Shilshole Bay east of a line from Meadow Point to West Point is closed.

(ii) Lawful to retain chinook in waters of Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true west from Battle Point, and west of a line projected true south from Point White.

(iii) During the period July 1 through August 31, Elliott Bay east of a line from West Point to Alki Point is closed, except July 11 through August 17 - Open east of a line from Pier 91 to Duwamish Head Friday through Sunday of each week - Daily limit of 2 salmon, lawful to retain chinook, and release chum August 1 through August 17.

(iv) Terminal gear in waters of the East Duwamish Waterway between a line projected east along the path of SW Hanford Street on Harbor Island and a line projected east from the south tip of Harbor Island is restricted to bait suspended above the bottom from a float.

(c) Salmon fishing open year-round from Elliott Bay public fishing pier, Seacrest pier, Waterman pier, Bremerton boardwalk, and Illahee State Park pier. Daily limit 2 salmon, not more than one of which may be a chinook salmon. Effective beginning August 1, release chum.

(8) Area 11:

(a) Open June 1 until further notice - Daily limit 2 salmon.

(b) Salmon fishing open year-round from Les Davis public fishing pier, Des Moines public fishing pier, Redondo public fishing pier, Dash Point dock, and Point Defiance Boathouse dock. Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(9) Area 12:

(a) Closed, except open July 1 until further notice in waters south of Ayock Point - Daily limit 4 salmon, not more than two of which may be chinook, except release chum.

(b) Waters of the Hoodport Hatchery Zone regulated under provisions in WAC 220-56-124.

(10) Area 13: Open May 1 until further notice with the following area rules, limits and species restrictions:

(a) May 1 through May 31 - Daily limit 2 salmon, not more than one of which may be a chinook.

(b) June 1 through June 30 - Closed.

(c) July 1 until further notice:

(i) Daily limit 2 salmon, except release wild coho.

(ii) Carr Inlet - those waters of Carr Inlet north of a line from Green Point to Penrose Point open to salmon angling July 1 through July 31, terminal gear restricted to fly fishing only, daily limit 2 hatchery coho.

(d) Salmon fishing open year-round from the Fox Island public fishing pier. Daily limit 2 salmon, not more than one of which may be a chinook, and effective beginning July 1, release wild coho.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 11:59 p.m. August 15, 2003:

WAC 220-56-12800F	Food fish fishing—Closed areas—2003 North of Falcon.
WAC 220-56-18000B	Statewide salmon rules—2003 North of Falcon.
WAC 220-56-19500K	Closed saltwater salmon areas—2003 North of Falcon.
WAC 232-12-61900S	Permanent Washington statewide game fish rules—2003 North of Falcon.
WAC 232-28-61900Y	Exception to statewide rules—2003 North of Falcon
WAC 232-28-62000K	Coastal salmon seasons—2003 North of Falcon
WAC 232-28-62100K	Puget Sound salmon seasons—2003 North of Falcon

WSR 03-10-042

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-89—Filed April 30, 2003, 4:31 p.m.]

Date of Adoption: April 30, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000E; 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: Modification of the select area commercial fisheries is necessary so that all non-Indian impacts to ESA-listed upriver spring chinook remain within the management constraints. The select area fisheries in Deep River, Blind Slough/Knappa Slough, and Tongue Point/South Channel 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. Impacts to ESA-listed stocks in these fisheries are covered under the biological opinion for the interim management agreement. This rule is consistent with actions of the Columbia River compact hearings of April 28, 2003, and February

6, 2003, and conforms Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 30, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-33-01000E Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) **Blind Slough/Knappa Slough Select Area**

Area: Open waters of Blind Slough extend 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 Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in 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 a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

a) **Blind Slough only**

Gear: 8-inch maximum mesh. Mono-filament gill nets are allowed. Nets restricted to 100 fathoms in length with no weight restriction on leadline.

Dates:

7:00 p.m. May 1 to 7:00 a.m. May 2, 2003

7:00 p.m. May 8 to 7:00 a.m. May 9, 2003

b) **Blind Slough and Knappa Slough**

Gear: 8-inch maximum mesh. Mono-filament gill nets are allowed. Nets restricted to 100 fathoms in length with no weight restriction on leadline.

Dates:

7:00 p.m. May 13 to 7:00 a.m. May 14, 2003

7:00 p.m. May 15 to 7:00 a.m. May 16, 2003

7:00 p.m. May 20 to 7:00 a.m. May 21, 2003

7:00 p.m. May 22 to 7:00 a.m. May 23, 2003

7:00 p.m. May 27 to 7:00 a.m. May 28, 2003

7:00 p.m. May 29 to 7:00 a.m. May 30, 2003

7:00 p.m. June 3 to 7:00 a.m. June 4, 2003

7:00 p.m. June 5 to 7:00 a.m. June 6, 2003

7:00 p.m. June 10 to 7:00 a.m. June 11, 2003

7:00 p.m. June 12 to 7:00 a.m. June 13, 2003

Allowable Sale: Salmon, sturgeon, shad

3) **Deep River Select Area**

a) Area: Upstream of the Deep River Boat Launch to the Highway 4 Bridge.

Dates:

7:00 p.m. May 1 to 7:00 a.m. May 2, 2003

7:00 p.m. May 8 to 7:00 a.m. May 9, 2003

b) Area: Upstream of a line from Channel Marker 16 southwesterly to a fishing boundary marker on the opposite bank, to the Highway 4 Bridge.

Dates:

7:00 p.m. May 13 to 7:00 a.m. May 14, 2003

7:00 p.m. May 14 to 7:00 a.m. May 15, 2003

7:00 p.m. May 15 to 7:00 a.m. May 16, 2003

7:00 p.m. May 20 to 7:00 a.m. May 21, 2003

7:00 p.m. May 21 to 7:00 a.m. May 22, 2003

7:00 p.m. May 22 to 7:00 a.m. May 23, 2003

7:00 p.m. May 27 to 7:00 a.m. May 28, 2003

7:00 p.m. May 28 to 7:00 a.m. May 29, 2003

7:00 p.m. May 29 to 7:00 a.m. May 30, 2003

7:00 p.m. June 3 to 7:00 a.m. June 4, 2003

7:00 p.m. June 4 to 7:00 a.m. June 5, 2003

7:00 p.m. June 5 to 7:00 a.m. June 6, 2003

7:00 p.m. June 10 to 7:00 a.m. June 11, 2003

7:00 p.m. June 11 to 7:00 a.m. June 12, 2003

7:00 p.m. June 12 to 7:00 a.m. June 13, 2003.

Reviser's note: The spelling 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.

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 7:01 a.m. June 13, 2003:

WAC 220-33-01000E Columbia River gillnet seasons below Bonneville.

**WSR 03-10-053
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-90—Filed May 2, 2003, 4:29 p.m.]

Date of Adoption: May 2, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Y and 232-28-61900A; 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: These rules are part of the agreed to North of Falcon annual fish management plans. These interim personal use rules are necessary to cover the time period until those permanent rules become effective. In the case of the Quillayute River system, which includes the Bogachiel, Calawah, Dickey, Quillayute, and Sol Duc rivers, there is a definition for hatchery chinook that differs from the standard description. Although the adipose fin clip is now used to designate hatchery salmon that can be harvested, there still remain some chinook in this system that are identified by a ventral fin clip. Both adipose fin clipped and ventral fin clipped hatchery salmon are present in the fishery in the system, and it should be lawful for anglers to retain both kinds of such marked fish in these rivers, up to the quantity prescribed in the daily limit.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 2, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 232-28-61900A Exceptions to statewide rules—2003 North of Falcon. Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions, provided that unless otherwise amended all permanent rules remain in effect:

Baker River (Skagit County): Mouth to Highway 20 Bridge: Open to salmon fishing July 1 through July 31. Daily limit 2 sockeye only.

Bogachiel River (Clallam County): Mouth to Highway 101 Bridge: effective July 1 until further notice, it is lawful to retain within the quantities prescribed in the daily limit, hatchery chinook salmon identified by either an adipose fin clip or a ventral fin clip and having a healed scar at the site of the missing fin.

Calawah River (Clallam County): Mouth to Highway 101 Bridge: effective July 1 until further notice, it is lawful to retain within the quantities prescribed in the daily limit, hatchery chinook salmon identified by either an adipose fin clip or a ventral fin clip and having a healed scar at the site of the missing fin.

Carbon River (Pierce County): From mouth to Voight Creek: Effective August 1 until further notice, single point barbless hooks required.

Dickey River (Clallam County): Mouth to East Fork Dickey River: effective July 1 until further notice, it is lawful to retain within the quantities prescribed in the daily limit, hatchery chinook salmon identified by either an adipose fin clip or a ventral fin clip and having a healed scar at the site of the missing fin.

Elwha River (Clallam County): Effective June 1 until further notice, closed from mouth to marker at outfall of WDFW rearing channel.

Hoh River (Jefferson County): Trout: effective May 16 through May 31 from mouth to Willoughby Creek, open Wednesday through Sunday of each week with a daily limit of 2 hatchery steelhead only.

Hoh River South Fork (Jefferson County): outside Olympic National Park: Effective June 1 until further notice, selective gear rules are in effect.

Johns River, including North and South forks (Grays Harbor County): Effective June 1 until further notice, closed upstream of Ballon Creek.

McAllister Creek (Thurston County): July 1 until further notice, salmon daily limit: 6 fish of which no more than 4 may be adult salmon.

Nooksack River (Whatcom County): from Lummi Indian Reservation boundary to Mount Baker High School bus barn at Deming: Salmon: Open August 1 until further notice, in mainstem from Lummi Indian Reservation boundary to Guide Meridian Bridge, daily limit 2 pink salmon only. Selective gear rules, except fishing from boats equipped with motor allowed.

Puyallup River (Pierce County): Effective August 1 until further notice, salmon daily limit of 6 fish of which no more than 2 may be adult salmon. Lawful to retain pink salmon.

Quillayute River, outside Olympic National Park (Clallam County):

1) Trout: Effective immediately through May 31, open with a daily limit of 2 hatchery steelhead only.

WSR 03-10-092
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed May 6, 2003, 4:54 p.m., effective May 7, 2003]

2) Salmon: effective immediately until further notice, daily limit 6 fish of which no more than 2 may be adult salmon, release wild adult chinook and wild adult coho. It is lawful to retain within the quantities prescribed in the daily limit, hatchery chinook salmon identified by either an adipose fin clip or a ventral fin clip and having a healed scar at the site of the missing fin.

Skagit River (Skagit/Whatcom counties):

1) Effective June 1 through June 15, open to trout fishing in waters between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Trout minimum length fourteen inches. Legal to retain Dolly Varden/bull trout as part of trout daily limit, minimum length twenty inches.

2) Effective July 1 through July 31, open for salmon from the Dalles Bridge at Concrete to a line projected across the river at a point 200' upstream of the east bank of the Baker River. Daily limit 2 sockeye only.

Skynomish River (Snohomish County): Beginning June 1 until further notice, from Lewis Street Bridge in Monroe to Wallace River, night closure and non-buoyant lure restriction in effect.

Sol Duc River (Clallam County):

1) Effective immediately until further notice, from mouth to concrete pump station at Sol Duc Hatchery, salmon daily limit 6 fish of which no more than 2 may be adult salmon, release wild adult chinook and wild adult coho. It is lawful to retain within the quantities prescribed in the daily limit, hatchery chinook salmon identified by either an adipose fin clip or a ventral fin clip and having a healed scar at the site of the missing fin.

2) Effective immediately through May 31 from mouth to concrete pump station at Sol Duc Hatchery, open to trout fishing with a daily limit of 2 hatchery steelhead only.

3) Beginning June 1 until further notice, from Highway 101 Bridge downstream of Snider Creek to Olympic National Park boundary, selective gear rules are in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 232-28-61900Y Exceptions to statewide rules—2003 North of Falcon. (03-84)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. August 15, 2003:

WAC 232-28-61900A Exceptions to statewide rules—2003 North of Falcon.

Date of Adoption: May 6, 2003.

Purpose: To continue the emergency rule that has been in effect since January 8, 2003, until the permanent rule adoption process is completed. This rule contains the "hold harmless" language from the core provider agreement (CPA), DSHS 09-048, that was inadvertently omitted when the CPA was revised in August 2002. It is anticipated the permanent rule will be proposed in May 2003. Once the rules are proposed, the department will invite the interested public to review and provide input.

Citation of Existing Rules Affected by this Order: Amending WAC 388-502-0010 Payment—Eligible providers defined.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.080, 74.09.120.

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: Without the immediate adoption of this amendment, access to medical care for DSHS clients will be negatively impacted. Medical providers will be reluctant to sign the CPA without the "hold harmless" provision. Without a signed CPA, medical providers cannot be reimbursed by MAA. Without the prospect of reimbursement from MAA, providers may stop accepting DSHS clients as patients.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 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: May 7, 2003.

April 30, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

EMERGENCY

AMENDATORY SECTION (Amending WSR 01-07-076, filed 3/20/01, effective 4/20/01)

WAC 388-502-0010 Payment—Eligible providers defined. The department reimburses enrolled providers for covered medical services, equipment and supplies they provide to eligible clients.

(1) To be eligible for enrollment, a provider must:

- (a) Be licensed, certified, accredited, or registered according to Washington state laws and rules; and
- (b) Meet the conditions in this chapter and chapters regulating the specific type of provider, program, and/or service.

(2) To enroll, an eligible provider must sign a core provider agreement or a contract with the department and receive a unique provider number. (Note: Section 13 of the core provider agreement, DSHS 09-048 (REV. 06/2002), is hereby rescinded. The department and each provider signing a core provider agreement will hold each other harmless from a legal action based on the negligent actions or omissions of either party under the terms of the agreement.)

(3) Eligible providers listed in this subsection may request enrollment. Out-of-state providers listed in this subsection are subject to conditions in WAC 388-502-0120.

(a) Professionals:

- (i) Advanced registered nurse practitioners;
- (ii) Anesthesiologists;
- (iii) Audiologists;
- (iv) Chiropractors;
- (v) Dentists;
- (vi) Dental hygienists;
- (vii) Denturists;
- (viii) Dietitians or nutritionists;
- ~~((xiv))~~ (ix) Maternity case managers;
- (x) Midwives;
- (xi) Occupational therapists;
- (xii) Ophthalmologists;
- (xiii) Opticians;
- (xiv) Optometrists;
- (xv) Orthodontists;
- (xvi) Osteopathic physicians;
- (xvii) Podiatric physicians;
- (xviii) Pharmacists;
- (xix) Physicians;
- (xx) Physical therapists;
- (xxi) Psychiatrists;
- (xxii) Psychologists;
- (xxiii) Registered nurse delegators;
- (xxiv) Registered nurse first assistants;
- (xxv) Respiratory therapists;
- (xxvi) Speech/language pathologists;
- (xvii) Radiologists; and
- (xviii) Radiology technicians (technical only);

(b) Agencies, centers and facilities:

- (i) Adult day health centers;
- (ii) Ambulance services (ground and air);
- (iii) Ambulatory surgery centers (Medicare-certified);
- (iv) Birthing centers (licensed by the department of health);
- (v) Blood banks;

(vi) Chemical dependency treatment facilities certified by the department of social and health services (DSHS) division of alcohol and substance abuse (DASA), and contracted through either:

(A) A county under chapter 388-810 WAC; or

(B) DASA to provide chemical dependency treatment services;

(vii) Centers for the detoxification of acute alcohol or other drug intoxication conditions (certified by DASA);

(viii) Community AIDS services alternative agencies;

(ix) Community mental health centers;

(x) Early and periodic screening, diagnosis, and treatment (EPSDT) clinics;

(xi) Family planning clinics;

(xii) Federally qualified health care centers (designated by the Federal Health Care Financing Administration);

(xiii) Genetic counseling agencies;

(xiv) Health departments;

(xv) HIV/AIDS case management;

(xvi) Home health agencies;

(xvii) Hospice agencies;

(xviii) Hospitals;

(xix) Indian Health Service;

(xx) Tribal or urban Indian clinics;

(xxi) Inpatient psychiatric facilities;

(xxii) Intermediate care facilities for the mentally retarded (ICF-MR);

(xxiii) Kidney centers;

(xxiv) Laboratories (CLIA certified);

(xxv) Maternity support services agencies;

(xxvi) Neuromuscular and neurodevelopmental centers;

(xxvii) Nursing facilities (approved by DSHS Aging and Adult Services);

(xxviii) Pharmacies;

(xxix) Private duty nursing agencies;

(xxx) Rural health clinics (Medicare-certified);

(xxxi) Tribal mental health services (contracted through the DSHS mental health division); and

(xxxii) Washington state school districts and educational service districts.

(c) Suppliers of:

(i) Durable and nondurable medical equipment and supplies;

(ii) Infusion therapy equipment and supplies;

(iii) Prosthetics/orthotics;

(iv) Hearing aids; and

(v) Oxygen equipment and supplies;

(d) Contractors of:

(i) Transportation brokers;

(ii) Interpreter services agencies; and

(iii) Eyeglass and contact lens providers.

(4) Nothing in this chapter precludes the department from entering into other forms of written agreements to provide services to eligible clients.

(5) The department does not enroll licensed or unlicensed practitioners who are not specifically addressed in subsection (3) of this section, including, but not limited to:

(a) Acupuncturists;

(b) Counselors;

(c) Sanipractors;

- (d) Naturopaths;
- (e) Homeopaths;
- (f) Herbalists;
- (g) Massage therapists;
- (h) Social workers; or
- (i) Christian Science practitioners or theological healers.

EMERGENCY

WSR 03-10-013
NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED
CONTROL BOARD

[Memorandum—April 25, 2003]

The start time for the May 19, 2003, meeting of the Washington State Noxious Weed Control Board has changed to 2 p.m. The full information on the meeting is: Special Meeting: Statewide Weed Management Plan and Other Subjects, 603 State Route 906, Snoqualmie Pass, WA 98068, on May 19, 2003, at 2 p.m.

WSR 03-10-017
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH

[Filed April 28, 2003, 9:59 a.m.]

NOTICE OF ADOPTION OF AN INTERPRETIVE STATEMENT

Title of Statement: Performing Fluoroscopic Procedures by Certified Diagnostic Radiologic Technologists.

Issuing Entity: Department of Health.

Subject Matter: This interpretive statement describes the types of fluoroscopic procedures that can be performed by certified diagnostic radiologic technologists and the supervision necessary.

Effective Date: April 18, 2003.

Contact Person: Pamela Lovinger, Acting Executive Director, Health Professions Quality Assurance, Department of Health, P.O. Box 47860, Olympia, WA 98504-7860, (360) 236-4984.

WSR 03-10-018
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH

[Filed April 28, 2003, 10:00 a.m.]

NOTICE OF ADOPTION OF AN INTERPRETIVE STATEMENT

Title of Statement: Radiology Practitioner Assistants.

Issuing Entity: Department of Health.

Subject Matter: This interpretive statement describes a radiology practitioner assistant (RPA), determines that the activities of the RPA do not fall within the scope of practice of radiologic technologists, and that Washington state does not recognize the RPA credential.

Effective Date: April 18, 2003.

Contact Person: Pamela Lovinger, Acting Executive Director, Health Professions Quality Assurance, Department of Health, P.O. Box 47860, Olympia, WA 98504-7860, (360) 236-4984.

WSR 03-10-023
ATTORNEY GENERAL'S OFFICE

[Filed April 28, 2003, 3:11 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 May 28, 2003. 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 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):

03-04-05 Request by Brian Sonntag
State Auditor

1. Under RCW 39.04.010, is work or construction "executed at the cost of the state" when a public entity contracts for it as outlined in the scenarios provided? Does the relative amount of the donation to the total cost affect this analysis?

2. If a lease/option can fall within the definition of public work, does the length of the option period (30 days, six months, five years, etc.) affect the analysis for determining whether the project falls within the definition? If a purchase/sale can fall within the definition of public work, does the existence of an option (rather than an obligation) to purchase affect the analysis for determining whether the project falls within the definition?

3. Under RCW 39.04.260, any work or construction that the state or a municipality causes to be performed by a private party through a contract to rent, lease or purchase at least 50 percent of the project must comply with the prevailing wage requirements of RCW 39.12. Does this statute operate to exclude from the definition of public work construction projects that the state or a municipality causes a private party to perform by contracting to

rent, lease, or purchase at least 50 percent of the resulting building?

WSR 03-10-025
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF CORRECTIONS
(Correctional Industries)
[Memorandum—April 25, 2003]

Following is our updated list of dates and locations for the Correctional Industries board of directors meetings. Due to circumstances beyond our control, we have had to make some date changes, the times and locations remain the same.

If you have any questions, please call Rose E. Marquis at (360) 586-7551.

Department of Corrections
Office of Correctional Operations
Correctional Industries
Board of Directors

March 21, 2003	Clallam Bay Corrections Center*	1:00 p.m. to 5:00 p.m.
March 22, 2003	Port Angeles Red Lion Inn	8:00 a.m. to 1:00 p.m.
June 13, 2003	Washington Corrections Center*	1:00 p.m. to 5:00 p.m.
June 14, 2003	The Phoenix Inn Suites, Olympia	8:00 a.m. to 1:00 p.m.
September 26, 2003	Airway Heights Corrections Center*	1:00 p.m. to 5:00 p.m.
September 27, 2003	Spokane/Location TBD	8:00 a.m. to 1:00 p.m.
December 5, 2003	Department of Corrections, Olympia	1:00 p.m. to 5:00 p.m.
December 6, 2003	Olympia/Location TBD	8:00 a.m. to 1:00 p.m.

* Tour of facility.

WSR 03-10-030
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF NATURAL RESOURCES
(Board of Natural Resources)
[Memorandum—April 25, 2003]

The Board of Natural Resources Retreat
August 19-20, 2003

Date	Location
August 19-20, 2003	Best Western Cotton Tree Inn Mount Vernon, Washington

WSR 03-10-031
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Beef Commission)
[Memorandum—April 28, 2003]

This is to notify you of a change of a board meeting date for the Washington State Beef Commission:

The May 13, 2003, meeting has been rescheduled for May 20, 2003.

Should you have questions, please contact Rosalee Mohney at (206) 444-2902.

WSR 03-10-035
PROCLAMATION
OFFICE OF THE GOVERNOR
[April 28, 2003]

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2003 regular session on April 27, 2003, the 105th day of the session; and

WHEREAS, substantial work remains to be done with respect to biennial operating and capital budgets; and

WHEREAS, substantial work also remains to be done with respect to education, including the certificate of mastery, state assessment requirements, the learning assistance program, charter schools; and

WHEREAS, substantial work also remains to be done with respect to terrorism prevention, prohibiting discrimination on the basis of sexual orientation, water law reform, prescription drugs, unemployment insurance, worker's compensation, local government financing options, community revitalization financing, shared leave for military service, the internet pilot project for military and overseas voters; and

NOW, THEREFORE, I Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia at noon on Monday, May 12, 2003 for a period of not more than one week for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 28th day of April, A.D., two thousand and three.

Gary Locke
Governor of Washington

BY THE GOVERNOR:
Sam Reed
Secretary of State

MISC.

WSR 03-10-046
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 03-01]

SERVICE DELIVERY

WHEREAS, all persons, including owners and employees of large and small businesses, and all who receive services from government agencies deserve to be treated with professionalism and respect; and

WHEREAS, government employees must be seen to serve the public with integrity, respect, courtesy, and a commitment to solving problems; and

WHEREAS, it is desirable to ensure that the Legislature is given full opportunity to participate in the process by which agencies adopt rules,

NOW THEREFORE, I, Gary Locke, do direct each state agency to develop and implement a program to enhance service delivery. Each agency is directed to:

1. Identify areas where improvements are needed in the clarity, consistency, timeliness and/or responsiveness of service delivery to citizens or businesses. Agencies may use surveys, focus groups, interviews, or other data sources to identify areas requiring improvement.
2. Institute and implement Service Delivery Standards that articulate expectations of staff as they serve the public. The standards should include:
 - Turnaround and response times for frequently requested services;
 - Expectations related to accessibility and clarity of information;
 - Expectations related to the courtesy, professionalism and helpfulness of staff; and
 - Consistency of treatment in service delivery.

Agencies are encouraged to review existing best practices in service delivery standards, and may use or adapt existing standards to meet these requirements. Agencies should integrate the development and implementation of their Standards with their ongoing performance management, process improvement and customer satisfaction efforts.

3. Where service delivery processes are determined to be complicated or confusing, modify procedures to clarify requirements, reduce complexity, and increase efficiency.
4. Develop procedures for tracking complaints about service delivery and resolving problems; such procedures should facilitate prompt resolution after a citizen or business makes initial contact with the agency. Designate a clearly identified point of contact to assist the public and businesses in finding the services they need and resolving problems.
5. Provide any training necessary for staff and managers to facilitate use of the Service Delivery Standards and incorporate the Standards as performance expectations in employee personnel evaluations.

6. Involve businesses and other customer groups in implementing this Order. Agencies shall use existing customer or business advisory groups or establish a citizen advisory group as a means of consultation and involvement.
7. Establish performance measures to evaluate progress in service delivery and incorporate those measures into the agency's current performance accountability system.
8. Report on progress in improving service delivery in the Quarterly Report on their agency Performance Agreement with the Governor beginning no later than January 31, 2004.

Recognizing that agencies are currently providing copies of proposed rules to the Joint Administrative Rules Review Committee under RCW 34.05.320 so that the Committee can evaluate whether the rule is within the intent of the Legislature and whether the agency is adopting the rule in accordance with all applicable provisions of law, **I FURTHER DIRECT** that agencies also provide a copy of each adopted rule to the Joint Administrative Rules Review Committee immediately following adoption.

This executive order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 5th day of March, Two Thousand Three.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Sam Reed

Secretary of State

WSR 03-10-047
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SERVICES FOR THE BLIND

[Memorandum—April 30, 2003]

The date and location for the next Washington State Department of Services for the Blind State Rehabilitation Council meeting is on Saturday, June 7, 2003, at 9 a.m. - 3 p.m., at the Red Lion River Inn, 303 West North River Drive, Spokane, WA 99201.

WSR 03-10-052
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY

[Memorandum—April 29, 2003]

The board of trustees of Eastern Washington University will hold several committee meetings on Thursday, May 1,

2003, according to the following schedule. These meetings are open to the public, and no action will be taken.

8:00 a.m. - 10:00 a.m.	Student Affairs Committee	PUB 311
10:00 a.m. - 12:00 p.m.	Academic Affairs Committee	PUB 206
2:00 p.m. - 4:00 p.m.	Business and Finance Committee	PUB 261
4:00 p.m. - 6:00 p.m.	Committee of the Whole/Public Budget Forum	PUB MPR

WSR 03-10-054
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Memorandum—May 5, 2003]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, May 15, 2003, 9:00 - 11:00 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 03-10-056
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD

[Memorandum—May 1, 2003]

- MEETING NOTICE: July 10, 2003
 County Road Administration Board
 2404 Chandler Court S.W., Suite 240
 Olympia, WA 98504
 1:00 p.m. to 5:00 p.m.
- MEETING NOTICE: July 11, 2003
 County Road Administration Board
 2404 Chandler Court S.W., Suite 240
 Olympia, WA 98504
 9:00 a.m. to 12:00 p.m.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact Karen Pendleton at (360) 753-5989.

WSR 03-10-061
DEPARTMENT OF ECOLOGY

[Filed May 5, 2003, 12:20 p.m.]

NOTICE OF PUBLIC HEARING
WASHINGTON STATE DEPARTMENT OF ECOLOGY
Designating Ozone Areas in Washington State

The federal Environmental Protection Agency (EPA) develops air pollution standards to protect human health. EPA issued an eight-hour ozone standard in 1997. Under this

standard, ozone levels must be no higher than 0.08 parts per million averaged over an eight-hour time period.

Federal law requires EPA to designate areas of states as attainment, nonattainment, or unclassifiable for the eight-hour ozone standard this year. A designation of "attainment" means an area has met the eight-hour ozone standard during the three-year period 1997-1999. "Nonattainment" means an area has violated the standard during that time period, and the state must develop a plan to bring the area into attainment with the standard. "Unclassifiable" means an area cannot be designated as either attainment or nonattainment because no monitoring data is available.

The designation process starts with a recommendation from the state on the appropriate designations. In June 2000, Washington recommended that all areas of the state, except tribal lands, be designated "attainment/unclassifiable." (Tribal lands are not affected because tribes have authority over air quality within the boundaries of their reservations.) EPA did not act on designations for the eight-hour ozone standard at that time because of legal challenges to the standard. The legal challenges have now been resolved, and EPA has entered into a consent decree to designate areas by April 15, 2004. EPA has requested that states submit recommended designations in July 2003.

Washington is again recommending that all areas of the state, except for tribal lands, be designated "attainment/unclassifiable." The state is considering this recommendation because all areas of Washington either meet the eight-hour standard, or are not monitored. The state would not be required to take any further actions if all areas are designated attainment/unclassifiable.

EPA will evaluate the state recommendation and the monitoring records to determine the appropriate designation.

The Department of Ecology will hold a public hearing to receive comments on the recommendation to designate all areas of Washington as attainment/unclassifiable for the eight-hour ozone standard. The hearing is scheduled as follows:

- | | |
|---------------------------------------|--|
| Wednesday, June 18, 2003
2:00 p.m. | Department of Ecology
Headquarters Building
Room OA-34
300 Desmond Drive
Lacey, WA |
|---------------------------------------|--|

Written comments must be postmarked no later than June 20, 2003, and should be sent to Doug Schneider, Department of Ecology Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600. If you have special accommodation needs, please call Tami Dahlgren at (360) 407-6830 (voice) or 1-800-833-6388 (TTY only) at least one week prior to the hearing.

For more information about the designation of ozone areas in Washington, please contact Doug Schneider, Department of Ecology Air Quality Program, (360) 407-6874.

MISC.

WSR 03-10-094**NOTICE OF PUBLIC MEETINGS****WASHINGTON STATE UNIVERSITY**

[Memorandum—May 1, 2003]

The board of regents of Washington State University will hold its next board meeting on Friday, May 9, 2003, commencing at 9:00 a.m. in Lighty Student Services, Room 405, in Pullman. The regents will consider all matters included on the agenda, plus any items that may normally come before them. In addition, the regents will hold committee meetings according to the schedule below:

Thursday, May 8, 2003

11:30 a.m.-1:30 p.m.	Executive, Planning, Budget, and Athletics Committee	CUE 518
2:00-2:30 p.m.	Tour	Boeing Wireless Classroom
2:30-4:00 p.m.	Academic, Faculty, and Student Affairs Committee	Todd 105
3:00-5:00 p.m.	Business Affairs and Information Technology Committee	CUE 518
3:00-5:00 p.m.	University Development University Relations	Town Centre Conference Room IV Suite 201
5:15-6:15 p.m.	Social	Town Centre Suite 201
6:30 p.m.	Dinner	President's Residence

Friday, May 9, 2003

7:30 a.m.	Breakfast	Holiday Inn Express
9:00-11:30 a.m.	Board of Regents Meeting	Lighty 405

The regents are also invited to participate in all commencement ceremonies.

This notice is being sent by direction of the president of the board of regents pursuant to the requirements of the Open [Public] Meeting[s] Act of 1971 (chapter 250, Laws of 1971 1st ex.s.), as amended.

MISC.



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- 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 #
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3-20-100	REP	03-09-144	16-228-1231	AMD	03-05-034	16-239-078	NEW-P	03-07-082
3-20-200	NEW-P	03-05-101	16-228-1262	NEW-P	03-02-098	16-239-079	NEW-P	03-07-082
3-20-200	NEW	03-09-144	16-228-1262	NEW	03-05-033	16-239-080	NEW-P	03-07-082
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3-20-300	NEW	03-09-144	16-228-1264	NEW	03-05-033	16-239-0802	NEW-P	03-07-082
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4-25-720	AMD-S	03-10-036	16-228-1266	NEW	03-05-033	16-239-0804	NEW-P	03-07-082
4-25-721	PREP	03-05-012	16-229-010	AMD-P	03-05-075	16-239-0805	NEW-P	03-07-082
4-25-721	AMD-P	03-09-052	16-229-010	AMD	03-09-034	16-239-0806	NEW-P	03-07-082
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16-157-100	REP	03-03-044	16-238-010	REP-P	03-07-082	16-239-0810	NEW-P	03-07-082
16-157-110	REP	03-03-044	16-238-020	REP-P	03-07-082	16-239-0811	NEW-P	03-07-082
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16-303-300	AMD	03-08-005	16-401-021	AMD	03-10-083	118- 65-060	REP	03-10-014
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16-303-330	AMD	03-08-005	16-401-031	REP	03-10-083	118- 66-010	NEW	03-10-014
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16-321-020	REP	03-08-018	16-465-060	REP	03-05-079	118- 66-042	NEW	03-10-014
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16-321-030	REP	03-08-018	16-470-905	AMD	03-10-082	118- 66-045	NEW	03-10-014
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16-321-040	REP	03-08-018	16-470-911	REP	03-10-082	118- 66-050	NEW	03-10-014
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16-321-050	REP	03-08-018	16-470-912	AMD	03-10-082	118- 66-080	NEW	03-10-014
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16-321-060	REP	03-08-018	16-470-916	REP	03-10-082	118- 66-081	NEW	03-10-014
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16-321-070	REP	03-08-018	16-470-917	AMD	03-10-082	118- 66-085	NEW	03-10-014
16-321-080	REP-X	03-03-124	16-470-921	AMD-P	03-07-092	118- 66-090	NEW-P	03-04-108
16-321-080	REP	03-08-018	16-470-921	AMD	03-10-082	118- 66-090	NEW	03-10-014
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16-321-100	REP	03-08-018	16-659	PREP	03-03-122	132A-150-010	AMD-P	03-08-056
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16-321-110	REP	03-08-018	16-662-100	AMD	03-08-017	132F- 01	AMD-C	03-10-078
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16-321-120	REP	03-08-018	16-662-105	AMD	03-08-017	132F- 01-020	REP-P	03-06-067
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16-328-011	PREP	03-03-121	16-750-005	AMD	03-04-001	132F-104-810	AMD-P	03-06-067
16-328-011	AMD-P	03-07-090	16-750-011	AMD	03-04-001	132F-104-811	REP-P	03-06-067
16-328-011	AMD	03-10-080	16-750-015	AMD	03-04-001	132F-104-812	REP-P	03-06-067
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16-333-040	PREP	03-03-120	51- 04	PREP	03-08-027	132F-104-815	REP-P	03-06-067
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16-333-040	REP	03-10-081	98- 70-010	PREP	03-04-077	132F-104-817	REP-P	03-06-067
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16-400-100	AMD-P	03-07-081	118- 65-030	REP-P	03-04-108	132F-108-050	AMD-P	03-06-067
16-400-100	AMD-W	03-10-062	118- 65-030	REP	03-10-014	132F-108-070	AMD-P	03-06-067
16-400-210	AMD-P	03-07-081	118- 65-040	REP-P	03-04-108	132F-108-080	AMD-P	03-06-067
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Table of WAC Sections Affected

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132F-120-041	REP-P	03-06-067	132H-155-020	NEW-P	03-08-020	173-170-050	AMD	03-07-104
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132F-120-043	REP-P	03-06-067	132H-155-040	NEW-P	03-08-020	173-170-080	AMD	03-07-104
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132F-120-080	REP-P	03-06-067	132Q- 03	PREP	03-09-094	173-183-850	AMD-X	03-06-036
132F-120-090	REP-P	03-06-067	132Q- 04	PREP	03-09-094	173-183-860	AMD-X	03-06-036
132F-120-100	REP-P	03-06-067	132Q- 05	PREP	03-09-094	173-201A	AMD-S	03-04-082
132F-120-110	REP-P	03-06-067	132Q- 06	PREP	03-09-094	173-303-045	AMD	03-07-049
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132F-121-210	NEW-P	03-06-067	173-157-010	NEW	03-03-081	173-314-100	REP-X	03-05-095
132F-121-220	NEW-P	03-06-067	173-157-020	NEW	03-03-081	173-314-100	REP	03-10-020
132F-121-230	NEW-P	03-06-067	173-157-030	NEW	03-03-081	173-314-200	REP-X	03-05-095
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173-350-310	NEW	03-03-043	180- 79A-117	AMD-P	03-09-029	192-240-025	NEW	03-06-038
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173-350-330	NEW	03-03-043	180- 79A-140	PREP	03-09-019	192-240-035	NEW	03-06-038
173-350-350	NEW	03-03-043	180- 79A-150	PREP	03-04-109	192-240-040	NEW	03-06-038
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220-100-058	NEW	03-10-038	232- 19-030	REP-P	03-06-080	232- 28-334	NEW	03-06-110
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220-100-060	AMD	03-10-038	232- 19-040	REP-P	03-06-080	232- 28-335	NEW	03-06-110
220-100-065	AMD-P	03-06-080	232- 19-040	REP	03-10-038	232- 28-336	NEW-P	03-02-103
220-100-065	AMD	03-10-038	232- 19-050	REP-P	03-06-080	232- 28-336	NEW	03-06-110
220-100-068	NEW-P	03-06-080	232- 19-050	REP	03-10-038	232- 28-337	NEW-P	03-06-112
220-100-068	NEW	03-10-038	232- 19-055	REP-P	03-06-080	232- 28-341	NEW-P	03-06-106
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220-100-070	AMD	03-10-038	232- 19-060	REP-P	03-06-080	232- 28-352	NEW-P	03-06-114
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220-100-080	AMD-P	03-06-080	232- 19-070	REP	03-10-038	232- 28-42600C	REP-E	03-03-102
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230- 02-412	AMD-P	03-08-002	232- 19-120	REP-P	03-06-080	232- 28-61900E	NEW-E	03-04-047
230- 04-110	AMD-P	03-08-002	232- 19-120	REP	03-10-038	232- 28-61900E	REP-E	03-04-047
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230- 12-305	AMD-P	03-08-001	232- 19-130	REP	03-10-038	232- 28-61900F	NEW-E	03-05-003
230- 12-315	AMD-P	03-08-002	232- 19-140	REP-P	03-06-080	232- 28-61900F	REP-E	03-05-003
230- 12-316	NEW-P	03-08-002	232- 19-140	REP	03-10-038	232- 28-61900G	NEW-E	03-05-038
230- 20-059	AMD-P	03-05-088	232- 19-180	REP-P	03-06-080	232- 28-61900G	REP-E	03-05-038
230- 40-550	AMD-P	03-05-087	232- 19-180	REP	03-10-038	232- 28-61900H	NEW-E	03-05-037
230- 40-550	AMD	03-09-076	232- 19-180	REP	03-10-038	232- 28-61900H	REP-E	03-05-037
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230- 40-860	AMD	03-09-076	232- 28-02204	REP	03-06-110	232- 28-61900K	REP-E	03-06-028
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230- 40-875	AMD	03-09-076	232- 28-02205	REP	03-06-110	232- 28-61900L	REP-E	03-07-001
230- 40-895	AMD-P	03-05-087	232- 28-02206	REP-P	03-02-103	232- 28-61900L	REP-E	03-07-001
230- 40-895	AMD	03-09-076	232- 28-02206	REP	03-06-110	232- 28-61900M	NEW-E	03-07-016
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242- 02-070	AMD-X	03-10-069	246-290-125	AMD	03-08-037	246-290-71005	NEW	03-08-037
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246-924-354	PREP	03-05-020	260- 72-010	REP-P	03-09-134	296- 13-020	REP	03-09-111
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250- 18-030	AMD-P	03-09-145	284- 30-3904	NEW-P	03-03-132	296- 13-060	REP-P	03-05-074
250- 18-035	AMD-P	03-09-145	284- 30-3904	NEW-S	03-09-143	296- 13-060	REP	03-09-111
250- 18-040	REP-P	03-09-145	284- 30-3905	NEW-P	03-03-132	296- 13-080	REP-P	03-05-074
250- 18-070	NEW-P	03-09-145	284- 30-3905	NEW-S	03-09-143	296- 13-080	REP	03-09-111
250- 61	PREP	03-04-079	284- 30-3906	NEW-P	03-03-132	296- 13-090	REP-P	03-05-074
250- 69	AMD	03-04-101	284- 30-3906	NEW-S	03-09-143	296- 13-090	REP	03-09-111
250- 69-010	AMD	03-04-101	284- 30-3907	NEW-P	03-03-132	296- 13-100	REP-P	03-05-074
250- 69-020	AMD	03-04-101	284- 30-3907	NEW-S	03-09-143	296- 13-100	REP	03-09-111
250- 69-030	AMD	03-04-101	284- 30-3908	NEW-P	03-03-132	296- 13-110	REP-P	03-05-074
250- 69-040	AMD	03-04-101	284- 30-3908	NEW-S	03-09-143	296- 13-110	REP	03-09-111
250- 69-050	AMD	03-04-101	284- 30-3909	NEW-P	03-03-132	296- 13-130	REP-P	03-05-074
250- 69-060	AMD	03-04-101	284- 30-3909	NEW-S	03-09-143	296- 13-130	REP	03-09-111
250- 69-070	AMD	03-04-101	284- 30-3910	NEW-P	03-03-132	296- 13-140	REP-P	03-05-074
250- 69-090	AMD	03-04-101	284- 30-3910	NEW-S	03-09-143	296- 13-140	REP	03-09-111
250- 69-110	REP	03-04-101	284- 30-3911	NEW-P	03-03-132	296- 13-150	REP-P	03-05-074
251- 04-035	NEW-E	03-03-042	284- 30-3911	NEW-S	03-09-143	296- 13-150	REP	03-09-111
251- 04-035	NEW-P	03-07-059	284- 30-3912	NEW-P	03-03-132	296- 13-160	REP-P	03-05-074
251- 04-035	NEW-P	03-10-101	284- 30-3912	NEW-S	03-09-143	296- 13-160	REP	03-09-111
260	PREP	03-09-131	284- 30-3913	NEW-P	03-03-132	296- 13-170	REP-P	03-05-074
260- 08-595	NEW	03-03-041	284- 30-3913	NEW-S	03-09-143	296- 13-170	REP	03-09-111
260- 13-420	PREP	03-03-067	284- 30-3914	NEW-P	03-03-132	296- 13-180	REP-P	03-05-074
260- 13-420	AMD-P	03-07-054	284- 30-3914	NEW-S	03-09-143	296- 13-180	REP	03-09-111
260- 20-035	PREP	03-03-025	284- 30-3915	NEW-P	03-03-132	296- 13-190	REP-P	03-05-074
260- 20-035	REP-P	03-07-051	284- 30-3915	NEW-S	03-09-143	296- 13-190	REP	03-09-111
260- 24	PREP	03-05-067	284- 30-3916	NEW-S	03-09-143	296- 13-200	REP-P	03-05-074

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296-13-210	REP-P	03-05-074	296-17-757	PREP	03-03-026	296-24-67005	REP	03-09-009
296-13-210	REP	03-09-111	296-17-758	PREP	03-03-026	296-27-01109	AMD	03-09-110
296-13-220	REP-P	03-05-074	296-17-759	PREP	03-03-026	296-37	PREP	03-04-097
296-13-220	REP	03-09-111	296-17-760	PREP	03-03-026	296-400A	PREP	03-04-098
296-13-230	REP-P	03-05-074	296-17-761	PREP	03-03-026	296-401B	PREP	03-04-098
296-13-230	REP	03-09-111	296-17-762	PREP	03-03-026	296-402A	PREP	03-04-098
296-13-240	REP-P	03-05-074	296-17-76201	PREP	03-03-026	296-45	PREP	03-07-072
296-13-240	REP	03-09-111	296-17-76202	PREP	03-03-026	296-45	PREP	03-10-064
296-13-250	REP-P	03-05-074	296-17-76203	PREP	03-03-026	296-45-045	AMD-P	03-10-067
296-13-250	REP	03-09-111	296-17-76204	PREP	03-03-026	296-45-255	AMD-P	03-10-067
296-13-260	REP-P	03-05-074	296-17-76205	PREP	03-03-026	296-45-325	AMD-P	03-10-067
296-13-260	REP	03-09-111	296-17-76206	PREP	03-03-026	296-46A	PREP	03-04-098
296-13-270	REP-P	03-05-074	296-17-76207	PREP	03-03-026	296-46A-090	REP-P	03-05-074
296-13-270	REP	03-09-111	296-17-76208	PREP	03-03-026	296-46A-090	REP	03-09-111
296-13-280	REP-P	03-05-074	296-17-76209	PREP	03-03-026	296-46A-092	REP-P	03-05-074
296-13-280	REP	03-09-111	296-17-76210	PREP	03-03-026	296-46A-092	REP	03-09-111
296-13-290	REP-P	03-05-074	296-17-76211	PREP	03-03-026	296-46A-095	REP-P	03-05-074
296-13-290	REP	03-09-111	296-17-76212	PREP	03-03-026	296-46A-095	REP	03-09-111
296-13-300	REP-P	03-05-074	296-200A	PREP	03-04-098	296-46A-100	REP-P	03-05-074
296-13-300	REP	03-09-111	296-20-135	AMD-P	03-09-107	296-46A-100	REP	03-09-111
296-13-310	REP-P	03-05-074	296-23-220	AMD-P	03-09-107	296-46A-102	REP-P	03-05-074
296-13-310	REP	03-09-111	296-23-230	AMD-P	03-09-107	296-46A-102	REP	03-09-111
296-13-320	REP-P	03-05-074	296-24	PREP	03-03-110	296-46A-104	REP-P	03-05-074
296-13-320	REP	03-09-111	296-24	PREP	03-10-064	296-46A-104	REP	03-09-111
296-13-330	REP-P	03-05-074	296-24	PREP	03-10-066	296-46A-110	REP-P	03-05-074
296-13-330	REP	03-09-111	296-24-650	REP	03-09-009	296-46A-110	REP	03-09-111
296-13-340	REP-P	03-05-074	296-24-65003	REP	03-09-009	296-46A-110	REP	03-09-111
296-13-340	REP	03-09-111	296-24-65005	REP	03-09-009	296-46A-130	REP-P	03-05-074
296-13-350	REP-P	03-05-074	296-24-65007	REP	03-09-009	296-46A-130	REP	03-09-111
296-13-350	REP	03-09-111	296-24-65501	REP	03-09-009	296-46A-140	REP-P	03-05-074
296-13-360	REP-P	03-05-074	296-24-655	REP	03-09-009	296-46A-140	REP	03-09-111
296-13-360	REP	03-09-111	296-24-657	REP	03-09-009	296-46A-155	REP-P	03-05-074
296-13-370	REP-P	03-05-074	296-24-65701	REP	03-09-009	296-46A-155	REP	03-09-111
296-13-370	REP	03-09-111	296-24-65703	REP	03-09-009	296-46A-21052	REP-P	03-05-074
296-13-380	REP-P	03-05-074	296-24-660	REP	03-09-009	296-46A-21052	REP	03-09-111
296-13-380	REP	03-09-111	296-24-66001	REP	03-09-009	296-46A-215	REP-P	03-05-074
296-13-390	REP-P	03-05-074	296-24-66003	REP	03-09-009	296-46A-215	REP	03-09-111
296-13-390	REP	03-09-111	296-24-66005	REP	03-09-009	296-46A-220	REP-P	03-05-074
296-13-400	REP-P	03-05-074	296-24-66007	REP	03-09-009	296-46A-220	REP	03-09-111
296-13-400	REP	03-09-111	296-24-66009	REP	03-09-009	296-46A-22530	REP-P	03-05-074
296-13-410	REP-P	03-05-074	296-24-66011	REP	03-09-009	296-46A-22530	REP	03-09-111
296-13-410	REP	03-09-111	296-24-663	REP	03-09-009	296-46A-23001	REP-P	03-05-074
296-13-420	REP-P	03-05-074	296-24-66301	REP	03-09-009	296-46A-23001	REP	03-09-111
296-13-420	REP	03-09-111	296-24-66303	REP	03-09-009	296-46A-23028	REP-P	03-05-074
296-13-430	REP-P	03-05-074	296-24-66305	REP	03-09-009	296-46A-23028	REP	03-09-111
296-13-430	REP	03-09-111	296-24-66307	REP	03-09-009	296-46A-23040	REP-P	03-05-074
296-13-440	REP-P	03-05-074	296-24-66309	REP	03-09-009	296-46A-23040	REP	03-09-111
296-13-440	REP	03-09-111	296-24-66311	REP	03-09-009	296-46A-23062	REP-P	03-05-074
296-14-310	NEW-P	03-06-074	296-24-66313	REP	03-09-009	296-46A-23062	REP	03-09-111
296-14-315	NEW-P	03-06-074	296-24-66315	REP	03-09-009	296-46A-250	REP-P	03-05-074
296-14-320	NEW-P	03-06-074	296-24-66317	REP	03-09-009	296-46A-250	REP	03-09-111
296-14-325	NEW-P	03-06-074	296-24-66319	REP	03-09-009	296-46A-300	REP-P	03-05-074
296-14-330	NEW-P	03-06-074	296-24-66321	REP	03-09-009	296-46A-300	REP	03-09-111
296-150C	PREP	03-04-098	296-24-665	REP	03-09-009	296-46A-30011	REP-P	03-05-074
296-150F	PREP	03-04-098	296-24-66501	REP	03-09-009	296-46A-30011	REP	03-09-111
296-150M	PREP	03-04-098	296-24-66503	REP	03-09-009	296-46A-324	REP-P	03-05-074
296-150P	PREP	03-04-098	296-24-66505	REP	03-09-009	296-46A-324	REP	03-09-111
296-150R	PREP	03-04-098	296-24-66507	REP	03-09-009	296-46A-348	REP-P	03-05-074
296-150T	PREP	03-04-098	296-24-66509	REP	03-09-009	296-46A-348	REP	03-09-111
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296-17	PREP	03-05-072	296-24-67001	REP	03-09-009	296-46A-365	REP	03-09-111
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296-46A-370	REP	03-09-111	296-46B-040	NEW-P	03-05-074	296-46B-910	NEW-P	03-05-074
296-46A-41004	REP-P	03-05-074	296-46B-040	NEW	03-09-111	296-46B-910	NEW	03-09-111
296-46A-41004	REP	03-09-111	296-46B-110	NEW-P	03-05-074	296-46B-911	NEW-P	03-05-074
296-46A-41030	REP-P	03-05-074	296-46B-110	NEW	03-09-111	296-46B-911	NEW	03-09-111
296-46A-41030	REP	03-09-111	296-46B-210	NEW-P	03-05-074	296-46B-915	NEW-P	03-05-074
296-46A-422	REP-P	03-05-074	296-46B-210	NEW	03-09-111	296-46B-915	NEW	03-09-111
296-46A-422	REP	03-09-111	296-46B-215	NEW-P	03-05-074	296-46B-920	NEW-P	03-05-074
296-46A-450	REP-P	03-05-074	296-46B-215	NEW	03-09-111	296-46B-920	NEW	03-09-111
296-46A-450	REP	03-09-111	296-46B-220	NEW-P	03-05-074	296-46B-925	NEW-P	03-05-074
296-46A-500	REP-P	03-05-074	296-46B-220	NEW	03-09-111	296-46B-925	NEW	03-09-111
296-46A-500	REP	03-09-111	296-46B-225	NEW-P	03-05-074	296-46B-930	NEW-P	03-05-074
296-46A-514	REP-P	03-05-074	296-46B-225	NEW	03-09-111	296-46B-930	NEW	03-09-111
296-46A-514	REP	03-09-111	296-46B-230	NEW-P	03-05-074	296-46B-935	NEW-P	03-05-074
296-46A-517	REP-P	03-05-074	296-46B-230	NEW	03-09-111	296-46B-935	NEW	03-09-111
296-46A-517	REP	03-09-111	296-46B-250	NEW-P	03-05-074	296-46B-940	NEW-P	03-05-074
296-46A-550	REP-P	03-05-074	296-46B-250	NEW	03-09-111	296-46B-940	NEW	03-09-111
296-46A-550	REP	03-09-111	296-46B-300	NEW-P	03-05-074	296-46B-945	NEW-P	03-05-074
296-46A-553	REP-P	03-05-074	296-46B-300	NEW	03-09-111	296-46B-945	NEW	03-09-111
296-46A-553	REP	03-09-111	296-46B-314	NEW-P	03-05-074	296-46B-950	NEW-P	03-05-074
296-46A-600	REP-P	03-05-074	296-46B-314	NEW	03-09-111	296-46B-950	NEW	03-09-111
296-46A-600	REP	03-09-111	296-46B-334	NEW-P	03-05-074	296-46B-951	NEW-P	03-05-074
296-46A-680	REP-P	03-05-074	296-46B-334	NEW	03-09-111	296-46B-951	NEW	03-09-111
296-46A-680	REP	03-09-111	296-46B-358	NEW-P	03-05-074	296-46B-955	NEW-P	03-05-074
296-46A-700	REP-P	03-05-074	296-46B-358	NEW	03-09-111	296-46B-955	NEW	03-09-111
296-46A-700	REP	03-09-111	296-46B-394	NEW-P	03-05-074	296-46B-960	NEW-P	03-05-074
296-46A-702	REP-P	03-05-074	296-46B-394	NEW	03-09-111	296-46B-960	NEW	03-09-111
296-46A-702	REP	03-09-111	296-46B-410	NEW-P	03-05-074	296-46B-965	NEW-P	03-05-074
296-46A-900	REP-P	03-05-074	296-46B-410	NEW	03-09-111	296-46B-965	NEW	03-09-111
296-46A-900	REP	03-09-111	296-46B-422	NEW-P	03-05-074	296-46B-970	NEW-P	03-05-074
296-46A-910	REP-P	03-05-074	296-46B-422	NEW	03-09-111	296-46B-970	NEW	03-09-111
296-46A-910	REP	03-09-111	296-46B-430	NEW-P	03-05-074	296-46B-971	NEW-P	03-05-074
296-46A-915	REP-P	03-05-074	296-46B-430	NEW	03-09-111	296-46B-971	NEW	03-09-111
296-46A-915	REP	03-09-111	296-46B-450	NEW-P	03-05-074	296-46B-975	NEW-P	03-05-074
296-46A-920	REP-P	03-05-074	296-46B-450	NEW	03-09-111	296-46B-975	NEW	03-09-111
296-46A-920	REP	03-09-111	296-46B-501	NEW-P	03-05-074	296-46B-980	NEW-P	03-05-074
296-46A-930	REP-P	03-05-074	296-46B-501	NEW	03-09-111	296-46B-980	NEW	03-09-111
296-46A-930	REP	03-09-111	296-46B-514	NEW-P	03-05-074	296-46B-985	NEW-P	03-05-074
296-46A-931	REP-P	03-05-074	296-46B-514	NEW	03-09-111	296-46B-985	NEW	03-09-111
296-46A-931	REP	03-09-111	296-46B-517	NEW-P	03-05-074	296-46B-990	NEW-P	03-05-074
296-46A-932	REP-P	03-05-074	296-46B-517	NEW	03-09-111	296-46B-990	NEW	03-09-111
296-46A-932	REP	03-09-111	296-46B-520	NEW-P	03-05-074	296-46B-995	NEW-P	03-05-074
296-46A-933	REP-P	03-05-074	296-46B-520	NEW	03-09-111	296-46B-995	NEW	03-09-111
296-46A-933	REP	03-09-111	296-46B-527	NEW-P	03-05-074	296-46B-998	NEW-P	03-05-074
296-46A-934	REP-P	03-05-074	296-46B-527	NEW	03-09-111	296-46B-998	NEW	03-09-111
296-46A-934	REP	03-09-111	296-46B-550	NEW-P	03-05-074	296-46B-999	NEW-P	03-05-074
296-46A-935	REP-P	03-05-074	296-46B-550	NEW	03-09-111	296-46B-999	NEW	03-09-111
296-46A-935	REP	03-09-111	296-46B-553	NEW-P	03-05-074	296-52-60020	AMD	03-06-073
296-46A-940	REP-P	03-05-074	296-46B-553	NEW	03-09-111	296-52-60130	AMD	03-06-073
296-46A-940	REP	03-09-111	296-46B-555	NEW-P	03-05-074	296-52-61040	AMD-X	03-05-073
296-46A-950	REP-P	03-05-074	296-46B-555	NEW	03-09-111	296-52-61040	AMD	03-10-037
296-46A-950	REP	03-09-111	296-46B-600	NEW-P	03-05-074	296-52-62005	AMD-X	03-05-073
296-46A-960	REP-P	03-05-074	296-46B-600	NEW	03-09-111	296-52-62005	AMD	03-10-037
296-46A-960	REP	03-09-111	296-46B-680	NEW-P	03-05-074	296-52-63005	AMD-X	03-05-073
296-46B	PREP	03-10-065	296-46B-680	NEW	03-09-111	296-52-63005	AMD	03-10-037
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296-46B-010	NEW-P	03-05-074	296-46B-800	NEW-P	03-05-074	296-52-66005	AMD-X	03-05-073
296-46B-010	NEW	03-09-111	296-46B-800	NEW	03-09-111	296-52-66005	AMD	03-10-037
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296-46B-030	NEW	03-09-111	296-46B-905	NEW	03-09-111	296-52-69010	AMD	03-06-073

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296-52-69095	AMD	03-06-073	296-104-055	AMD-P	03-08-076	296-150V-3000	AMD-P	03-09-108
296-52-69125	AMD	03-06-073	296-104-700	AMD-P	03-08-076	296-155	PREP	03-04-097
296-52-69130	NEW	03-06-073	296-128-500	AMD	03-03-109	296-155	PREP	03-10-064
296-52-70010	AMD	03-06-073	296-128-532	NEW	03-03-109	296-155	PREP	03-10-066
296-52-710	AMD	03-06-073	296-128-533	NEW	03-03-109	296-155-300	AMD	03-06-075
296-52-71020	AMD	03-06-073	296-130-010	AMD	03-03-010	296-155-305	AMD	03-06-075
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296-52-71045	AMD	03-06-073	296-130-030	AMD	03-03-010	296-155-315	AMD	03-06-075
296-54	PREP	03-10-064	296-130-035	AMD	03-03-010	296-200A	PREP	03-10-065
296-54	PREP	03-10-066	296-130-040	AMD	03-03-010	296-304-01001	AMD	03-04-099
296-56	PREP	03-03-110	296-130-050	AMD	03-03-010	296-304-01003	AMD	03-04-099
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296-59	PREP	03-03-110	296-130-065	AMD	03-03-010	296-304-02009	AMD	03-04-099
296-59	PREP	03-10-064	296-130-070	AMD	03-03-010	296-304-03007	AMD	03-04-099
296-62	PREP	03-04-097	296-130-080	AMD	03-03-010	296-304-04001	AMD	03-04-099
296-62	PREP	03-08-073	296-130-100	NEW	03-03-010	296-304-05001	AMD	03-04-099
296-62-054	REP-X	03-04-100	296-130-500	REP	03-03-010	296-304-05003	AMD	03-04-099
296-62-054	REP	03-10-068	296-150C	PREP	03-10-065	296-304-05005	AMD	03-04-099
296-62-05402	REP-X	03-04-100	296-150C-0150	NEW-P	03-09-109	296-304-05009	AMD	03-04-099
296-62-05402	REP	03-10-068	296-150C-3000	AMD-P	03-09-108	296-304-05013	AMD	03-04-099
296-62-05404	REP-X	03-04-100	296-150F	PREP	03-10-065	296-304-06003	AMD	03-04-099
296-62-05404	REP	03-10-068	296-150F-3000	AMD-P	03-09-109	296-304-07009	AMD	03-04-099
296-62-05406	REP-X	03-04-100	296-150M	PREP	03-10-065	296-304-07011	AMD	03-04-099
296-62-05406	REP	03-10-068	296-150M-0020	AMD-P	03-09-109	296-304-07013	AMD	03-04-099
296-62-05408	REP-X	03-04-100	296-150M-0049	AMD-P	03-09-109	296-304-08001	AMD	03-04-099
296-62-05408	REP	03-10-068	296-150M-0050	AMD-P	03-09-109	296-304-09017	AMD	03-04-099
296-62-05410	REP-X	03-04-100	296-150M-0051	NEW-P	03-09-109	296-304-09021	AMD	03-04-099
296-62-05410	REP	03-10-068	296-150M-0302	AMD-P	03-09-109	296-304-09023	AMD	03-04-099
296-62-05412	REP-X	03-04-100	296-150M-0320	AMD-P	03-09-109	296-304-10003	AMD	03-04-099
296-62-05412	REP	03-10-068	296-150M-0322	NEW-P	03-09-109	296-304-10007	AMD	03-04-099
296-62-070	REP-X	03-04-100	296-150M-0360	AMD-P	03-09-109	296-305	PREP	03-04-097
296-62-070	REP	03-10-068	296-150M-0705	NEW-P	03-09-109	296-305	PREP	03-10-066
296-62-07001	REP-X	03-04-100	296-150M-0715	NEW-P	03-09-109	296-305-01515	AMD	03-09-110
296-62-07001	REP	03-10-068	296-150M-0725	NEW-P	03-09-109	296-305-02501	AMD	03-09-110
296-62-07003	REP-X	03-04-100	296-150M-0800	NEW-P	03-09-109	296-307	PREP	03-10-064
296-62-07003	REP	03-10-068	296-150M-0805	NEW-P	03-09-109	296-307	PREP	03-10-066
296-62-07005	REP-X	03-04-100	296-150M-0810	NEW-P	03-09-109	296-307-009	AMD-X	03-04-100
296-62-07005	REP	03-10-068	296-150M-0815	NEW-P	03-09-109	296-307-009	AMD	03-10-068
296-62-071	AMD-P	03-08-044	296-150M-0820	NEW-P	03-09-109	296-307-018	AMD-X	03-04-100
296-62-080	REP-X	03-04-100	296-150M-0830	NEW-P	03-09-109	296-307-018	AMD	03-10-068
296-62-080	REP	03-10-068	296-150M-0835	NEW-P	03-09-109	296-307-03930	NEW-X	03-04-100
296-62-08001	AMD	03-09-110	296-150M-0840	NEW-P	03-09-109	296-307-03930	NEW	03-10-068
296-62-11021	REP-X	03-04-100	296-150M-0845	NEW-P	03-09-109	296-307-03935	NEW-X	03-04-100
296-62-11021	REP	03-10-068	296-150M-0855	NEW-P	03-09-109	296-307-03935	NEW	03-10-068
296-62-130	REP-X	03-04-100	296-150M-0860	NEW-P	03-09-109	296-307-03940	NEW-X	03-04-100
296-62-130	REP	03-10-068	296-150M-0865	NEW-P	03-09-109	296-307-03940	NEW	03-10-068
296-78	PREP	03-10-064	296-150M-3000	AMD-P	03-09-109	296-307-03945	NEW-X	03-04-100
296-78	PREP	03-10-066	296-150P	PREP	03-10-065	296-307-03945	NEW	03-10-068
296-78-56505	AMD	03-06-076	296-150P-0020	AMD-P	03-09-109	296-307-40013	AMD-X	03-04-100
296-78-71001	AMD	03-06-076	296-150P-3000	AMD-P	03-09-108	296-307-40013	AMD	03-10-068
296-78-71011	AMD	03-06-076	296-150R	PREP	03-10-065	296-307-40015	AMD-X	03-04-100
296-78-835	AMD	03-06-076	296-150R-0020	AMD-P	03-09-109	296-307-40015	AMD	03-10-068
296-79	PREP	03-03-110	296-150R-3000	AMD-P	03-09-108	296-307-40027	AMD-X	03-04-100
296-79	PREP	03-10-064	296-150T	PREP	03-10-065	296-307-40027	AMD	03-10-068
296-79	PREP	03-10-066	296-150T-3000	AMD-P	03-09-108	296-307-445	NEW-X	03-04-100
296-96	PREP	03-04-098	296-150V	PREP	03-10-065	296-307-445	NEW	03-10-068
296-96	PREP	03-10-065	296-150V-0020	AMD-P	03-09-109	296-307-450	AMD-X	03-04-100
296-96-01005	AMD-P	03-09-108	296-150V-0800	AMD-P	03-09-109	296-307-450	AMD	03-10-068
296-96-01030	AMD-P	03-09-108	296-150V-1090	AMD-P	03-09-109	296-307-45001	REP-X	03-04-100
296-96-01050	AMD-P	03-09-108	296-150V-1220	REP-P	03-09-109	296-307-45001	REP	03-10-068
296-96-01055	AMD-P	03-09-108	296-150V-1530	AMD-P	03-09-109	296-307-45003	REP-X	03-04-100

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-45003	REP	03-10-068	296-307-45560	NEW	03-10-068	296-401B-300	REP	03-09-111
296-307-45005	AMD-X	03-04-100	296-307-45565	NEW-X	03-04-100	296-401B-310	REP-P	03-05-074
296-307-45005	AMD	03-10-068	296-307-45565	NEW	03-10-068	296-401B-310	REP	03-09-111
296-307-45007	REP-X	03-04-100	296-307-460	NEW-X	03-04-100	296-401B-320	REP-P	03-05-074
296-307-45007	REP	03-10-068	296-307-460	NEW	03-10-068	296-401B-320	REP	03-09-111
296-307-45009	REP-X	03-04-100	296-307-46005	NEW-X	03-04-100	296-401B-330	REP-P	03-05-074
296-307-45009	REP	03-10-068	296-307-46005	NEW	03-10-068	296-401B-330	REP	03-09-111
296-307-45010	NEW-X	03-04-100	296-307-46025	NEW-X	03-04-100	296-401B-335	REP-P	03-05-074
296-307-45010	NEW	03-10-068	296-307-46025	NEW	03-10-068	296-401B-335	REP	03-09-111
296-307-45011	REP-X	03-04-100	296-307-46030	NEW-X	03-04-100	296-401B-340	REP-P	03-05-074
296-307-45011	REP	03-10-068	296-307-46030	NEW	03-10-068	296-401B-340	REP	03-09-111
296-307-45013	REP-X	03-04-100	296-307-465	NEW-X	03-04-100	296-401B-350	REP-P	03-05-074
296-307-45013	REP	03-10-068	296-307-465	NEW	03-10-068	296-401B-350	REP	03-09-111
296-307-45015	AMD-X	03-04-100	296-307-55030	AMD-X	03-04-100	296-401B-410	REP-P	03-05-074
296-307-45015	AMD	03-10-068	296-307-55030	AMD	03-10-068	296-401B-410	REP	03-09-111
296-307-45017	REP-X	03-04-100	296-307-560	NEW-X	03-04-100	296-401B-420	REP-P	03-05-074
296-307-45017	REP	03-10-068	296-307-560	NEW	03-10-068	296-401B-420	REP	03-09-111
296-307-45019	REP-X	03-04-100	296-307-56005	NEW-X	03-04-100	296-401B-430	REP-P	03-05-074
296-307-45019	REP	03-10-068	296-307-56005	NEW	03-10-068	296-401B-430	REP	03-09-111
296-307-45020	NEW-X	03-04-100	296-307-56010	NEW-X	03-04-100	296-401B-440	REP-P	03-05-074
296-307-45020	NEW	03-10-068	296-307-56010	NEW	03-10-068	296-401B-440	REP	03-09-111
296-307-45021	REP-X	03-04-100	296-307-56015	NEW-X	03-04-100	296-401B-445	REP-P	03-05-074
296-307-45021	REP	03-10-068	296-307-56015	NEW	03-10-068	296-401B-445	REP	03-09-111
296-307-45023	REP-X	03-04-100	296-307-56020	NEW-X	03-04-100	296-401B-450	REP-P	03-05-074
296-307-45023	REP	03-10-068	296-307-56020	NEW	03-10-068	296-401B-450	REP	03-09-111
296-307-45025	AMD-X	03-04-100	296-307-56025	NEW-X	03-04-100	296-401B-455	REP-P	03-05-074
296-307-45025	AMD	03-10-068	296-307-56025	NEW	03-10-068	296-401B-455	REP	03-09-111
296-307-45027	REP-X	03-04-100	296-307-56030	NEW-X	03-04-100	296-401B-460	REP-P	03-05-074
296-307-45027	REP	03-10-068	296-307-56030	NEW	03-10-068	296-401B-460	REP	03-09-111
296-307-45029	REP-X	03-04-100	296-307-56035	NEW-X	03-04-100	296-401B-470	REP-P	03-05-074
296-307-45029	REP	03-10-068	296-307-56035	NEW	03-10-068	296-401B-470	REP	03-09-111
296-307-45030	NEW-X	03-04-100	296-307-56040	NEW-X	03-04-100	296-401B-475	REP-P	03-05-074
296-307-45030	NEW	03-10-068	296-307-56040	NEW	03-10-068	296-401B-475	REP	03-09-111
296-307-45035	NEW-X	03-04-100	296-307-56045	NEW-X	03-04-100	296-401B-476	REP-P	03-05-074
296-307-45035	NEW	03-10-068	296-307-56045	NEW	03-10-068	296-401B-476	REP	03-09-111
296-307-45045	NEW-X	03-04-100	296-307-56050	NEW-X	03-04-100	296-401B-500	REP-P	03-05-074
296-307-45045	NEW	03-10-068	296-307-56050	NEW	03-10-068	296-401B-500	REP	03-09-111
296-307-45050	NEW-X	03-04-100	296-400A	PREP	03-10-065	296-401B-510	REP-P	03-05-074
296-307-45050	NEW	03-10-068	296-400A-045	AMD-P	03-09-108	296-401B-510	REP	03-09-111
296-307-455	NEW-X	03-04-100	296-401B-092	REP-P	03-05-074	296-401B-520	REP-P	03-05-074
296-307-455	NEW	03-10-068	296-401B-092	REP	03-09-111	296-401B-520	REP	03-09-111
296-307-45505	NEW-X	03-04-100	296-401B-100	REP-P	03-05-074	296-401B-600	REP-P	03-05-074
296-307-45505	NEW	03-10-068	296-401B-100	REP	03-09-111	296-401B-600	REP	03-09-111
296-307-45510	NEW-X	03-04-100	296-401B-110	REP-P	03-05-074	296-401B-610	REP-P	03-05-074
296-307-45510	NEW	03-10-068	296-401B-110	REP	03-09-111	296-401B-610	REP	03-09-111
296-307-45515	NEW-X	03-04-100	296-401B-120	REP-P	03-05-074	296-401B-620	REP-P	03-05-074
296-307-45515	NEW	03-10-068	296-401B-120	REP	03-09-111	296-401B-620	REP	03-09-111
296-307-45520	NEW-X	03-04-100	296-401B-130	REP-P	03-05-074	296-401B-630	REP-P	03-05-074
296-307-45520	NEW	03-10-068	296-401B-130	REP	03-09-111	296-401B-630	REP	03-09-111
296-307-45525	NEW-X	03-04-100	296-401B-140	REP-P	03-05-074	296-401B-640	REP-P	03-05-074
296-307-45525	NEW	03-10-068	296-401B-140	REP	03-09-111	296-401B-640	REP	03-09-111
296-307-45535	NEW-X	03-04-100	296-401B-180	REP-P	03-05-074	296-401B-700	REP-P	03-05-074
296-307-45535	NEW	03-10-068	296-401B-180	REP	03-09-111	296-401B-700	REP	03-09-111
296-307-45540	NEW-X	03-04-100	296-401B-200	REP-P	03-05-074	296-401B-800	REP-P	03-05-074
296-307-45540	NEW	03-10-068	296-401B-200	REP	03-09-111	296-401B-800	REP	03-09-111
296-307-45545	NEW-X	03-04-100	296-401B-250	REP-P	03-05-074	296-401B-850	REP-P	03-05-074
296-307-45545	NEW	03-10-068	296-401B-250	REP	03-09-111	296-401B-850	REP	03-09-111
296-307-45550	NEW-X	03-04-100	296-401B-260	REP-P	03-05-074	296-401B-860	REP-P	03-05-074
296-307-45550	NEW	03-10-068	296-401B-260	REP	03-09-111	296-401B-860	REP	03-09-111
296-307-45555	NEW-X	03-04-100	296-401B-270	REP-P	03-05-074	296-401B-870	REP-P	03-05-074
296-307-45555	NEW	03-10-068	296-401B-270	REP	03-09-111	296-401B-870	REP	03-09-111
296-307-45560	NEW-X	03-04-100	296-401B-300	REP-P	03-05-074	296-401B-900	REP-P	03-05-074

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296-807-16035	NEW	03-09-009	296-823-16025	NEW	03-09-110	308-17-120	AMD	03-03-024
296-807-170	NEW	03-09-009	296-823-16030	NEW	03-09-110	308-17-240	AMD	03-03-024
296-807-17005	NEW	03-09-009	296-823-170	NEW	03-09-110	308-20	PREP	03-10-084
296-807-17010	NEW	03-09-009	296-823-17005	NEW	03-09-110	308-20-010	AMD-P	03-10-085
296-807-17015	NEW	03-09-009	296-823-17010	NEW	03-09-110	308-20-040	AMD-P	03-10-085
296-807-17020	NEW	03-09-009	296-823-180	NEW	03-09-110	308-20-080	AMD-P	03-10-085
296-807-180	NEW	03-09-009	296-823-18005	NEW	03-09-110	308-20-090	AMD-P	03-10-085
296-807-18005	NEW	03-09-009	296-823-18010	NEW	03-09-110	308-20-091	NEW-P	03-10-085
296-807-18010	NEW	03-09-009	296-823-18015	NEW	03-09-110	308-20-105	AMD-P	03-10-085
296-807-18015	NEW	03-09-009	296-823-18020	NEW	03-09-110	308-20-107	AMD-P	03-10-085
296-807-18020	NEW	03-09-009	296-823-18025	NEW	03-09-110	308-20-110	AMD-P	03-10-085
296-807-18025	NEW	03-09-009	296-823-18030	NEW	03-09-110	308-20-120	AMD-P	03-05-058
296-807-18030	NEW	03-09-009	296-823-18035	NEW	03-09-110	308-20-120	AMD	03-08-043
296-807-18035	NEW	03-09-009	296-823-18040	NEW	03-09-110	308-20-120	AMD-P	03-10-085
296-807-18040	NEW	03-09-009	296-823-18045	NEW	03-09-110	308-20-180	REP-P	03-10-085
296-807-18045	NEW	03-09-009	296-823-18050	NEW	03-09-110	308-20-210	AMD-P	03-03-119
296-807-18050	NEW	03-09-009	296-823-18055	NEW	03-09-110	308-20-210	AMD	03-06-054
296-807-18055	NEW	03-09-009	296-823-200	NEW	03-09-110	308-20-210	AMD-P	03-10-085
296-807-18060	NEW	03-09-009	296-824-50030	AMD	03-09-110	308-20-520	AMD-P	03-10-085
296-807-18065	NEW	03-09-009	296-841	PREP	03-08-073	308-20-530	REP-P	03-10-085
296-807-18070	NEW	03-09-009	296-842-100	NEW-P	03-08-044	308-20-550	AMD-P	03-10-085
296-807-18075	NEW	03-09-009	296-842-105	NEW-P	03-08-044	308-20-560	AMD-P	03-10-085
296-807-18080	NEW	03-09-009	296-842-10505	NEW-P	03-08-044	308-20-570	AMD-P	03-10-085
296-807-18085	NEW	03-09-009	296-842-110	NEW-P	03-08-044	308-20-575	NEW-P	03-10-085
296-807-190	NEW	03-09-009	296-842-11005	NEW-P	03-08-044	308-20-600	AMD-P	03-10-085
296-823-100	NEW	03-09-110	296-842-11010	NEW-P	03-08-044	308-20-710	AMD-P	03-10-085
296-823-110	NEW	03-09-110	296-842-120	NEW-P	03-08-044	308-48-800	PREP	03-04-076
296-823-11005	NEW	03-09-110	296-842-12005	NEW-P	03-08-044	308-48-800	AMD-P	03-08-010
296-823-11010	NEW	03-09-110	296-842-12010	NEW-P	03-08-044	308-56A-020	AMD	03-05-081
296-823-120	NEW	03-09-110	296-842-130	NEW-P	03-08-044	308-56A-021	AMD-P	03-07-080
296-823-12005	NEW	03-09-110	296-842-13005	NEW-P	03-08-044	308-56A-030	AMD	03-05-081
296-823-12010	NEW	03-09-110	296-842-140	NEW-P	03-08-044	308-56A-040	AMD	03-05-081
296-823-12015	NEW	03-09-110	296-842-14005	NEW-P	03-08-044	308-56A-056	AMD	03-05-081
296-823-130	NEW	03-09-110	296-842-150	NEW-P	03-08-044	308-56A-060	AMD	03-05-081
296-823-13005	NEW	03-09-110	296-842-15005	NEW-P	03-08-044	308-56A-065	AMD-P	03-06-040
296-823-13010	NEW	03-09-110	296-842-160	NEW-P	03-08-044	308-56A-065	AMD	03-10-097
296-823-140	NEW	03-09-110	296-842-16005	NEW-P	03-08-044	308-56A-070	AMD-P	03-08-093
296-823-14005	NEW	03-09-110	296-842-170	NEW-P	03-08-044	308-56A-075	AMD-P	03-06-040
296-823-14010	NEW	03-09-110	296-842-17005	NEW-P	03-08-044	308-56A-075	AMD	03-10-097
296-823-14015	NEW	03-09-110	296-842-17010	NEW-P	03-08-044	308-56A-110	AMD	03-05-081
296-823-14020	NEW	03-09-110	296-842-17015	NEW-P	03-08-044	308-56A-115	AMD	03-05-081
296-823-14025	NEW	03-09-110	296-842-180	NEW-P	03-08-044	308-56A-140	AMD-P	03-05-001
296-823-14030	NEW	03-09-110	296-842-18005	NEW-P	03-08-044	308-56A-150	AMD-P	03-05-001
296-823-14035	NEW	03-09-110	296-842-18010	NEW-P	03-08-044	308-56A-150	AMD	03-05-081
296-823-14040	NEW	03-09-110	296-842-190	NEW-P	03-08-044	308-56A-160	AMD-P	03-05-001
296-823-14045	NEW	03-09-110	296-842-19005	NEW-P	03-08-044	308-56A-160	AMD-P	03-05-001
296-823-14050	NEW	03-09-110	296-842-200	NEW-P	03-08-044	308-56A-200	AMD-P	03-05-001
296-823-14055	NEW	03-09-110	296-842-20005	NEW-P	03-08-044	308-56A-210	AMD	03-05-081
296-823-14060	NEW	03-09-110	296-842-20010	NEW-P	03-08-044	308-56A-215	AMD-P	03-05-001
296-823-14065	NEW	03-09-110	296-842-20015	NEW-P	03-08-044	308-56A-250	AMD-P	03-03-095
296-823-150	NEW	03-09-110	296-842-210	NEW-P	03-08-044	308-56A-250	AMD	03-08-055
296-823-15005	NEW	03-09-110	296-842-21005	NEW-P	03-08-044	308-56A-265	AMD-P	03-03-095
296-823-15010	NEW	03-09-110	296-842-220	NEW-P	03-08-044	308-56A-265	AMD	03-08-055
296-823-15015	NEW	03-09-110	296-842-22005	NEW-P	03-08-044	308-56A-270	AMD-P	03-03-095
296-823-15020	NEW	03-09-110	296-842-22010	NEW-P	03-08-044	308-56A-270	AMD	03-08-055
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296-823-15030	NEW	03-09-110	296-842-22020	NEW-P	03-08-044	308-56A-275	AMD	03-08-055
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296-823-16010	NEW	03-09-110	308-13-150	PREP	03-04-056	308-56A-305	AMD-P	03-08-093
296-823-16015	NEW	03-09-110	308-13-150	AMD-P	03-08-062	308-56A-315	AMD-P	03-08-093
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308- 56A-455	AMD	03-10-097	314- 29-015	NEW	03-09-015	352- 40-020	AMD-P	03-08-101
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308- 56A-640	AMD-W	03-09-075	314- 29-025	NEW-P	03-02-097	352- 40-050	REP-P	03-08-101
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308- 93-230	AMD-P	03-10-045	314- 29-030	NEW-P	03-02-097	352- 40-070	AMD-P	03-08-101
308- 93-370	AMD	03-07-076	314- 29-030	NEW	03-09-015	352- 40-080	AMD-P	03-08-101
308- 93-380	AMD	03-07-076	314- 29-035	NEW-P	03-02-097	352- 40-090	AMD-P	03-08-101
308- 93-390	AMD	03-07-076	314- 29-035	NEW	03-09-015	352- 40-100	AMD-P	03-08-101
308- 93-440	AMD	03-07-076	314- 29-040	NEW-P	03-02-097	352- 40-110	AMD-P	03-08-101
308- 96A-021	AMD	03-05-080	314- 29-040	NEW	03-09-015	352- 40-120	AMD-P	03-08-101
308- 96A-047	NEW	03-05-080	315- 04-065	NEW-C	03-07-067	352- 40-125	REP-P	03-08-101
308- 96A-074	AMD	03-05-082	316- 45-001	AMD-X	03-08-070	352- 40-127	REP-P	03-08-101
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308- 96A-314	AMD	03-05-082	316- 45-010	AMD-X	03-08-070	352- 40-140	REP-P	03-08-101
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308- 96A-550	AMD	03-05-082	316- 45-030	AMD-X	03-08-070	352- 40-900	REP-P	03-08-101
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308-100-180	AMD	03-10-024	316- 45-170	AMD-X	03-08-070	363-116-405	NEW-P	03-06-060
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308-124H-029	AMD-P	03-09-058	316- 45-290	AMD-X	03-08-070	365-210-063	NEW	03-07-035
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308-124H-061	AMD-P	03-09-058	316- 45-330	AMD-X	03-08-070	365-210-100	NEW	03-07-035
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308-420-020	AMD	03-03-054	316- 45-390	AMD-X	03-08-070	365-210-130	NEW	03-07-035
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308-420-100	AMD	03-03-054	316- 55-010	AMD-X	03-08-070	365-210-190	NEW	03-07-035
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308-420-140	AMD	03-03-054	316- 55-030	AMD-X	03-08-070	365-212-020	NEW	03-07-036
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314- 12-170	REP	03-09-015	316- 55-150	AMD-X	03-08-070	365-212-080	NEW	03-07-036
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388- 14A-3810	AMD-E	03-04-088	388- 71-0442	NEW-E	03-05-098	388- 71-0768	NEW	03-06-024
388- 14A-4500	PREP	03-09-090	388- 71-0442	NEW-P	03-09-042	388- 71-0770	NEW	03-06-024
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388- 14A-4510	PREP	03-09-090	388- 71-0445	AMD-E	03-05-098	388- 71-0774	NEW	03-06-024
388- 14A-4515	PREP	03-09-090	388- 71-0445	AMD-P	03-09-042	388- 71-0776	NEW	03-06-024
388- 14A-4520	PREP	03-09-090	388- 71-0460	AMD-E	03-05-044	388- 71-0800	AMD-P	03-09-091
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388- 14A-4530	PREP	03-09-090	388- 71-0460	AMD-P	03-09-042	388- 71-0810	AMD-P	03-09-091
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388- 15-652	REP	03-06-024	388- 71-0475	REP	03-09-092	388- 72A-0010	NEW	03-05-097
388- 15-653	REP	03-06-024	388- 71-0480	AMD-E	03-05-044	388- 72A-0015	NEW	03-05-097
388- 15-654	REP	03-06-024	388- 71-0480	AMD-E	03-05-098	388- 72A-0020	NEW	03-05-097
388- 15-655	REP	03-06-024	388- 71-0480	AMD-P	03-09-042	388- 72A-0025	NEW	03-05-097
388- 15-656	REP	03-06-024	388- 71-05923	PREP	03-09-089	388- 72A-0030	NEW	03-05-097
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388- 15-658	REP	03-06-024	388- 71-0600	AMD-E	03-05-098	388- 72A-0040	NEW	03-05-097
388- 15-659	REP	03-06-024	388- 71-0600	AMD-P	03-09-042	388- 72A-0045	NEW	03-05-097
388- 15-660	REP	03-06-024	388- 71-0605	AMD-E	03-05-044	388- 72A-0050	NEW	03-05-097
388- 15-661	REP	03-06-024	388- 71-0605	AMD-E	03-05-098	388- 72A-0055	NEW	03-05-097
388- 15-662	REP	03-06-024	388- 71-0605	AMD-P	03-09-042	388- 72A-0060	NEW	03-05-097
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388- 71-0194	AMD-E	03-05-098	388- 71-0708	NEW	03-06-024	388- 72A-0095	NEW	03-05-097
388- 71-0194	AMD-P	03-09-042	388- 71-0710	NEW	03-06-024	388- 72A-0100	NEW	03-05-097
388- 71-0202	AMD-E	03-05-044	388- 71-0712	NEW	03-06-024	388- 72A-0105	NEW	03-05-097
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388- 71-0410	AMD-E	03-05-098	388- 71-0732	NEW	03-06-024	388- 78A-0060	NEW-P	03-03-018
388- 71-0410	AMD-P	03-09-042	388- 71-0734	NEW	03-06-024	388- 78A-0070	NEW-P	03-03-018
388- 71-0415	AMD-E	03-05-044	388- 71-0736	NEW	03-06-024	388- 78A-0080	NEW-P	03-03-018
388- 71-0415	AMD-E	03-05-098	388- 71-0738	NEW	03-06-024	388- 78A-0090	NEW-P	03-03-018
388- 71-0415	AMD-P	03-09-042	388- 71-0740	NEW	03-06-024	388- 78A-010	REP-P	03-03-018
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388- 71-0420	AMD-E	03-05-098	388- 71-0744	NEW	03-06-024	388- 78A-0110	NEW-P	03-03-018
388- 71-0420	AMD-P	03-09-042	388- 71-0746	NEW	03-06-024	388- 78A-0120	NEW-P	03-03-018
388- 71-0425	AMD-E	03-05-044	388- 71-0748	NEW	03-06-024	388- 78A-0130	NEW-P	03-03-018
388- 71-0425	AMD-E	03-05-098	388- 71-0750	NEW	03-06-024	388- 78A-0140	NEW-P	03-03-018
388- 71-0425	AMD-P	03-09-042	388- 71-0752	NEW	03-06-024	388- 78A-0150	NEW-P	03-03-018
388- 71-0430	AMD-E	03-05-044	388- 71-0754	NEW	03-06-024	388- 78A-0160	NEW-P	03-03-018
388- 71-0430	AMD-E	03-05-098	388- 71-0756	NEW	03-06-024	388- 78A-0170	NEW-P	03-03-018
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388-145-1010	NEW	03-08-026	388-148-1120	AMD-E	03-05-099	388-150-220	REP-P	03-09-005
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388-145-1030	NEW	03-08-026	388-148-1145	NEW-E	03-05-099	388-150-240	REP-P	03-09-005
388-145-1040	NEW	03-08-026	388-148-1150	NEW-E	03-05-099	388-150-250	REP-P	03-09-005
388-145-1050	NEW	03-08-026	388-148-1155	NEW-E	03-05-099	388-150-260	REP-P	03-09-005
388-145-1060	NEW	03-08-026	388-148-1160	NEW-E	03-05-099	388-150-270	REP-P	03-09-005
388-145-1070	NEW	03-08-026	388-148-1165	NEW-E	03-05-099	388-150-280	REP-P	03-09-005
388-145-1080	NEW	03-08-026	388-148-1170	NEW-E	03-05-099	388-150-290	REP-P	03-09-005
388-145-1090	NEW	03-08-026	388-148-1175	NEW-E	03-05-099	388-150-295	REP-P	03-09-005
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388-145-1110	NEW	03-08-026	388-148-1185	NEW-E	03-05-099	388-150-320	REP-P	03-09-005
388-145-1120	NEW	03-08-026	388-148-1190	NEW-E	03-05-099	388-150-330	REP-P	03-09-005
388-145-1130	NEW	03-08-026	388-148-1205	NEW-E	03-06-091	388-150-340	REP-P	03-09-005
388-145-1140	NEW	03-08-026	388-148-1210	NEW-E	03-06-091	388-150-350	REP-P	03-09-005
388-145-1150	NEW	03-08-026	388-148-1215	NEW-E	03-06-091	388-150-360	REP-P	03-09-005
388-145-1160	NEW	03-08-026	388-148-1220	NEW-E	03-06-091	388-150-370	REP-P	03-09-005
388-145-1170	NEW	03-08-026	388-148-1225	NEW-E	03-06-091	388-150-380	REP-P	03-09-005
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388-145-1210	NEW	03-08-026	388-148-1245	NEW-E	03-06-091	388-150-420	REP-P	03-09-005
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388-148-0045	AMD-E	03-05-099	388-148-1260	NEW-E	03-06-091	388-150-450	REP-P	03-09-005
388-148-0050	AMD-E	03-05-099	388-148-1265	NEW-E	03-06-091	388-150-460	REP-P	03-09-005
388-148-0058	NEW-E	03-05-099	388-148-1270	NEW-E	03-06-091	388-150-470	REP-P	03-09-005
388-148-0060	AMD-E	03-05-099	388-148-1275	NEW-E	03-06-091	388-150-480	REP-P	03-09-005
388-148-0065	AMD-E	03-05-099	388-148-1280	NEW-E	03-06-091	388-150-490	REP-P	03-09-005
388-148-0120	AMD-E	03-05-099	388-148-1285	NEW-E	03-06-091	388-150-500	REP-P	03-09-005
388-148-0125	AMD-E	03-05-099	388-148-1290	NEW-E	03-06-091	388-150-990	REP-P	03-09-005
388-148-0140	AMD-E	03-05-099	388-148-1295	NEW-E	03-06-091	388-150-991	REP-P	03-09-005
388-148-0220	AMD-E	03-05-099	388-148-1300	NEW-E	03-06-091	388-150-992	REP-P	03-09-005
388-148-0260	AMD-E	03-05-099	388-150-005	REP-P	03-09-005	388-150-993	REP-P	03-09-005
388-148-0270	AMD-E	03-05-099	388-150-010	REP-P	03-09-005	388-155-070	AMD-P	03-06-092
388-148-0335	AMD-E	03-05-099	388-150-020	REP-P	03-09-005	388-155-070	AMD	03-09-074
388-148-0345	AMD-E	03-05-099	388-150-040	REP-P	03-09-005	388-155-090	AMD-P	03-06-092
388-148-0350	AMD-E	03-05-099	388-150-050	REP-P	03-09-005	388-155-090	AMD	03-09-074
388-148-0395	AMD-E	03-05-099	388-150-060	REP-P	03-09-005	388-165-130	REP-P	03-09-033
388-148-0427	NEW-E	03-05-099	388-150-070	REP-P	03-09-005	388-180-0100	NEW	03-04-013
388-148-0460	AMD-E	03-05-099	388-150-080	REP-P	03-09-005	388-180-0110	NEW	03-04-013
388-148-0462	NEW-E	03-05-099	388-150-085	REP-P	03-09-005	388-180-0120	NEW	03-04-013
388-148-0520	AMD-E	03-05-099	388-150-090	REP-P	03-09-005	388-180-0130	NEW	03-04-013
388-148-0542	NEW-E	03-05-099	388-150-092	REP-P	03-09-005	388-180-0140	NEW	03-04-013
388-148-0560	AMD-E	03-05-099	388-150-093	REP-P	03-09-005	388-180-0150	NEW	03-04-013
388-148-0585	AMD-E	03-05-099	388-150-094	REP-P	03-09-005	388-180-0160	NEW	03-04-013
388-148-0630	AMD-E	03-05-099	388-150-095	REP-P	03-09-005	388-180-0170	NEW	03-04-013
388-148-0700	AMD-E	03-05-099	388-150-096	REP-P	03-09-005	388-180-0180	NEW	03-04-013
388-148-0720	AMD-E	03-05-099	388-150-097	REP-P	03-09-005	388-180-0190	NEW	03-04-013
388-148-0722	NEW-E	03-05-099	388-150-098	REP-P	03-09-005	388-180-0200	NEW	03-04-013
388-148-0725	AMD-E	03-05-099	388-150-100	REP-P	03-09-005	388-180-0210	NEW	03-04-013
388-148-0785	AMD-E	03-05-099	388-150-110	REP-P	03-09-005	388-180-0220	NEW	03-04-013
388-148-0880	AMD-E	03-05-099	388-150-120	REP-P	03-09-005	388-180-0230	NEW	03-04-013
388-148-0892	NEW-E	03-05-099	388-150-130	REP-P	03-09-005	388-290-0075	AMD-E	03-06-045
388-148-0915	AMD-E	03-05-099	388-150-140	REP-P	03-09-005	388-290-0085	AMD-E	03-06-045
388-148-0995	AMD-E	03-05-099	388-150-150	REP-P	03-09-005	388-290-0190	AMD-E	03-06-045
388-148-1060	AMD-E	03-05-099	388-150-160	REP-P	03-09-005	388-290-0210	REP-E	03-06-045
388-148-1070	AMD-E	03-05-099	388-150-165	REP-P	03-09-005	388-292-0001	NEW-P	03-09-033
388-148-1076	NEW-E	03-05-099	388-150-170	REP-P	03-09-005	388-292-0003	NEW-P	03-09-033
388-148-1077	NEW-E	03-05-099	388-150-180	REP-P	03-09-005	388-292-0005	NEW-P	03-09-033

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388-292-0015	NEW-P	03-09-033	388-295-2030	NEW-P	03-09-005	388-295-5160	NEW-P	03-09-005
388-292-0020	NEW-P	03-09-033	388-295-2040	NEW-P	03-09-005	388-295-5170	NEW-P	03-09-005
388-292-0025	NEW-P	03-09-033	388-295-2050	NEW-P	03-09-005	388-295-6010	NEW-P	03-09-005
388-292-0030	NEW-P	03-09-033	388-295-2060	NEW-P	03-09-005	388-295-6020	NEW-P	03-09-005
388-292-0035	NEW-P	03-09-033	388-295-2070	NEW-P	03-09-005	388-295-6030	NEW-P	03-09-005
388-292-0040	NEW-P	03-09-033	388-295-2080	NEW-P	03-09-005	388-295-6040	NEW-P	03-09-005
388-292-0045	NEW-P	03-09-033	388-295-2090	NEW-P	03-09-005	388-295-6050	NEW-P	03-09-005
388-292-0050	NEW-P	03-09-033	388-295-2100	NEW-P	03-09-005	388-295-6060	NEW-P	03-09-005
388-292-0055	NEW-P	03-09-033	388-295-2110	NEW-P	03-09-005	388-295-7010	NEW-P	03-09-005
388-292-0060	NEW-P	03-09-033	388-295-2120	NEW-P	03-09-005	388-295-7020	NEW-P	03-09-005
388-292-0065	NEW-P	03-09-033	388-295-2130	NEW-P	03-09-005	388-295-7030	NEW-P	03-09-005
388-292-0070	NEW-P	03-09-033	388-295-3010	NEW-P	03-09-005	388-295-7040	NEW-P	03-09-005
388-292-0075	NEW-P	03-09-033	388-295-3020	NEW-P	03-09-005	388-295-7050	NEW-P	03-09-005
388-292-0080	NEW-P	03-09-033	388-295-3030	NEW-P	03-09-005	388-295-7060	NEW-P	03-09-005
388-292-0085	NEW-P	03-09-033	388-295-3040	NEW-P	03-09-005	388-295-7070	NEW-P	03-09-005
388-292-0090	NEW-P	03-09-033	388-295-3050	NEW-P	03-09-005	388-295-7080	NEW-P	03-09-005
388-292-0095	NEW-P	03-09-033	388-295-3060	NEW-P	03-09-005	388-310-0800	AMD-E	03-04-066
388-292-0100	NEW-P	03-09-033	388-295-3070	NEW-P	03-09-005	388-400-0040	AMD	03-05-028
388-292-0102	NEW-P	03-09-033	388-295-3080	NEW-P	03-09-005	388-400-0045	AMD	03-05-028
388-292-0105	NEW-P	03-09-033	388-295-3090	NEW-P	03-09-005	388-406-0015	PREP-W	03-03-112
388-292-0110	NEW-P	03-09-033	388-295-3100	NEW-P	03-09-005	388-408-0034	PREP	03-06-056
388-292-0115	NEW-P	03-09-033	388-295-3110	NEW-P	03-09-005	388-408-0035	PREP	03-06-056
388-292-0120	NEW-P	03-09-033	388-295-3120	NEW-P	03-09-005	388-408-0040	PREP	03-06-056
388-292-0125	NEW-P	03-09-033	388-295-3130	NEW-P	03-09-005	388-408-0045	PREP	03-06-056
388-292-0130	NEW-P	03-09-033	388-295-3140	NEW-P	03-09-005	388-408-0050	PREP	03-06-056
388-292-0135	NEW-P	03-09-033	388-295-3150	NEW-P	03-09-005	388-410-0030	PREP	03-07-040
388-292-0140	NEW-P	03-09-033	388-295-3160	NEW-P	03-09-005	388-424-0005	PREP	03-03-007
388-292-0145	NEW-P	03-09-033	388-295-3170	NEW-P	03-09-005	388-424-0010	PREP	03-03-007
388-292-0150	NEW-P	03-09-033	388-295-3180	NEW-P	03-09-005	388-424-0015	PREP	03-03-007
388-292-0155	NEW-P	03-09-033	388-295-3190	NEW-P	03-09-005	388-424-0020	AMD	03-05-029
388-292-0160	NEW-P	03-09-033	388-295-3200	NEW-P	03-09-005	388-424-0025	AMD	03-05-029
388-295-0001	NEW-P	03-09-005	388-295-3210	NEW-P	03-09-005	388-436-0002	AMD-E	03-04-067
388-295-0010	NEW-P	03-09-005	388-295-3220	NEW-P	03-09-005	388-438-0110	PREP	03-10-088
388-295-0020	NEW-P	03-09-005	388-295-3230	NEW-P	03-09-005	388-444-0035	AMD	03-05-031
388-295-0030	NEW-P	03-09-005	388-295-4010	NEW-P	03-09-005	388-448-0130	AMD-P	03-08-079
388-295-0040	NEW-P	03-09-005	388-295-4020	NEW-P	03-09-005	388-448-0140	AMD-P	03-08-079
388-295-0050	NEW-P	03-09-005	388-295-4030	NEW-P	03-09-005	388-450-0020	PREP	03-08-083
388-295-0055	NEW-P	03-09-005	388-295-4040	NEW-P	03-09-005	388-450-0045	AMD	03-03-071
388-295-0060	NEW-P	03-09-005	388-295-4050	NEW-P	03-09-005	388-450-0050	AMD-P	03-03-008
388-295-0070	NEW-P	03-09-005	388-295-4060	NEW-P	03-09-005	388-450-0050	AMD	03-06-095
388-295-0080	NEW-P	03-09-005	388-295-4070	NEW-P	03-09-005	388-450-0080	PREP	03-06-057
388-295-0090	NEW-P	03-09-005	388-295-4080	NEW-P	03-09-005	388-450-0080	AMD-P	03-09-073
388-295-0100	NEW-P	03-09-005	388-295-4090	NEW-P	03-09-005	388-450-0085	AMD-P	03-09-073
388-295-0110	NEW-P	03-09-005	388-295-4100	NEW-P	03-09-005	388-450-0156	AMD	03-05-030
388-295-0120	NEW-P	03-09-005	388-295-4110	NEW-P	03-09-005	388-452-0005	PREP	03-07-042
388-295-0130	NEW-P	03-09-005	388-295-4120	NEW-P	03-09-005	388-460-0005	AMD	03-03-072
388-295-0140	NEW-P	03-09-005	388-295-4130	NEW-P	03-09-005	388-470-0005	AMD	03-05-015
388-295-0150	NEW-P	03-09-005	388-295-4140	NEW-P	03-09-005	388-470-0010	REP	03-05-015
388-295-1010	NEW-P	03-09-005	388-295-5010	NEW-P	03-09-005	388-470-0012	AMD	03-05-015
388-295-1020	NEW-P	03-09-005	388-295-5020	NEW-P	03-09-005	388-470-0015	REP	03-05-015
388-295-1030	NEW-P	03-09-005	388-295-5030	NEW-P	03-09-005	388-470-0020	REP	03-05-015
388-295-1040	NEW-P	03-09-005	388-295-5040	NEW-P	03-09-005	388-470-0025	REP	03-05-015
388-295-1050	NEW-P	03-09-005	388-295-5050	NEW-P	03-09-005	388-470-0030	REP	03-05-015
388-295-1060	NEW-P	03-09-005	388-295-5060	NEW-P	03-09-005	388-470-0035	REP	03-05-015
388-295-1070	NEW-P	03-09-005	388-295-5070	NEW-P	03-09-005	388-470-0045	AMD	03-05-015
388-295-1080	NEW-P	03-09-005	388-295-5080	NEW-P	03-09-005	388-470-0050	REP	03-05-015
388-295-1090	NEW-P	03-09-005	388-295-5090	NEW-P	03-09-005	388-470-0055	AMD	03-05-015
388-295-1100	NEW-P	03-09-005	388-295-5100	NEW-P	03-09-005	388-470-0065	REP	03-05-015
388-295-1110	NEW-P	03-09-005	388-295-5110	NEW-P	03-09-005	388-474-0012	NEW	03-03-114
388-295-1120	NEW-P	03-09-005	388-295-5120	NEW-P	03-09-005	388-476-0005	PREP	03-04-086
388-295-2010	NEW-P	03-09-005	388-295-5140	NEW-P	03-09-005	388-478-0055	AMD	03-03-114

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388-478-0075	PREP	03-06-058	388-543	PREP	03-08-086	388-805-145	AMD-E	03-06-059
388-478-0075	AMD-E	03-08-066	388-543-1100	AMD-X	03-05-054	388-805-205	AMD-E	03-06-059
388-478-0080	PREP	03-08-085	388-543-1225	NEW	03-05-051	388-805-300	AMD-E	03-06-059
388-478-0085	AMD-E	03-08-065	388-544	PREP	03-08-086	388-805-710	AMD-E	03-06-059
388-478-0085	PREP	03-08-081	388-545	PREP	03-08-086	388-805-720	AMD-E	03-06-059
388-478-0085	PREP-W	03-10-051	388-546	PREP	03-04-087	388-805-730	AMD-E	03-06-059
388-484-0005	AMD	03-06-046	388-546	PREP	03-08-023	388-805-740	AMD-E	03-06-059
388-492	PREP	03-07-087	388-546	PREP	03-08-086	388-805-750	AMD-E	03-06-059
388-500	PREP	03-08-086	388-550	PREP	03-08-086	388-818-001	REP	03-05-100
388-501	PREP	03-08-086	388-550	PREP	03-10-050	388-818-0010	NEW	03-05-100
388-502	PREP	03-08-086	388-550-1300	PREP	03-10-050	388-818-002	REP	03-05-100
388-502-0010	PREP	03-03-017	388-550-1400	PREP	03-10-050	388-818-0020	NEW	03-05-100
388-502-0010	AMD-E	03-03-027	388-550-1500	PREP	03-10-050	388-818-003	REP	03-05-100
388-502-0010	AMD-P	03-10-091	388-550-2501	AMD	03-06-047	388-818-0030	NEW	03-05-100
388-502-0010	AMD-E	03-10-092	388-550-2511	AMD	03-06-047	388-818-0040	NEW	03-05-100
388-503	PREP	03-08-086	388-550-2521	AMD	03-06-047	388-818-005	REP	03-05-100
388-505	PREP	03-08-086	388-550-2531	AMD	03-06-047	388-818-0050	NEW	03-05-100
388-505-0210	PREP	03-06-055	388-550-2541	AMD	03-06-047	388-818-0060	NEW	03-05-100
388-505-0210	AMD-P	03-10-048	388-550-2551	AMD	03-06-047	388-818-0070	NEW	03-05-100
388-506	PREP	03-08-086	388-550-2561	AMD	03-06-047	388-818-0080	NEW	03-05-100
388-510	PREP	03-08-086	388-550-2800	PREP	03-04-087	388-818-0090	NEW	03-05-100
388-510-1005	REP-X	03-10-093	388-550-3381	AMD	03-06-047	388-818-010	REP	03-05-100
388-511	PREP	03-08-086	388-550-3401	REP	03-06-047	388-818-0100	NEW	03-05-100
388-512	PREP	03-08-086	388-550-3700	AMD-P	03-09-118	388-818-0110	NEW	03-05-100
388-513	PREP	03-08-086	388-550-4500	AMD-P	03-06-111	388-818-0120	NEW	03-05-100
388-513-1340	PREP	03-08-083	388-550-4800	PREP	03-04-087	388-818-0130	NEW	03-05-100
388-513-1350	AMD-E	03-08-064	388-550-4900	AMD-P	03-06-111	388-818-0140	NEW	03-05-100
388-513-1350	PREP	03-08-082	388-550-5000	AMD-P	03-06-111	388-818-0150	NEW	03-05-100
388-513-1364	NEW	03-06-048	388-550-5100	AMD-P	03-06-111	388-818-0160	NEW	03-05-100
388-513-1365	AMD-P	03-09-117	388-550-5150	AMD-P	03-06-111	388-818-0170	NEW	03-05-100
388-513-1380	AMD-E	03-08-064	388-550-5200	AMD-P	03-06-111	388-818-0180	NEW	03-05-100
388-513-1380	PREP	03-08-082	388-550-5400	AMD-P	03-06-111	388-818-0190	NEW	03-05-100
388-515	PREP	03-08-086	388-550-5450	PREP	03-04-087	388-818-020	REP	03-05-100
388-515-1530	REP	03-08-067	388-550-5600	AMD-P	03-06-111	388-818-0200	NEW	03-05-100
388-515-1540	NEW-E	03-05-044	388-550-6000	PREP	03-04-087	388-818-0210	NEW	03-05-100
388-515-1540	NEW-E	03-05-098	388-550-6000	PREP	03-10-050	388-818-0220	NEW	03-05-100
388-515-1540	NEW-P	03-09-042	388-550-6800	NEW-P	03-06-111	388-818-0230	NEW	03-05-100
388-517	PREP	03-08-086	388-550-6900	NEW-P	03-06-111	388-818-0240	NEW	03-05-100
388-519	PREP	03-08-086	388-551	PREP	03-08-086	388-818-0250	NEW	03-05-100
388-523	PREP	03-08-086	388-552	PREP	03-08-086	388-818-0260	NEW	03-05-100
388-523-0120	PREP	03-04-085	388-555	PREP	03-08-086	388-818-0270	NEW	03-05-100
388-523-0120	AMD-P	03-10-089	388-556	PREP	03-08-086	388-818-0280	NEW	03-05-100
388-526	PREP	03-08-086	388-557-5000	NEW-P	03-09-119	388-818-0290	NEW	03-05-100
388-527	PREP	03-08-086	388-557-5050	NEW-P	03-09-119	388-818-030	REP	03-05-100
388-529	PREP	03-08-086	388-557-5100	NEW-P	03-09-119	388-818-0300	NEW	03-05-100
388-530	PREP	03-08-086	388-557-5150	NEW-P	03-09-119	388-818-0310	NEW	03-05-100
388-530-1270	NEW	03-05-043	388-557-5200	NEW-P	03-09-119	388-818-0320	NEW	03-05-100
388-531	PREP	03-04-087	388-557-5250	NEW-P	03-09-119	388-818-0330	NEW	03-05-100
388-531	PREP	03-08-084	388-557-5300	NEW-P	03-09-119	388-818-0340	NEW	03-05-100
388-531	PREP	03-08-086	388-561	PREP	03-08-086	388-818-0350	NEW	03-05-100
388-531-0050	AMD	03-06-049	388-561-0001	AMD	03-06-048	388-818-0360	NEW	03-05-100
388-532	PREP	03-08-086	388-561-0100	AMD-P	03-09-117	388-818-0370	NEW	03-05-100
388-533	PREP	03-08-086	388-730-0010	AMD	03-03-070	388-818-0380	NEW	03-05-100
388-534	PREP	03-08-086	388-730-0060	AMD	03-03-070	388-818-0390	NEW	03-05-100
388-535	PREP	03-08-086	388-730-0065	AMD	03-03-070	388-818-040	REP	03-05-100
388-535A	PREP	03-08-086	388-730-0070	AMD	03-03-070	388-818-0400	NEW	03-05-100
388-537	PREP	03-08-086	388-730-0090	AMD	03-03-070	388-818-050	REP	03-05-100
388-538	PREP	03-08-086	388-805-005	AMD-E	03-06-059	388-818-060	REP	03-05-100
388-538	PREP	03-10-086	388-805-030	AMD-E	03-06-059	388-818-070	REP	03-05-100
388-539	PREP	03-08-086	388-805-035	NEW-E	03-06-059	388-818-080	REP	03-05-100
388-540	PREP	03-08-086	388-805-040	NEW-E	03-06-059	388-818-090	REP	03-05-100
388-542	PREP	03-08-086	388-805-065	AMD-E	03-06-059	388-818-110	REP	03-05-100

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388-820-020	AMD-E	03-03-115	388-825-585	NEW-E	03-10-027	388-865-0410	PREP	03-08-077
388-820-020	AMD-E	03-10-026	388-825-590	NEW-E	03-03-115	388-865-0415	PREP	03-08-077
388-820-060	AMD-E	03-03-115	388-825-590	NEW-E	03-10-027	388-865-0420	PREP	03-08-077
388-820-060	AMD-E	03-10-026	388-825-591	NEW-E	03-03-115	388-865-0425	PREP	03-08-077
388-820-120	AMD-E	03-03-115	388-825-591	NEW-E	03-10-027	388-865-0430	PREP	03-08-077
388-820-120	AMD-E	03-10-026	388-825-592	NEW-E	03-03-115	388-865-0435	PREP	03-08-077
388-825-020	AMD-E	03-03-115	388-825-592	NEW-E	03-10-027	388-865-0436	PREP	03-08-077
388-825-020	AMD-E	03-10-027	388-825-600	NEW-E	03-03-115	388-865-0440	PREP	03-08-077
388-825-055	AMD-E	03-03-115	388-825-600	NEW-E	03-10-027	388-865-0445	PREP	03-08-077
388-825-055	AMD-E	03-10-027	388-850-035	AMD-E	03-03-115	388-865-0450	PREP	03-08-077
388-825-100	AMD-E	03-03-115	388-850-035	AMD-E	03-10-027	388-865-0452	PREP	03-08-077
388-825-100	AMD-E	03-10-027	388-850-045	AMD-E	03-03-115	388-865-0454	PREP	03-08-077
388-825-120	AMD-E	03-03-115	388-850-045	AMD-E	03-10-027	388-865-0456	PREP	03-08-077
388-825-120	AMD-E	03-10-027	388-865-0100	PREP	03-08-077	388-865-0458	PREP	03-08-077
388-825-180	AMD-E	03-03-115	388-865-0105	PREP	03-08-077	388-865-0460	PREP	03-08-077
388-825-180	AMD-E	03-10-027	388-865-0110	PREP	03-08-077	388-865-0462	PREP	03-08-077
388-825-205	AMD-E	03-03-115	388-865-0115	PREP	03-08-077	388-865-0464	PREP	03-08-077
388-825-205	AMD-E	03-10-027	388-865-0120	PREP	03-08-077	388-865-0466	PREP	03-08-077
388-825-252	AMD-E	03-03-115	388-865-0150	PREP	03-08-077	388-865-0468	PREP	03-08-077
388-825-252	AMD-E	03-10-027	388-865-0200	PREP	03-08-077	388-865-0470	PREP	03-08-077
388-825-254	AMD-E	03-03-115	388-865-0201	PREP	03-08-077	388-865-0472	PREP	03-08-077
388-825-254	AMD-E	03-10-027	388-865-0203	PREP	03-08-077	388-865-0474	PREP	03-08-077
388-825-500	NEW-E	03-03-115	388-865-0205	PREP	03-08-077	388-865-0476	PREP	03-08-077
388-825-500	NEW-E	03-10-027	388-865-0210	PREP	03-08-077	388-865-0478	PREP	03-08-077
388-825-505	NEW-E	03-03-115	388-865-0215	PREP	03-08-077	388-865-0480	PREP	03-08-077
388-825-505	NEW-E	03-10-027	388-865-0220	PREP	03-08-077	388-865-0482	PREP	03-08-077
388-825-510	NEW-E	03-03-115	388-865-0221	PREP	03-08-077	388-865-0484	PREP	03-08-077
388-825-510	NEW-E	03-10-027	388-865-0222	PREP	03-08-077	388-865-0500	PREP	03-07-041
388-825-515	NEW-E	03-03-115	388-865-0225	PREP	03-08-077	388-865-0501	PREP	03-07-041
388-825-515	NEW-E	03-10-027	388-865-0229	PREP	03-08-077	388-865-0502	PREP	03-07-041
388-825-520	NEW-E	03-03-115	388-865-0230	PREP	03-08-077	388-865-0504	PREP	03-07-041
388-825-520	NEW-E	03-10-027	388-865-0235	PREP	03-08-077	388-865-0505	PREP	03-07-041
388-825-525	NEW-E	03-03-115	388-865-0240	PREP	03-08-077	388-865-0510	PREP	03-07-041
388-825-525	NEW-E	03-10-027	388-865-0245	PREP	03-08-077	388-865-0515	PREP	03-07-041
388-825-530	NEW-E	03-03-115	388-865-0250	PREP	03-08-077	388-865-0525	PREP	03-07-041
388-825-530	NEW-E	03-10-027	388-865-0255	PREP	03-08-077	388-865-0530	PREP	03-07-041
388-825-535	NEW-E	03-03-115	388-865-0260	PREP	03-08-077	388-865-0535	PREP	03-07-041
388-825-535	NEW-E	03-10-027	388-865-0265	PREP	03-08-077	388-865-0540	PREP	03-07-041
388-825-540	NEW-E	03-03-115	388-865-0270	PREP	03-08-077	388-865-0545	PREP	03-07-041
388-825-540	NEW-E	03-10-027	388-865-0275	PREP	03-08-077	388-865-0546	PREP	03-07-041
388-825-545	NEW-E	03-03-115	388-865-0280	PREP	03-08-077	388-865-0550	PREP	03-07-041
388-825-545	NEW-E	03-10-027	388-865-0282	PREP	03-08-077	388-865-0555	PREP	03-07-041
388-825-546	NEW-E	03-03-115	388-865-0284	PREP	03-08-077	388-865-0557	PREP	03-07-041
388-825-546	NEW-E	03-10-027	388-865-0286	PREP	03-08-077	388-865-0560	PREP	03-07-041
388-825-550	NEW-E	03-03-115	388-865-0288	PREP	03-08-077	388-865-0565	PREP	03-07-041
388-825-550	NEW-E	03-10-027	388-865-0300	PREP	03-08-077	388-880	PREP	03-08-078
388-825-555	NEW-E	03-03-115	388-865-0305	PREP	03-08-077	390	PREP	03-04-095
388-825-555	NEW-E	03-10-027	388-865-0310	PREP	03-08-077	390-16-245	AMD-P	03-08-051
388-825-560	NEW-E	03-03-115	388-865-0315	PREP	03-08-077	390-17-100	AMD	03-08-052
388-825-560	NEW-E	03-10-027	388-865-0320	PREP	03-08-077	390-17-110	NEW-S	03-04-094
388-825-565	NEW-E	03-03-115	388-865-0325	PREP	03-08-077	390-17-110	NEW	03-08-050
388-825-570	NEW-E	03-03-115	388-865-0330	PREP	03-08-077	390-18-010	AMD-P	03-08-051
388-825-570	NEW-E	03-10-027	388-865-0335	PREP	03-08-077	391-08-001	AMD	03-03-064
388-825-571	NEW-E	03-03-115	388-865-0340	PREP	03-08-077	391-08-630	AMD	03-03-064
388-825-571	NEW-E	03-10-027	388-865-0345	PREP	03-08-077	391-08-670	AMD	03-03-064
388-825-575	NEW-E	03-03-115	388-865-0350	PREP	03-08-077	391-08-670	PREP	03-03-066
388-825-575	NEW-E	03-10-027	388-865-0355	PREP	03-08-077	391-08-670	AMD-P	03-07-093
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388-825-576	NEW-E	03-10-027	388-865-0363	PREP	03-08-077	391-25-002	AMD	03-03-064
388-825-580	NEW-E	03-03-115	388-865-0365	PREP	03-08-077	391-25-011	AMD	03-03-064
388-825-580	NEW-E	03-10-027	388-865-0400	PREP	03-08-077	391-25-011	REP-P	03-07-093

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
391-25-032	NEW	03-03-064	392-142-212	AMD-P	03-09-050	434-670-040	NEW	03-06-069
391-25-036	NEW	03-03-064	392-142-213	AMD-P	03-09-050	434-670-050	NEW	03-06-069
391-25-037	NEW	03-03-064	392-142-225	AMD-P	03-09-050	434-670-060	NEW	03-06-069
391-25-051	NEW	03-03-064	392-142-230	REP-P	03-09-050	434-670-070	NEW	03-06-069
391-25-076	NEW	03-03-064	392-142-235	REP-P	03-09-050	434-670-080	NEW	03-06-069
391-25-096	NEW	03-03-064	392-142-240	AMD-P	03-09-050	434-670-090	NEW	03-06-069
391-25-136	NEW	03-03-064	392-142-245	AMD-P	03-09-050	446-20-285	AMD	03-05-007
391-25-137	NEW	03-03-064	392-142-250	AMD-P	03-09-050	446-75-010	AMD-P	03-04-070
391-25-197	NEW	03-03-064	392-142-255	AMD-P	03-09-050	446-75-010	AMD	03-08-053
391-25-210	AMD-P	03-07-093	392-142-260	AMD-P	03-09-050	446-75-020	AMD-P	03-04-070
391-25-216	NEW	03-03-064	392-142-270	AMD-P	03-09-050	446-75-020	AMD	03-08-053
391-25-216	PREP	03-03-066	392-143	PREP	03-03-034	446-75-030	AMD-P	03-04-070
391-25-216	REP-P	03-07-093	415-02	PREP	03-04-017	446-75-030	AMD	03-08-053
391-25-217	NEW	03-03-064	415-02-140	NEW	03-06-043	446-75-060	AMD-P	03-04-070
391-25-396	NEW	03-03-064	415-02-310	NEW	03-06-044	446-75-060	AMD	03-08-053
391-25-416	NEW	03-03-064	415-02-350	NEW	03-06-044	446-75-070	AMD-P	03-04-070
391-25-426	NEW-E	03-03-065	415-02-370	NEW-E	03-10-007	446-75-070	AMD	03-08-053
391-25-426	PREP	03-03-066	415-02-380	AMD-P	03-05-042	446-75-080	AMD-P	03-04-070
391-25-426	NEW-P	03-07-093	415-02-500	NEW-P	03-05-042	446-75-080	AMD	03-08-053
391-25-427	NEW	03-03-064	415-02-510	NEW-P	03-05-042	458-12-060	PREP	03-03-100
391-25-476	NEW	03-03-064	415-02-520	NEW-P	03-05-042	458-12-065	PREP	03-03-100
391-25-496	NEW	03-03-064	415-02-530	NEW-P	03-05-042	458-12-070	PREP	03-03-100
391-35-001	AMD	03-03-064	415-02-540	NEW-P	03-05-042	458-12-075	PREP	03-03-100
391-35-002	AMD	03-03-064	415-02-550	NEW-P	03-05-042	458-12-080	PREP	03-03-100
391-35-026	NEW	03-03-064	415-10	PREP	03-04-017	458-12-360	PREP	03-03-100
391-35-326	NEW	03-03-064	415-10-020	AMD-E	03-10-007	458-12-360	AMD-P	03-09-098
391-35-327	NEW	03-03-064	415-10-030	AMD-E	03-10-007	458-16-010	REP-P	03-03-099
391-35-346	NEW	03-03-064	415-10-040	AMD-E	03-10-007	458-16-010	REP	03-09-002
391-35-347	NEW	03-03-064	415-103	PREP	03-07-063	458-16-011	REP-P	03-03-099
391-35-356	NEW	03-03-064	415-104	PREP	03-07-063	458-16-011	REP	03-09-002
391-45-001	AMD	03-03-064	415-104-202	NEW-P	03-05-042	458-16-012	REP-P	03-03-099
391-45-002	AMD	03-03-064	415-104-211	AMD-P	03-05-042	458-16-012	REP	03-09-002
391-45-056	NEW	03-03-064	415-104-215	AMD-P	03-05-042	458-16-013	REP-P	03-03-099
391-55-001	AMD	03-03-064	415-104-299	AMD	03-06-042	458-16-013	REP	03-09-002
391-55-002	AMD	03-03-064	415-104-3402	AMD	03-06-042	458-16-020	REP-P	03-03-099
391-55-200	AMD	03-03-064	415-104-385	AMD	03-06-042	458-16-020	REP	03-09-002
391-65-001	AMD	03-03-064	415-108	PREP	03-07-063	458-16-022	REP-P	03-03-099
391-65-002	AMD	03-03-064	415-108-443	AMD	03-06-042	458-16-022	REP	03-09-002
391-65-110	AMD	03-03-064	415-108-475	AMD	03-06-042	458-16-030	REP-P	03-03-099
391-95-001	AMD	03-03-064	415-108-550	AMD-P	03-05-041	458-16-030	REP	03-09-002
391-95-010	AMD	03-03-064	415-108-550	AMD	03-08-090	458-16-040	REP-P	03-03-099
392-139	PREP	03-05-093	415-108-560	AMD-P	03-05-041	458-16-040	REP	03-09-002
392-140-908	AMD	03-03-001	415-108-560	AMD	03-08-090	458-16-060	REP-P	03-03-099
392-140-908	AMD-W	03-07-070	415-108-575	NEW-P	03-05-041	458-16-060	REP	03-09-002
392-140-912	AMD	03-03-001	415-108-575	NEW	03-08-090	458-16-070	REP-P	03-03-099
392-140-912	AMD-W	03-07-070	415-110-443	AMD	03-06-042	458-16-070	REP	03-09-002
392-142	PREP	03-03-033	415-110-475	AMD	03-06-042	458-16-079	REP-P	03-03-099
392-142-010	AMD-P	03-09-050	415-110-575	NEW-P	03-05-041	458-16-079	REP	03-09-002
392-142-090	REP-P	03-09-050	415-110-575	NEW	03-08-090	458-16A	AMD-P	03-03-099
392-142-120	REP-P	03-09-050	415-111-450	REP-P	03-05-042	458-16A	AMD	03-09-002
392-142-125	AMD-P	03-09-050	415-112-445	AMD	03-06-042	458-16A-100	NEW-P	03-03-099
392-142-140	REP-P	03-09-050	415-112-480	AMD	03-06-042	458-16A-100	NEW	03-09-002
392-142-145	AMD-P	03-09-050	434-208-010	PREP	03-07-086	458-16A-110	NEW-P	03-03-099
392-142-150	REP-P	03-09-050	434-208-100	NEW-P	03-10-055	458-16A-110	NEW	03-09-002
392-142-155	AMD-P	03-09-050	434-240-010	AMD-P	03-10-055	458-16A-115	NEW-P	03-03-099
392-142-165	AMD-P	03-09-050	434-262-010	PREP	03-07-086	458-16A-115	NEW	03-09-002
392-142-170	REP-P	03-09-050	434-262-010	AMD-P	03-10-055	458-16A-120	NEW-P	03-03-099
392-142-180	AMD-P	03-09-050	434-262-020	PREP	03-07-086	458-16A-120	NEW	03-09-002
392-142-185	AMD-P	03-09-050	434-262-020	AMD-P	03-10-055	458-16A-130	NEW-P	03-03-099
392-142-190	AMD-P	03-09-050	434-670-010	NEW	03-06-069	458-16A-130	NEW	03-09-002
392-142-195	AMD-P	03-09-050	434-670-020	NEW	03-06-069	458-16A-135	NEW-P	03-03-099
392-142-200	REP-P	03-09-050	434-670-030	NEW	03-06-069	458-16A-135	NEW	03-09-002

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
458- 16A-140	NEW-P	03-03-099	468- 95-050	REP	03-06-053	468- 95-250	NEW-P	03-03-029
458- 16A-140	NEW	03-09-002	468- 95-055	REP-E	03-03-028	468- 95-250	NEW	03-06-053
458- 16A-150	NEW-P	03-03-099	468- 95-055	REP-P	03-03-029	468- 95-260	NEW-E	03-03-028
458- 16A-150	NEW	03-09-002	468- 95-055	REP	03-06-053	468- 95-260	NEW-P	03-03-029
458- 17-101	NEW-P	03-09-147	468- 95-060	REP-E	03-03-028	468- 95-260	NEW	03-06-053
458- 17-105	REP-P	03-09-147	468- 95-060	REP-P	03-03-029	468- 95-270	NEW-E	03-03-028
458- 17-110	REP-P	03-09-147	468- 95-060	REP	03-06-053	468- 95-270	NEW-P	03-03-029
458- 17-115	REP-P	03-09-147	468- 95-070	REP-E	03-03-028	468- 95-270	NEW	03-06-053
458- 17-120	REP-P	03-09-147	468- 95-070	REP-P	03-03-029	468- 95-280	NEW-E	03-03-028
458- 20-122	REP-P	03-09-146	468- 95-070	REP	03-06-053	468- 95-280	NEW-P	03-03-029
458- 20-135	AMD-P	03-04-032	468- 95-080	REP-E	03-03-028	468- 95-280	NEW	03-06-053
458- 20-17803	NEW-E	03-04-031	468- 95-080	REP-P	03-03-029	468- 95-290	NEW-E	03-03-028
458- 20-185	AMD-E	03-06-016	468- 95-080	REP	03-06-053	468- 95-290	NEW-P	03-03-029
458- 20-185	AMD-S	03-08-042	468- 95-090	REP-E	03-03-028	468- 95-290	NEW	03-06-053
458- 20-208	AMD	03-07-066	468- 95-090	REP-P	03-03-029	468- 95-300	NEW-E	03-03-028
458- 20-209	AMD-P	03-09-146	468- 95-090	REP	03-06-053	468- 95-300	NEW-P	03-03-029
458- 20-210	AMD-P	03-09-146	468- 95-100	REP-E	03-03-028	468- 95-300	NEW	03-06-053
458- 20-231	REP-X	03-04-030	468- 95-100	REP-P	03-03-029	468- 95-310	NEW-E	03-03-028
458- 20-231	REP	03-09-062	468- 95-100	REP	03-06-053	468- 95-310	NEW-P	03-03-029
458- 20-24003	PREP	03-03-101	468- 95-110	NEW-E	03-03-028	468- 95-310	NEW	03-06-053
458- 20-24003	NEW-P	03-08-069	468- 95-110	NEW-P	03-03-029	468- 95-320	NEW-E	03-03-028
458- 40-660	PREP	03-05-084	468- 95-110	NEW	03-06-053	468- 95-320	NEW-P	03-03-029
458- 40-660	AMD-P	03-10-079	468- 95-120	NEW-E	03-03-028	468- 95-320	NEW	03-06-053
458- 40-680	PREP	03-09-100	468- 95-120	NEW-P	03-03-029	468- 95-330	NEW-E	03-03-028
458- 61-100	PREP	03-07-065	468- 95-120	NEW	03-06-053	468- 95-330	NEW-P	03-03-029
468- 06-040	AMD-X	03-04-062	468- 95-130	NEW-E	03-03-028	468- 95-330	NEW	03-06-053
468- 06-040	AMD	03-09-103	468- 95-130	NEW-P	03-03-029	468- 95-340	NEW-E	03-03-028
468- 15-010	NEW	03-03-012	468- 95-130	NEW	03-06-053	468- 95-340	NEW-P	03-03-029
468- 15-020	NEW	03-03-012	468- 95-140	NEW-E	03-03-028	468- 95-340	NEW	03-06-053
468- 15-030	NEW	03-03-012	468- 95-140	NEW-P	03-03-029	468- 95-350	NEW-E	03-03-028
468- 15-040	NEW	03-03-012	468- 95-140	NEW	03-06-053	468- 95-350	NEW-P	03-03-029
468- 15-050	NEW	03-03-012	468- 95-150	NEW-E	03-03-028	468- 95-350	NEW	03-06-053
468- 15-060	NEW	03-03-012	468- 95-150	NEW-P	03-03-029	468- 95-360	NEW-E	03-03-028
468- 38-340	AMD	03-03-035	468- 95-150	NEW	03-06-053	468- 95-360	NEW-P	03-03-029
468- 58-080	AMD-E	03-04-040	468- 95-160	NEW-E	03-03-028	468- 95-360	NEW	03-06-053
468- 58-080	AMD-E	03-08-008	468- 95-160	NEW-P	03-03-029	468- 95-370	NEW-E	03-03-028
468- 58-080	AMD-P	03-08-061	468- 95-160	NEW	03-06-053	468- 95-370	NEW-P	03-03-029
468- 70-070	AMD-E	03-06-052	468- 95-170	NEW-E	03-03-028	468- 95-370	NEW	03-06-053
468- 70-080	REP-E	03-06-052	468- 95-170	NEW-P	03-03-029	468- 95-400	NEW-E	03-03-028
468- 95-010	AMD-E	03-03-028	468- 95-170	NEW	03-06-053	468- 95-400	NEW-P	03-03-029
468- 95-010	AMD-P	03-03-029	468- 95-180	NEW-E	03-03-028	468- 95-400	NEW	03-06-053
468- 95-010	AMD	03-06-053	468- 95-180	NEW-P	03-03-029	468-300-010	AMD-P	03-04-102
468- 95-020	REP-E	03-03-028	468- 95-180	NEW	03-06-053	468-300-010	AMD	03-08-072
468- 95-020	REP-P	03-03-029	468- 95-190	NEW-E	03-03-028	468-300-020	AMD-P	03-04-102
468- 95-020	REP	03-06-053	468- 95-190	NEW-P	03-03-029	468-300-020	AMD	03-08-072
468- 95-025	REP-E	03-03-028	468- 95-190	NEW	03-06-053	468-300-040	AMD-P	03-04-102
468- 95-025	REP-P	03-03-029	468- 95-200	NEW-E	03-03-028	468-300-040	AMD	03-08-072
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